omy," or, as *Newsweek* misleadingly implied, gain landed immigrant status simply by asking at the border. Canadian embassy and consular sources that have no ax to grind will, if asked, estimate about 10,000 American draft evaders in Canada (about the same number of Canadians have volunteered for the U.S. Army), but nobody asks them.

As for me, I trust the press no more than before, nor do I have any more information than before. I don't know how many draft evaders there are in Canada or elsewhere, but in the light of the growing debate over amnesty, I'd like to know as accurately and honestly as possible.

# SENATE—*Wednesday, August 9, 1972*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

## PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, giver of every good and every perfect gift, we beseech Thee to look with favor upon this land and its people. Though undeserving, Thou hast made us great and strong among the nations and we must ever remember that all we are and have is given as a trust to use in Thy service. Make us faithful stewards of Thy bountiful goodness. Spare us from pride and arrogance, from the misuse and abuse of power. May our national purpose be to advance Thy kingdom. We commend to Thy care and guidance all who serve in public office praying that Thou wilt guide them by Thy spirit. For Thine is the kingdom and the power and the glory forever. Amen.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

## REPORT OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs:

*To the Congress of the United States:*

The 1971 Annual Report of the Department of Housing and Urban Development is herewith transmitted to you.

RICHARD NIXON.

THE WHITE HOUSE, *August 9, 1972.*

## REPORT ON A FEDERAL-INTERSTATE COMPACT FOR THE HUDSON RIVER—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Interior and Insular Affairs:

*To the Congress of the United States:*

In accordance with Section 3, of Public Law 89-605 as amended by Public Law 91-242, I am pleased to transmit a report by the Secretary of the Interior on the progress made in negotiations on a Federal-Interstate Compact for the Hudson River.

RICHARD NIXON.

THE WHITE HOUSE, *August 9, 1972.*

## EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of William T. Hines, of the District of Columbia, for appointment as a Foreign Service information officer of Class 5, a consular officer, and a secretary in the Diplomatic Service of the United States of America, which nominating messages were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, August 8, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Antitrust and Monopoly Subcommittee of the Committee on the Judiciary, the Committee on Banking, Housing and Urban Affairs, the Committee on Armed Services, the Committee on Interior and Insular Affairs, and the Committee on Government Operations be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of measures on the calendar beginning with Calendar No. 963 through 973, with the exception of Calendar No. 971.

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

## VEE VACCINATIONS

The Senate proceeded to consider the bill (S. 2516) to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis.

### VENEZUELAN EQUINE ENCEPHALOMYELITIS

Mr. TOWER. Mr. President, during the summer of 1971, Texas stockmen were confronted with a serious outbreak of Venezuelan equine encephalomyelitis—VEE. To prevent this disease from spreading into other parts of the United States, mass inoculation of all horses, mules, and donkeys was needed. Each horse owner took it upon himself to provide this vaccine against VEE when it was approved for use until July 16, 1971, when the Department of Agriculture began providing the vaccine free of charge. The Government was to pay $4 for each inoculation following the national emergency designation by the Secretary of Agriculture.

Due to the tremendous cooperation of veterinarians, Department of Agriculture officials, Public Health officials, and others, the epidemic was contained in Texas. Many of those responsible for this fast action were not recipients of the free vaccine, having acted prior to July 16, and I think it only fair that they be reimbursed for the expenses they incurred at the determined rate of $4 per inoculation. This payment would go to those horse owners and veterinarians who provided the vaccination.

To a large degree, these responsible citizens prevented the disease from spreading into neighboring States and possibly the entire southern part of the United States.

The fight continues again this year. Every horse owner has been urged to vaccinate against VEE, and the Government has launched an intensive oversight program to watch for signs of another outbreak. Fortunately, there have been no reported cases of VEE in Texas this year.

Mr. President, I urge Senators to join me in supporting this measure.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture is authorized and directed to reimburse owners of equines and accredited veterinarians for certain expenses incurred by them in connection with the vaccination of equines against Venezuelan equine encephalomyelitis. Such expenses must have been incurred within the State of Texas during the period beginning June 25, 1971, through July 15, 1971, after which period the expenses of equine vaccinations against Venezuelan equine encephalomyelitis were paid by the Federal Government upon a determination by the Secretary of Agriculture of an emergency animal disease outbreak threatening the livestock industry of the United States.

SEC. 2. The amount of reimbursement shall be $4 for each equine vaccinated against Venezuelan equine encephalomyelitis which was the amount paid by the Federal Government for such services beginning on July 16,

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

1971. Payment will be made to each owner upon submission of a record satisfactory to the Secretary of Agriculture of each equine vaccinated and a certification by the owner that payment was made to an accredited veterinarian. Payment will be made to each accredited veterinarian upon submission of a record satisfactory to the Secretary of Agriculture of services performed in administering Venezuelan equine encephalomyelitis vaccine and a certification that no payment was received for such services. Payments made to owners of equines and accredited veterinarians shall relieve the Federal Government of any and all claims in connection with the equine vaccinations covered under this Act.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to reimburse owners of equines and accredited veterinarians pursuant to this Act.

SEC. 4. All claims for reimbursement under this Act shall be submitted to the Secretary of Agriculture not later than six months after the date of enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1013), explaining the purposes of the measure.

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

EXPLANATION

This bill would authorize and direct the Department of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses incurred for the vaccination of equines against Venezuelan equine encephalomyelitis.

Those animals that were vaccinated at private expense during the period June 25, 1971, through July 15, 1971, would definitely have been among the first to be vaccinated at public expense beginning on July 16, 1971. Thus, there can be no doubt that this voluntary vaccination effort contributed beneficially to the subsequent efforts undertaken by this Department on July 16, 1971, at Federal expense to protect the horse industry and the public health. In retrospect, the voluntary vaccination program was, in fact, an integral part of the total effort to bring the VEE epidemic under control.

Because of this, many horse owners do not understand why they cannot be reimbursed for an expense which their neighbors did not incur because they did not have their horses vaccinated before July 16, 1971, after which date it was accomplished at Federal expense.

ESTIMATED COST

In accordance with section 252 of the Legislative Reorganization Act of 1970, cost estimates submitted by the Department of Agriculture total $300,000. However, based upon other information presented it, the committee feels that this estimate may be high and could total less than half the Department estimate.

## MRS. WANDA MARTENS

The bill (S. 82) for the relief of Mrs. Wanda Martens was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in the administration of the Federal Employees' Compensation Act, as amended, Mrs. Wanda Martens, of Havre, Montana, widow of Jesse Otha Martens, shall be deemed to be entitled to receive payments of benefits and compensation under such Act, from and after the date of the death of the said Jesse Otha Martens, in like manner as if the Secretary of Labor had found that the death of the said Jesse Otha Martens on July 9, 1960, resulted from an injury sustained by him while in the performance of his duties as an Immigrant Inspector, Immigration and Naturalization Service, Department of Justice.

SEC. 2. Any amounts payable by reason of the enactment of this Act with respect to any period prior to the date of such enactment (including funeral and burial expenses) shall be paid in a lump sum within sixty days after the date of enactment of this Act.

SEC. 3. The provisions of section 23 of the Federal Employees' Compensation Act, as amended, shall be applicable with respect to any claim for legal services or for any other services rendered in respect to any claim for benefits or compensation by the said Mrs. Wanda Martens covered by the preceding sections of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1016), explaining the purposes of the measure.

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

PURPOSE

The purpose of this bill is to provide that in the administration of the Federal Employees' Compensation Act, as amended, Mrs. Wanda Martens, of Havre, Mont., widow of Jesse Otha Martens, shall be deemed to be entitled to receive payments of benefits and compensation under such act, from and after the death of the said Jesse Otha Martens, in like manner as if the Secretary of Labor had found that the death of the said Jesse Otha Martens on July 9, 1960, resulted from an injury sustained by him while in the performance of his duties as an immigrant inspector, Immigration and Naturalization Service, Department of Justice.

STATEMENT

A similar bill for this claimant in the 91st Congress was approved by the committee and passed by the Senate, but no action was taken on it in the House of Representatives.

The facts in the case are set forth by the Department of Justice as follows:

"The decedent, Jesse Otha Martens, suffered a fatal heart attack, after returning home from the performance of his duties as officer in charge of the Immigration and Naturalization Service office at St. Thomas, Virgin Islands. As indicated by the personnel records of the Service, Mrs. Martens filed a formal claim with the Bureau of Employees' Compensation, Department of Labor, which was considered and initially denied January 7, 1964. On appeal to the Employees' Compensation Appeals Board, this decision was affirmed October 8, 1964, on the ground that the fatal heart attack was not casually related to the employment. The purpose of the bill, therefore, is to overrule the administrative decision."

The Department of Labor opposes the bill, saying:

"One of the objectives of the Federal Employees' Compensation Act is to provide uniform and equal treatment of civil employees of the United States injured in the performance of their duty. There appears to be no justification for the preferential treatment afforded by S. 783 for the consequences of heart disease not casually related to employment. Accordingly, we oppose its enactment."

## REFERENCE OF S. 2884 TO THE U.S. COURT OF CLAIMS

The resolution (S. Res. 344) relating to reference of S. 2884 to the U.S. Court of Claims was considered and agreed to, as follows:

*Resolved,* That the bill (S. 2884) entitled "A bill for the relief of certain corporations, associations, and individuals", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant. Such report shall also indicate, insofar as is possible, (a) the extent to which the claims in question are for the cost of labor and materials actually furnished to complete Army Contract Numbered DA–36–109–ENG–7520, dated September 23, 1963, and (b) whether the claims in question could be brought against the debtor in the bankruptcy proceedings now pending in relation to the debtor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1017), explaining the purposes of the measure.

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

PURPOSE

The purpose of the resolution is to refer the bill (S. 2884) entitled "A bill for the relief of certain corporations, associations, and individuals," now pending in the Senate, together with all the accompanying papers, to the Chief Commissioner of the U.S. Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant. Such report shall also indicate, insofar as is possible (a) the extent to which the claims in question are for the cost of labor and materials actually furnished to complete Army Contract numbered DA–36–109–ENG–7520, dated September 23, 1963, and (b) whether the claims in question could be brought against the debtor in the bankruptcy proceedings now pending in relation to the debtor.

STATEMENT

The bill being referred to the Court of Claims is identical to a bill for these claimants in the 91st Congress which was approved by this committee and reported favorably to the Senate on September 16, 1970.

In the 90th Congress, a number of bills for these claimants were before the committee. The Department of the Army opposed the bills in a report to the committee dated August 31, 1967. A subcommittee of the committee, with Senator Sam J. Ervin presiding, heard representatives of the claimants and of the Department of the Army in a hearing on May 24, 1968.

The Department of the Army renewed its opposition to the proposed legislation in the 91st Congress in a report to the committee dated January 13, 1970.

In the 91st Congress, the proponents of

the legislation set forth the basis for equitable relief by the Congress as follows:

I. SUMMARY

S. 2229 is designed to provide equitable relief for certain individuals who, as subcontractors and materialmen, furnished labor and material under contract No. DA-36-109-ENG-7520, dated September 23, 1963, of the Department of the Army. The bill provides in pertinent part:

"That each corporation, association, and person named in section 2 of this Act is entitled to be paid the amounts set forth beside its or his name in such section. Such amounts represent payments due for the furnishing of labor and materials in the construction of a public work consisting of the construction of four hundred and eighty-eight prefabricated family housing units for national defense use, under contract numbered DA-36-109-ENG-7520, dated 23 September 1963, but which payments have not been made by the United States, its contractors, Home Building Contractors, Incorporated and Construction Components, Incorporated, and none of which payments were protected by the bond required by the Miller Act, section 270(a) of title 40, United States Code Annotated."

The Department of the Army stated concerning the Miller Act:

"As laborers and materialmen can acquire no lien on a public building or a public work, substitutes have been provided. The present general statute of this nature is the act of August 24, 1935, *supra*. This act, the so-called Miller Act, gives mechanics and materialmen who furnish labor and material to public work contractors protection comparable to that enjoyed by mechanics and materialmen furnishing labor and material for private construction (*United States* v. *Munsey Trust Co.*, 332 U.S. 234, 67 Sup. Ct. 1599, 91 L. ed. 2022; *Title Guarantee & Trust Co.* v. *Crane Co.*, 219 U.S. 24 Sup. Ct. 140, 55 L. ed. 72; *Arthur N. Olive Co.* v. *United States*, 297 F. 2d 70; S. Rept. No. 165, 77th Cong., first sess. (1941); H. Rept. No. 388, 77th Cong., first sess. (1941); S. Rept. No. 366, 84th, Cong., first sess. (1955); H. Rept. No. 208, 84th Cong., first sess. (1955)) by providing:

"'(a) Before any contract, exceeding $2,000 in amount, for the construction, alteration, or repair of any public building or public work of the United States is awarded to any person, such person shall furnish to the United States the following bonds, which shall become binding upon the award of the contract to such person, who is hereinafter designated as "contractor": * * * (2) A payment bond with a surety or sureties satisfactory to such officer for the protection of all persons supplying labor and material in the prosecution of the work provided for in said contract for the use of each such person * * *' (40 U.S.C. 270a)."

The Department of the Army awarded the contract on September 23, 1963, to Home Building Contractors, Inc., for the construction of 488 family housing units. The contract provided for the houses to be constructed, manufactured, packaged for overseas shipment, and delivered to Port Royal, S.C., by March 1, 1964, and for these houses to be erected on various sites throughout the world for the use of Army personnel.

On February 7, 1964, because the prime contractor was unable to successfully construct, fabricate, and assemble a prototype model, the Department of the Army permitted the contract to be subcontracted or assigned to the Lusk Corp. The construction, however, was to be performed by Construction Components, Inc., a wholly owned subsidiary of the Lusk Corp. The Department of the Army extended the entire contract from March 1, 1964, to August 31, 1964, but the final houses were not delivered until May 21, 1965.

On June 4, 1964, the Department of the Army amended the contract to add 22 additional units, making a total of 510 units to be constructed and manufactured instead of 488, and increased the contract price from $3,873,504, to $4,048,803.

Payments have been made by the Army to its price contractors of the entire contract price, including a net increase in the contract price of $93,000.

In 1966 the contractor of the Army—and before the payment of increased contract price of $93,000 was made—became the subject of a chapter X reorganization in a bankruptcy proceeding in the U.S. District Court for the District of Arizona, Tucson division, bankruptcy No. B-5720. All payments by the Army since the filing of the bankruptcy proceedings have been made to the Trustee in Bankruptcy. The bill provides that should any payments under the bankruptcy proceedings be made by the Trustee in Bankruptcy to the claimants and beneficiaries named in the bill, they have agreed and will execute assignments in a form satisfactory to the United States assigning any such payments to the United States.

The Department of the Army has taken the position that the contract for the construction of the 510 houses for the use of personnel of the Army is a supply contract and is not a construction contract and, therefore, the Miller Act is not applicable. Investigation into the matter and a review of the testimony concerning the underlying facts discloses that the Army in all contracts of this character prior to the execution of the contract described in the bill has required bonds under the Miller Act for protection of subcontractors and material-men furnishing labor and material in connection with the construction of such houses which are public works. This investigation and testimony further reveals that in all similar contracts for the construction of such houses after the date of the contract described in the bill, the Army has required bonds under the Miller Act for the protection of such contractors and materialmen who furnished labor and material in the construction of such houses or public works.

Paragraph 10-104-2 adopted by the Department of the Army as amended August 15, 1962, provides for Miller Act bonds in all construction contracts exceeding $2,000. This regulation was in force and in effect when the contract described in the bill was executed, on the dates when that contract was amended and during the dates of the construction and payment periods provided for in that contract, as amended. The subcontractors and materialmen named in the bill assumed under practices of the Army that this construction contract would be and was bonded by a Miller Act bond for their protection. When the subcontractors and materialmen during the course of the construction of the houses discovered that the contract was not bonded as provided for in the Miller Act, appeals were made to the Department of the Army in order to see to it that payments owed to them by the contractor of the Army were paid.

Notwithstanding these appeals and notwithstanding the subcontractors and materialmen named as beneficiaries in the bill furnished labor and materials in order that the houses being constructed could be completed for the Army, the Army did not require the contractor to pay these subcontractors and materialmen for such labor and materials in the regular course of business. The contract (pp. 30-34) authorizes progress payments and the contractor of the Army requested progress payments. The contract provides, as the work progresses, progress payments among other things may include the amount of progress payments paid and payable to subcontractors. It further provides that unpaid progress payments of subcontractors, when approved, may be the basis for progress payments, but that the subcontractor must be paid, therefore, by the contractor in the ordinary course of business. Ordinary course of business is defined in the contract as not later than a reasonable time after payment of the equivalent amounts by the Government to the contractor.

The contract provided (p. 31) that the Army may reduce or suspend progress payments whenever it is found that the contractors of the Army are delinquent in payment of the cost of the performance of the contract in the ordinary course of business. Notwithstanding the requirements that progress payments made up of payments made to or due subcontractors had to be paid by the contractor in the regular course of business, as such progress payments were made to the Government's contractor, the Army took no action to see that the terms of the contract were complied with by its contractor and that the subcontractors and materialmen were paid. In fact, the Army paid the mentioned sum of $665,592.61 in progress payments (list of payments under contract No. 36-109-ENG-7520, furnished by the Department of the Army, dated June 12, 1968), which if properly applied was a sufficient sum to pay the beneficiaries named in the bill for the work, labor, and materials furnished by them.

The houses described in the contract were not in existence at the time the contract was executed. To come into existence they had to be constructed under the plans and specifications which are a part of the contract. As the houses had to be constructed and as houses are public works under the Army's regulation (par. 10-104-2), this contract should have been covered by a Miller Act bond because it exceeded the sum of $2,000. In addition, the Army had the power under the contract and the obligation to see that the progress payments totaling $665,592.61 were paid to the subcontractors and materialmen furnishing labor and materials in connection with the construction of the houses, as pointed out earlier. These progress payments amounted to more than enough money to insure payment to the subcontractors and materialmen named as beneficiaries in the bill, as their claims total $509,645.38.

The beneficiaries to the bill in good faith furnished labor and materials which were used in the construction of the 510 houses, as provided for in the construction contract with the Army. These beneficiaries had the right to rely upon the practices of the Department of the Army in the past requiring Miller Act bonds in the construction of such houses. They further had the right to rely upon the Army, in the absence of a Miller Act bond under the contract, seeing to it—as progress payments were being made by the Army—that these progress payments were used by the Army's contractor, as required by the contract, to pay subcontractors and materialmen (beneficiaries named in the bill) in the regular course of business.

Decisions in the Federal courts, including the court of claims, bar the beneficiaries named in the bill from a legal remedy against the United States.[1] Relief for the beneficiaries

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[1] In *United States* v. *Smith*, 324 F. 2d 622 (C.C.A. 5, 1963), the court of appeals reversed the district court which held that the failure of contracting officers for the Government to obtain payment bond under the Miller Act gave a cause of action for damages in tort against the United States under the Federal Tort Claims Act and the court of appeals held such failure was based upon a breach of contract, and because the subcontractor had no contract with the United States, judgment should be entered for the United States.

In *Armiger et al. Estates* v. *United States*,

named in the bill rests solely with the Congress.[2]

The amounts of the claims of the beneficiaries named in the bill are no longer in dispute. The full contract price, including a $93,000 addition thereto, has been paid by the Army. No back charges or claims of any kind have been asserted against the claims of the bill's beneficiaries. The amounts of the claims have not been disputed in the bankruptcy proceedings. These claims have been established by sworn affidavits and testimony.

The facts in the case as reported to the committee by the Department of the Army, and, in brief, the Department's opposition to the bill, are set forth in the letter of January 13, 1970, from the Department to the committee as follows:

"Reference is made to your request to the Secretary of Defense for the views of the Department of Defense on S. 2229, 91st Congress, a bill "For the relief of certain corporations, associations, and individuals." The names of the 76 claimants and the amounts claimed are enumerated in the bill. The claims total $512,314.84. The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill.

"The bill provides in pertinent part: 'That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each corporation, association, and individual named in section 2 of this Act, the amount set forth opposite its or his name. The payment of such sums shall be in full settlement of all their claims against the United States for payments due for the furnishing of labor and materials in the construction of 488 prefabricated family housing units for national defense use under contract numbered DA-36-109-ENG-7520, dated September 23, 1963, such payments having not been made by the United States or its contractors, Home Building Contractors, Inc. and Construction Components Inc., and none of such payments having been covered by the payment bonds required of contractors by the first section of the Act of August 24, 1935, as amended (49 Stat. 793; 40 U.S.C. 270a).'

Department of the Army records disclose that contract No. DA-36-109-ENG-7520 was a supply contract awarded on September 23, 1963, to Home Building Contractors, Inc. (hereafter referred to as the prime contractor), for 488 prefabricated family housing units. The contract provided for all component parts of the houses to be maanufactured, packaged for overseas shipment, and delivered to Port Royal, S.C. by March 1, 1964. The total contract price, as amended, was $4,048,803. The completion date for the entire contract was extended to August 31, 1964, but the final units were not delivered until May 21, 1965.

On February 7, 1964, the prime contractor, being unable successfully to fabricate and assemble a prototype model within the period specified in the contract, subcontracted the entire contract to the Lusk Corp. (hereafter referred to as the subcontractor). The work was to be performed by Construction Components, Inc., a wholly owned subsidiary of the subcontractor.

Payments made by the United States to the prime contractor from May 29, 1964, until December 14, 1965, totaled $3,964,223.19. Seven claims totaling $245,454.09 were submitted by the prime contractor, but the Government made a setoff against him for $179,446 for deficiencies in the units discovered after they reached their overseas destinations. The amounts due under the contract and other disputes were made the basis of a number of appeals by the prime contractor to the Armed Services Board of Contract Appeals. On October 9, 1968, an agreement was reached between the prime contractor and the United States. The appeals were dismissed on May 21, 1969. The settlement agreement provides for payment of a net increase of $93,000 to the contract price. As of September 15, 1969, only $8,300 remained to be paid to complete the settlement. When the foregoing payments are made, the Department will have fully discharged its obligations under the contract.

In 1966, the subcontractor became the subject of a chapter X reorganization, which was brought in the bankruptcy courts for the benefit of the creditors of the subcontractor. As the time of the writing of this report a plan for reorganization is still pending (In the matter of the Lusk Corp., No. B5720 (U.S.D.C., Ariz. Tucson Div., filed 1966). This Department was informed that some, if not all, of the present claimants are parties to the proceeding and will probably qualify for a distribution if a plan is approved.

The Department of the Army on behalf of the Department of Defense, is opposed to the enactment of the bill.

A more detailed analysis of the facts and a discussion of legal issues involved are contained in the earlier report attached hereto. Summarizing the position taken therein, the Department of the Army reasserts that the claimants are not entitled to relief for the following reasons:

First, by its very terms the act of August 24, 1935, the so-called Miller Act (49 Stat. 793; 40 U.S.C. 270(a) et seq.), only requires surety bonds for the protection of laborers and materialmen (*Arthur N. Olive Co., Inc.* v. *U.S.*, 297 F. 2d 70 (1st Cir. 1962)); also the statute is limited to cases of "construction, alteration, or repair of public buildings or public works." The contract in question is clearly a supply contract, and the bonding requirement imposed upon a contractor under the Miller Act is not applicable.

Second, even assuming that this contract was for a public work, the act of April 29, 1941 (55 Stat. 147), as amended by the act of June 3, 1955 (69 Stat. 83; 40 U.S.C. 270e) modified the Miller Act by providing for waiver of required bonds by the Secretaries of the military departments. This waiver action was taken on the present contract.

Claimants were aware of, or with the exercise of reasonable care could have easily determined, the nature of the contract, that is, supply and not public works. Even if they mistakenly assumed it to be a construction contract, they should have, in view of the rather broad waiver provisions, made inquiry as to the existence of a bond.

In addition to the lack of any legal basis for this claim, it is apparent that there is equally absent any basis in equity. The Department of the Army records disclose that many of these claimants are nothing more than general creditors of the bankrupt firms and that their claims did not accrue as a direct result of labor or materials furnished under this particular contract. Further, as late as September 15, 1969, the Department of the Army was informed that the bankruptcy proceedings involving the subcontractor were still pending. This being so, and assuming some legal or equitable liability on the part of the United States, the remedy here requested is premature and indeed inaccurate as the damages suffered, if any, are not certain.

The Department of the Army, on behalf of the Department of Defense, previously submitted a report, dated August 31, 1967, to your committee on bills introduced in the 90th Congress. A copy of that report is enclosed. Seventy-five of the claimants and the amounts claimed in the present bill are the same as those presented in the six bills introduced in the 90th Congress. One claimant was added. The Department of the Army is of the opinion that the claims are without merit, and on behalf of the Department of Defense opposes the bill.

The cost of the bill, if enacted, would be $512,314.84.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

The committee believes that it is proper to refer this bill to the Chief Commissioner of the Court of Claims for his findings and recommendations.

339 F. 2d 625 (Ct. Cl. 1964), the Court of Claims held the failure to supply insurance by the United States did not give rise to a legal claim against the United States.

[2] In *Armiger* the Court of Claims held the negligent failure to provide insurance, even though not required by law or by a regulation of the military, did give rise to an equitable claim against the United States and that court on a congressional reference that the widows of the bandsmen were each entitled to $25,000 because a chief petty officer of the Navy failed to circulate applications for flight insurance which could have been purchased for $1 for $25,000 coverage per person.

## LESTER L. STITELER

The Senate proceeded to consider the bill (H.R. 10676) for the relief of Lester L. Stiteler, which had been reported from the Committee on the Judiciary with an amendment in line 4, after the word "to", strike out "comprise" and insert "compromise".

The amendment was agreed to.

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

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-1018), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the proposed legislation is to authorize the U.S. Postal Service, on such terms as it deems just, to compromise, release, or discharge in whole or in part the liability of Lester L. Stiteler, assistant superintendent of the Alcott Station Post Office, Denver, Colo., to the United States for the loss resulting from the burglary at the Alcott Station Post Office, Denver, on November 23, 1967.

STATEMENT

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

In its report to the committee on the bill the Postal Service stated that it favored enactment of the measure.

On the night of November 23, 1967, burglars forcibly entered the Alcott Postal Station and pried open the outer doors of two safes. One of the safes was equipped with an inner security chamber, known as a burglar-resistant chest. This chest was opened by the burglars without the use of force. Evidence disclosed that the chest was not filled to capacity or locked on full combination, as required by postal regulations.

In an affidavit dated November 28, 1967, Mr.

Stiteler stated: "* * * To the best of my recollection, the burglary resistant chest was left on day lock. It is normal practice to fully secure the combination on the aforesaid chest before leaving the office. However, when I go to lunch it has been the practice to leave it on day lock. Since there was no occasion to get into it during the afternoon preceding the burglary, it was inadvertently left on day lock at the end of the day."

Because of his negligence in failing to fill the burglar-resistant chest to capacity, and in not locking the chest on full combination. Mr. Stiteler was held liable for the sum of $6,911.10, representing an amount equal to the cash and the value of postage stamps in his custody that was stolen from the Alcott Postal Station.

In its report to the committee the Postal Service noted that the newly enacted Postal Reorganization Act provides that an employee may be relieved of a claim such as that involved here on substantially the terms stated in this bill, 39 U.S.C. 2601, the Comptroller General has ruled (B-171785, April 15, 1971) that the new authority may not be used to reopen cases decided by the General Accounting Office prior to the commencement of operations of the new Postal Service, July 1, 1971. The rationale of the Comptroller General's decision also applies to cases that were finally determined by the Post Office Department prior to the commencement of operations of the Postal Service. The present case was finally determined adversely to the claimant by the Claims Division, Law Department, prior to such date. Accordingly, the Postal Service stated that it believes that relief for Mr. Stiteler must initiate with the Congress.

The committee agrees that this bill provides a practical means of according this employee the same sort of consideration, which would be available currently to similarly situated employees under applicable law. Accordingly it is recommended that the bill be considered favorably.

The committee believes the bill is meritorious and recommends it favorably.

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## JAMES E. FRY, JR. AND MARGARET E. FRY

The bill (S. 633) for the relief of James E. Fry, Jr., and Margaret E. Fry was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding the provisions of clause (1) of section 2733(b) of title 10, United States Code, or any regulation promulgated thereunder, the Secretary of the Army is authorized to receive, consider, settle, and pay any claim filed under such section by James E. Fry, Junior, and Margaret E. Fry of Brighton, Colorado, within one year after the date of enactment of this Act, the said James E. Fry, Junior, and Margaret E. Fry having allegedly suffered damage to their property in 1966 as the result of the contamination of a stream, running under the land of the said James E. Fry, Junior, and Margaret E. Fry, by chemical waste disposed of by personnel at the Rocky Mountain Arsenal in Colorado. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 92-1019—explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to authorize the Secretary of the Army to receive, consider, settle, and pay any claim filed under section 2733(b) of title 10, United States Code, or any regulation promulgated thereunder, by James E. Fry, Junior, and Margaret E. Fry of Brighton, Colorado, having allegedly suffered damage to their property in 1966 as the result of the contamination of a stream, running under the land of the said James E. Fry, Junior, and Margaret E. Fry, by chemical waste disposed of by personnel at the Rocky Mountain Arsenal in Colorado.

STATEMENT

The facts of the case as contained in the report of the Department of the Army are as follows:

The effect of the bill would be to lift the statute of limitations so that the Department of the Army can consider the claim on the merits.

The Department of the Army is not opposed to the bill.

Department of the Army records reveal that:

(a) The Frys are the sole owners of a tract of land consisting of 391.56 acres situated in the northwest quarter of section 14, Township 2 South, Range 67 west, and the western half of the southwestern quarter of section 11, Township of 2 South, Range 67 West, Adams County, Colorado.

(b) There is evidence to support the Frys' allegation of some casual relation between the property damage to their land and crops due to water pollution and the activities of the Rocky Mountain Arsenal in Denver, Colorado.

(c) In 1954 the Frys first heard complaints from surrounding neighbors about water pollution caused by the Rocky Mountain Arsenal and at that time they were aware that claims against the United States were being filed.

(d) On January 8, 1960, tests were conducted by local state health officials, on land surrounding the Frys' tract. Letters were sent by the Tri-County District Health Department, Aurora, Colorado, during the months of January and February 1960, which informed land owners in the area that the chloride content of their wells exceeded 200 parts per million. Two hundred fifty parts per million was the acceptable limit.

(e) In 1964 and 1965, Mr. Fry planted corn crops and noticed early signs of retardation, but later these crops developed satisfactorily and showed no further signs of damage. During that time, he stated that he "suspected the water".

(f) Sometime prior to 1965 Mr. Fry was informed by a member of the United States Geological Survey that the water contamination in the area might disappear in 20 to 30 years.

(g) On January 20, 1967, the Frys filed a claim for property damage against the United States under the provisions of section 2733, title 10 United States Code, as follows:

| | |
|---|---|
| 1. Contaminated wells with a total flow of 885 gallons per minute | $75,640.00 |
| 2. Abandonment of tile line | 1,247.00 |
| 3. Abandonment of holding pond | 967.80 |
| 4. Damage to 1966 crops and land | 1,274.00 |
| 5. Claim for digging well to replace those contaminated | 3,961.81 |
| Total claim | 74,090.61 |

(h) By letter dated October 6, 1967, the U.S. Army Claims Service notified the Frys that their claim had been disapproved because, under the applicable Colorado law, they were deemed to have known that their water was contaminated, and that the Rocky Mountain Arsenal was the source of the contamination, in 1964. Thus, on January 20, 1967, the two-year limitation period for the filing of administrative claims under section 2733 of title 10, United States Code, had elapsed.

The Frys appealed the decision denying their claim (on the grounds discussed later). Their appeal was denied by the Deputy Assistant Secretary of the Army (Financial Management) on January 23, 1968.

As noted earlier, there is evidence that property belonging to the Frys was damaged by the Department of the Army. The only controversy is whether the Frys filed their claim in a timely manner. In denying the Frys' claim, the Department of the Army asserted that:

(a) Under clause (1) of subsection (b) of section 2733 of title 10, United States Code, all claims for property damage must be presented within two years "after it [the claim] accrues." Determination of when a claim accrues under this provision of Federal law depends on the applicable law of Colorado which was the situs of the tort.

(b) Under Colorado law, a claim of the type asserted by the Frys accrues: (1) when the land is known (or should be known) by the claimant to be damaged, and (2) the source of the damage is known (or should be known) by the claimant. *Zimmerman* v. *Hinderlander*, 97 P. 2d 443 (Colo. 1939); *Middlecamp Bessimer Irrigating Co.*, 103 P. 280 (Colo. 1909); *Rose* v. *Agricultural Ditch and Reservoir Co.*, 202 P. 112 (Colo. 1921).

(c) The record discloses that, prior to January 20, 1965, the Frys knew (or should have known) that their land had been damaged by chemical contamination, and that the probable source of that contamination was the U.S. Army Rocky Mountain Arsenal.

The Frys have consistently maintained the following position:

(a) The claim first accrued on June 20, 1966, because the Tri-County District Health Department then received the results of a sample which had a content of 510 parts per million of chloride. This content was well above the acceptable limit of 250 parts per million. At about the same time, the damage to crops was also shown, for the claimants then had side by side comparisons made of crops watered by contaminated and uncontaminated wells.

(b) The Frys did not have any clear notice of the contamination of wells before 1966. They substantiated this contention by a letter dated March 20, 1968, from Mr. Thomas E. Vigil of the Tri-County District Health Department to the effect that the records were reviewed and showed that the Health Department had not notified the Frys of any earlier reports that the well water pollution exceeded the standards set forth by the U.S. Public Health Service. Mr. Fry further states that he asked the Army to notify him of any contamination in the wells which he gave the Army permission to drill.

(c) In the spring of 1964 the Frys only suspected the water, but since they used herbicides they could not be sure of the source of any contamination. Also, in irrigating the land after the original retardation there was no noticeable ill effects, which could conclusively be attributed to the water or herbicides, in three out of four tests. The Frys further state that this claim is supported by a statement from one Norval Daniels who was employed as a ditch rider for the Burlington Ditch Company and in his job passed claimants' field of corn daily. Mr. Daniels noted that one end of the corn-

field was irrigated from the wells in question and the other was not, but at harvest time the corn appeared equally good at both ends of the tract.

After reviewing these contentions, it is the opinion of this Department that the claimants have not exhausted their judicial remedies because they can seek a judicial determination, within six years of the date of the alleged injury, as to whether the administrative statute of limitations had run. The pursuit of this remedy, however, would be burdensome upon the claimants and upon the Department of the Army and would probably result in an affirmance of this Department's determination that the two-year administrative statute had run. No matter what the court's decision, the claim would still be unresolved. If a favorable decision to the claimant were made, the Department would still be required to hear the claim on its merits. If, on the other hand, the decision were adverse to the claimants, they could seek a private relief bill to remove the time bar.

In view of these considerations, the Department of the Army on behalf of the Department of Defense has no objection to the enactment of the bill. This conclusion is based upon the fact that the claimants have presented persuasive reasons for their failure to take timely action. Although these reasons do not provide a legal basis for tolling the statute they do raise compelling, equitable considerations and indicate that the claimants' assigned reasons for this forbearance in filing a claim represented an honest desire to avoid filing until they were convinced that an injury had resulted and also that the United States was responsible. The good faith of the claimants is also demonstrated by the fact that the claimants continued to plant the crops in 1964 and 1965 and did not seek to recover for any damages to crops during that period.

In agreement with the views of the Department, the Committee recommends that the bill be favorably considered.

## COMDR. HOWARD A. WELTNER, U.S. NAVAL RESERVE

The bill (S. 884) for the relief of Comdr. Howard A. Weltner, U.S. Naval Reserve, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Commander Howard A. Weltner, United States Naval Reserve, is hereby relieved of all liability for repayment to the United States of the amount of $8,567.53 representing overpayments of active duty pay as a member of the United States Naval Reserve in the years 1951 through March 1970 which he received as the result of an erroneous computation of creditable service for longevity purposes in establishing an incorrect pay entry base date.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to the said Commander Howard A. Weltner the sum of any amount received or withheld from him on account of the payments referred to in the first section of this bill.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1020), explaining the purposes of the measure.

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

PURPOSE

The purpose of the bill is to relieve Commander Weltner of liability to repay to the United States the amount of $8,567.53, the sum he received in overpayment of active-duty as a member of the naval service from September 16, 1955, to March 18, 1970.

STATEMENT

The Department of the Navy interposes no objection to this legislation.

The facts of the case as contained in the report of the Department of the Navy to the chairman of the committee on an identical bill (S. 4084) of the 91st Congress are as follows:

The records of this Department show that Commander Weltner served as an enlisted man in the U.S. Navy from January 31, 1951, until September 6, 1951. On September 7, 1951, he began service as a midshipman, U.S. Naval Reserve, with the Naval Reserve Officer Training Corps program. He continued in that status until August 3, 1954, and was commissioned as a regular officer in the U.S. Navy on August 4, 1954. Commander Weltner served as a regular officer until May 31, 1957, and on June 1, 1957, his status was changed to that of a Reserve officer. He has continually served on active duty as a Reserve officer since June 1, 1957.

The records of the Department further show that on September 16, 1955, Commander Weltner's pay entry base date was established as January 31, 1951, the day his original enlisted service in the Navy began. This pay entry base date erroneously included the period from September 7, 1951, to August 3, 1954, while Comander Weltner was serving as a midshipman. On March 18, 1970, Commander Weltner's pay entry base date was reestablished as December 28, 1953; the computation of this date excludes the period of his midshipman service, although it properly excludes his enlisted service. The records of the Department do not specifically reveal why Commander Weltner's pay entry base date was recomputed in the early part of 1970. However, it appears that the recomputation was the result of a routine verification of certain information contained in the data bank of the automatic data processing records maintained in the Bureau of Naval Personnel.

Although the total overpayment in this case is a substantial sum, it is one which was built up over a period of almost 15 years. The overpayment was the result of an administrative error. There is nothing in the records of this Department to indicate that the error was caused by any fault on the part of Commander weltner or that he was not acting in good faith.

In agreement with the views of the Department, the committee recommends favorable consideration of the bill (S. 884).

## VILLAGE OF RIVER FOREST, ILL.

The bill (H.R. 631) for the relief of the village of River Forest, Ill., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1021), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to pay the village of River Forest, the sum of $5,096.50, in full settlement of its claims for reimbursement for one-half of the cost of certain civil defense communications equipment purchased by the village in November of 1962 at the urging of civil defense officials and in the belief that such reimbursement would be made.

STATEMENT

The Department of the Army in its report to the House Judiciary Committee stated that it is not opposed to the legislation. The Department further stated that River Forest Ill., is a small village with a population of approximately 12,695 ("1970 Commercial Atlas and Marketing Guide," Rand McNally & Co.). The civil defense establishment of the village relied heavily on volunteer personnel who were not conversant with the complexities of Government procurement. In 1962, the Federal Government was encouraging municipalities to participate in a nationwide civil defense program. Communities were urged to develop civil defense facilities on a "50–50" matching fund basis. This was a period of national danger and concern because of the Berlin and Cuban missile crises.

The Department further stated that in 1962, the Regional Director, Office of Civil Defense, then under the Office of Secretary of Defense (now under Office, Secretary of the Army) approved the River Forest grant for installation of a siren and generator for an approved public warning system. Newspaper advertisement was accomplished, sealed bids were received, and public bid openings were conducted. In November 1962 contracts were duly awarded, and the siren and equipment were procured and installed. On January 25, 1965, the village submitted its request for contribution under the Federal civil defense program (50 U.S.C., app. 2281), and submitted a billing under approved project application OCD No. I 11,600–27(65) to the State civil defense office in the amount of $5,096.50 for the Federal share. The State civil defense office refused to process the billing for payment submitted by the village under the approved application because the equipment had been installed prior to the application. The (Federal) Office of Civil Defense required the submission and approval of a project application prior to the procurement of the equipment, and prohibited retroactive Federal payments to local governments for obligations incurred prior to the beginning date of the Federal appropriation available for obligation (32 C.F.R. 1801.8(a); 31 Comptroller General 308; 32 C.F.R. 180128 (b)).

In order to further explain the background and the circumstances surrounding the difficulties encountered by the village, the Department of the Army quoted from a letter of the sponsor of the bills. This letter referred to the difficulties encountered by the village in filing the project application forms, including the fact that apparently a set of application forms had become lost and a new set had to be prepared. Unfortunately the village was unable to complete and file the application form when it was received because by that time the equipment had been installed.

The Department of the Army further noted that on October 7, 1969, a review of the same claims was conducted, by the (Federal) Office of Civil Defense, in connection with H.R. 389 and 390, 91st Congress. That office noted the unauthorized procurement prior to approval, and the fact that the wage scale paid to electricians was equal to the local wage ($4.75 per hour) but was less than $5 per hour determined by the Department of Labor to be the prevailing rate.

The agency concluded that the procurement was proper in all other respects. On June 21, 1971, (Federal) Office of Civil Defense reported that insofar as claims of this nature are concerned, they have steadily decreased in number. None was enacted in the last Congress, and the present claims are the only ones introduced in the present Congress.

In indicating that it had no objection to relief in this situation, the Department of the Army stated:

"In view of the apparent reliance of the village officials on the 1962 approval of the River Forest grant by the regional director, Office of Civil Defense, the Department of the Army is not opposed to the enactment of the bill. No prejudice or detriment was suffered by the Federal Government. In fact, the civil defense program received the full value of the property and the additional benefit of a timely installation of equipment in a period of national crisis. The Department of the Army is of the opinion that it would be inequitable to deny relief to a small community which acted in good faith not only due to reliance on the statements of responsible Federal officials but also because of the inexperience of its volunteer staff and the then existing emergency conditions, proceeded with a premature procurement. Although River Forest later lost or misplaced the project application forms, it clearly appears that the State director knew of the project and the delay in submission as early as July 1963. There is no indication that the grant of relief would result in an influx of similar bills."

In view of the circumstances of the case and the statement of the Department indicating that it has no objection to relief, it is recommended that the bill be considered favorably.

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## ESTATE OF CHARLES ZONARS, DECEASED

The bill (H.R. 2127) for the relief of the estate of Charles Zonars, deceased was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1022), explaining the purposes of the measure.

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

### PURPOSE

The purpose of the proposed legislation is to pay to the estate of Charles Zonars, deceased, $6,400 from the war claims fund in settlement of the claims of the decedent arising in connection with loss, damage or destruction by military operations during World War II of property located in Greece.

### STATEMENT

The facts of the case as contained in the House Report 92–86 are as follows:

"The Foreign Claims Settlement Commission in its report to the committee on an earlier bill stated that it would have no objection to a bill providing for payment out of the war claims fund.

"The bill H.R. 2127 would authorize a payment out of the war claims fund to the estate of an individual in an amount equal to the amount the person would have been awarded under title II of the War Claims Act of 1948 (Public Law 87–846 approved October 22, 1962), based on his interests in certain property. As is noted in the Foreign Claims Settlement Commission report on a similar bil in the 91st Congress, the Supreme Court decision in the case of *Afroyim* v. *Rusk*, 387 U.S. 253 (1967) ruled unconstitutional the section of the Nationality Act of 1940 which provided that an individual could lose his U.S. citizenship by voting in a political election in a foreign state. A claim filed by Mr. Charles Zonars with the Foreign Claims Settlement Commission for compensation for the losses referred to in the bill was denied on the basis that his voting in an election in Greece on March 31, 1946, had caused his expatriation. He made a timely objection to this ruling on the same basis ultimately upheld in the *Afroyim* decision. The Commission rejected his contentions and affirmed its proposed decision. The claims program was completed just 12 days prior to the decision in the *Afroyim* v. *Rusk* case. The Commission has reported to the committee that if that decision had been decided before May 17, 1967, the Commission would have recognized Mr. Zonars' claim. The report of the Commission stated:

" 'It is to be noted that the *Afroyim* case was decided on May 29, 1967, which was 12 days after the completion date of the war claims program. If the *Afroyim* case had been decided before the May 17, 1967, completion date, the Commission would have, of course, acted on Mr. Zonars' claim. Undoubtedly, an award in the amount of $6,400 would have been granted to Charles Zonars for his 40-percent interest in the damaged corporation. The Commission is unaware of any other war damage claim which would be affected by the *Afroyim* decision.'

"The claim which is the subject of this bill is one included under title II of the War Claims Act which provided, among other things, for claims of nationals of the United States for loss or destruction of, or physical damage to, real and tangible personal property located in certain European countries, including Greece, which loss, destruction, or physical damage occurred during the period beginning September 1, 1939, and ending May 8, 1945, as a direct consequence of military operations of war or special measures directed against property because of its enemy ownership.

"Section 204 of title II of the act expressly precluded the Commission from granting awards in these claims unless the property involved (or the portion thereof involved) was owned by a national of the United States on the date of the loss, damage, or destruction and unless the claim arising therefrom had been continuously owned thereafter by a national of the United States until the date of filing with the Commission.

"Charles Zonars and his brother, Constantine Zonars, filed a claim (No. W–2743) based upon the destruction during World War II of property owned by the Zonars Corp. in Athens, Greece, in which they had ownership interests. By its decision dated October 13, 1966, the Commission found that Constantine Zonars owned 315 shares in the corporation (the equivalent of a 28-percent ownership interest) during the period between January 1943 and January 1945 when certain of its property was damaged or destroyed due to military operations. It was also found that the value of the property so lost was $16,000.

"Constantine Zonars was a national of the United States on the date of the loss and had maintained this status continously to the date that the claim was filed with the Commission on March 11, 1964. On the other hand, Charles Zonars, who became a national of the United States by naturalization on March 31, 1905, was held to have been expatriated under section 401(e) of the Nationality Act of 1940 (54 Stat. 1137, as amended, 38 Stat. 746, 8 U.S.C. 901) as the result of voting in a political election held in Greece on March 31, 1946.

"Based on the foregoing, Constantine Zonars was granted an award in the amount of $4,480 based upon his 28-percent ownership interest in Zonars Corp. The claim of Charles Zonars, based upon his 40-percent ownership interest in such corporation, was denied because of the ruling on expatriation. The claim therefore was denied on the single ground that it had not been continuously owned by a national of the United States from the date of loss to the date of filing with the Commission, a statutory requirement for granting an award. The remaining 28-percent interest in the corporation was owned by non-U.S. nationals for which no claim was filed under the statute.

"Objections were filed by both claimants with respect to the value of the property as found by the Commission and with respect to the denial of the claim by Charles Zonars. It was contended in behalf of Charles Zonars that the statute providing for the loss of his U.S. citizenship by virtue of his having voted in a political election held in Greece was unconstitutional.

"By final decision dated January 4, 1967, the Commission affirmed its proposed decision in all respects. The contention regarding the constitutionality of the statute under which Charles Zonars expatriated himself was specifically rejected based upon the decision of the Supreme Court of the United States in *Perez v. Brownell* (356 U.S. 44, 78 S. Ct. 568 (1958)), which upheld the constitutionality of the statute in question. As had been observed in this report, on May 29, 1967, the Supreme Court reversed the *Perez* v. *Brownell* decision in its decision in the case of *Afroyim* v. *Rusk*, and specifically ruled unconstitutional the section of the Nationality Act of 1940, as amended, which provided for the loss of U.S. citizenship by voting on a political election in a foreign state.

"In seeking to assert his rights as clarified in the *Afroyim* decision, Charles Zonars continued his efforts to have his claim recognized. Mr. Zonars attempted to assert his rights under the Supreme Court decision, first by petitioning the Commission for a reconsideration and secondly by action in the U.S. District Court for the District of Columbia. The Commission advised him that they could not reconsider their previous action because the war claims program had been terminated in accordance with the enabling law. His attempt to gain relief by court proceedings ending when the court held that it lacked jurisdiction. He therefore appears to have exhausted all remedies which might have been open to him and his only recourse was to have appealed to Congress for relief.

"Thus, notwithstanding the fact that Mr. Zonars was considered to have maintained his U.S. nationality continuously from the date of his naturalization, there was no way in which the prior adverse determination based on the findings of expatriation could be changed in order to grant an award in the same manner as was done in the case of his brother concerning the same property. The Foreign Claims Settlement Commission in its report to the committee states that the claim is deemed to have met the nationality requirements under the statute in light of the finding concerning the citizenship of the claimant so that the claim is considered to have been continuous by a U.S. national from the date of the loss to the date of filing. The Commission further stated that the death of a qualified claimant after the filing of a claim would not preclude the issuance of an award to non-U.S. national heirs.

"In stating that it has no objection to enactment of the legislation, the Commission noted that payment should be made out of the war claims fund instead of the unappropriated funds in the Treasury. It was noted that the use of unappropriated funds as originally provided in the bill in the 91st Congress for the payment of war damage claims would be an undesirable precedent.

The committee agreed and in reporting the bill in the 91st Congress (H.R. 7955, 91st Cong., 1st Sess.) the committee recommended an amendment to provide for payment from the war claims fund. The bill now embodies the language providing for payment from the war claims fund. The Commission has stated that while there is presently no money left in the war claims fund to pay additional claims, it is anticipated that money will be made available by the Attorney General for transfer into the fund possibly within the near future. It is also noted that since the award would not exceed $10,000, the heirs of Mr. Zonars would be entitled to receive the full amount of the award.

"In view of the circumstances of the case and the position of the Foreign Claims Settlement Commission indicating it has no objection to relief, it is recommended that the bill be considered favorably.

"The committee is advised that an attorney has rendered services in connection with this matter and accordingly, the bill carries the customary provision limiting the amount of attorneys fees."

In agreement with the views of the Foreign Claims Settlement Commission and the action of the House of Representatives, the committee recommends that the bill be considered favorably.

## VINCENT J. SINDONE

The bill (H.R. 11632) for the relief of Vincent J. Sindone was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1024), explaining the purposes of the measure.

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

PURPOSE

The proposed legislation would authorize the Postmaster General, on such terms as he deems just, to compromise, release, or discharge in whole or in part, the liability of Vincent J. Sindone, postmaster of the post office at River Edge, N.J., to the United States for the loss resulting from the burglary at the main office of the River Edge Post Office on May 20, 1967.

STATEMENT

The facts of this case, as contained in House Report 92–1092, are as follows:

"The Postal Service in its report to the committee on the bill stated that it favors enactment of the measure.

"On May 20, 1967, burglars forcibly entered the River Edge Post Office, and through prying and peeling opened the outer doors of three safes. An inventory disclosed that the loss to the Postal Service in stamps was $34,-849.07. The Postal Service reports that two of the three safes burglarized were equipped with an inner security chamber, known as a burglar resistant chest. One chest was unlocked and was used for old time records, and the other was locked and contained blank money orders.

"In its report, the Postal Service made the point that prior to the issuance of Postal Bulletin No. 20646, dated May 30, 1968, instructing employees concerning the priority of protection to be given funds, stamps, and money orders, numerous postmasters considered blank money orders to have the greatest intrinsic value requiring maximum available protection. The loss at the River Edge Post Office occurred well before Postal Bulletin No. 20646 was issued, defining for employees the proper protection to be accorded stock and funds. On this basis, the General Accounting Office held on April 29, 1971, that the Postmaster was not negligent in using one of the burglar-resistant chests for blank money orders, and relief was granted in the amount of $20,879.07. However, GAO held that the Postmaster was negligent in using the second burglar resistant chest for storing old timecards, and he was held liable for the loss of $14,000 in stamp stock, the amount the chest could have contained had it been properly utilized for stamps. (This bill concerns that portion of the loss—$14,000.)

"The appeal for private relief is made in this instance because while the Postal Reorganization Act provides that the Postal Service may, on such terms as it deems just and expedient, relieve an employee of a claim such as that involved here, 39 U.S.C., section 2601, the Comptroller General has ruled (B–171785, Apr. 15, 1971) that the new authority may not be used to reopen cases decided by GAO prior to the commencement of operations of the new Postal Service, July 1, 1971. The Postal Service states that since this case was determined adveresly to the claimant prior to that date, relief for Postmaster Sindone must initiate with Congress.

"The Postal Service in its report in summarizing the basis for its favorable position on the bill stated: 'In view of his negligence in failing to properly utilize the burglar resistant chest, we believe that under rules of strict legal accountability Postmaster Sindone was properly held liable for the loss of $14,000 in stamp stock. However, we believe that equitable relief should be considered in this case. Accordingly, inasmuch as H.R. 11632 would authorize the Postmaster General to grant relief in whole or in part, on such terms as he deems just, the Postal Service favors enactment of the measure."

"It is recommended that the bill be considered favorably."

In agreement with the views of the House of Representatives, the committee recommends that this legislation be considered favorably.

## RELIEF FOR CERTAIN POSTAL EMPLOYEES AT THE ELMHURST, ILL., POST OFFICE

The Senate proceeded to consider the bill (S. 655) for the relief of certain postal employees at the Elmhurst, Ill., Post Office, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, on such terms as he deems just, the Postmaster General is hereby authorized to compromise, release, or discharge in whole or in part, the individual liabilities of Louis H. Linneweh, Howard D. Slavik, Edith J. Fainter, William W. Higgins, Thomas Newett, Roger Olson, and the estate of Joseph J. Holloway, employees at the Elmhurst, Illinois, Post Office, to the United States for the loss resulting from the burglary at the post office on February 21, 1965.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1025), explaining the purposes of the measure.

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

PURPOSE OF AMENDMENT

The purpose of the amendment is to incorporate the recommendations of the Post Office Department as committee policy.

PURPOSE

The purpose of the proposed legislation as amended is to authorize the Postmaster General, on such terms as he deems just, to compromise, release, or discharge in whole or in part, the individual liabilities of certain employees of the Post Office at Elmhurst, Ill., for losses resulting from a burglary at that post office on February 21, 1965.

STATEMENT

The facts of the case contained in the report from the Post Office Department on a similar bill (S. 1035) of the 91st Congress are as follows:

"The main post office at Elmhurst was burglarized sometime between 8 p.m. Saturday, February 20, and 4:40 a.m. Sunday, February 21, 1965. Investigation disclosed that the entire amount of the Government loss was obtained by the burglars from one four-drawer steel letter-size file cabinet and from wood screenline drawers containing the fixed credits (funds and stamp stock) of the clerks. The post office has two vaults which are adequate for the needs of the office. However, the vaults were not utilized by the employees for overnight storage of their fixed credits. Of the total loss amounting to $10,-874.87, the sum of $9,338.75 was disallowed because of negligence in protecting stamp stock and funds.

"In a letter dated November 6, 1967, the General Accounting Office held deceased former Postmaster Joseph J. Hollowoy and retired Assistant Postmaster Roger Olson jointly and severally liable for the loss of $9,-338.75 in funds and stamp stock because they failed to ascertain that the regulations for safeguarding stamps and funds were not being followed. The GAO further held that the clerks were each liable for the amounts stolen from their individual fixed credits because they had failed to place their stamps and funds in vaults or safes after their tour of duty ended, as required by section 321.2, Postal Manual. Losses experienced by the individual clerks for which they have been determined to be liable are:

| | |
|---|---|
| "Mr. Louis H. Linneweh | $3,525.00 |
| Mr. Howard D. Slavik | 2,085.00 |
| Mrs. Edith J. Fainter | 2,147.00 |
| Mr. William W. Higgins | 1,351.75 |
| Mr. Thomas Newett | 230.00 |
| Total | 9,338.75 |

"Under existing law the Department has no alternative but to charge losses of this character to the postmaster and other employees whose negligence contributed to the loss. This practice is not in accord with current viewpoints of enlightened personnel management. Although liability is expressed in terms of compensating the Government for its loss, it must be looked upon realistically as a punishment and its enforcement as a deterrent against future negligence. The assessment of liability as punishment is capricious. This is illustrated by this case in which the liability of the clerks varies from $3,525 to $230 although their fault was the same. Other equitable consideration likewise cannot be evaluated under current law.

"We believe some relief should be granted to these employees. However, consideration should also be given to the fact that the employees were negligent. For the foregoing reason, we believe the bill should be amended to provide that the Postmaster General, upon a determination that it is appropriate to do so, is authorized to relieve the employees named on such terms as the Postmaster General deems just and expedient of liability in whole or in part with respect to the transaction involved."

The committee is in agreement with the facts and opinions expressed by the Department. Accordingly, it is recommended that the bill be passed as amended.

AMENDMENT OF PUBLIC HEALTH SERVICE ACT RELATING TO COOLEY'S ANEMIA

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15474.

The PRESIDENT pro tempore laid before the Senate H.R. 15474, to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, it is with great pleasure to me that the Senate has the opportunity to take up the National Cooley's Anemia Control Act. This bill, H.R. 15474, was overwhelmingly passed by the House earlier this month, and I am hopeful that today the Senate will reaffirm that action, such that the President can rapidly sign this important piece of health legislation into law. In the Senate, an identical bill to the House bill has been introduced by my close friend and colleague, the senior Senator from Connecticut, Mr. RIBICOFF. I certainly applaud his effective leadership in relentlessly pursuing the efforts to assure congressional passage of this vital legislation.

Mr. President, the distinguished majority leader, on behalf of myself and other Senators, will offer two amendments to the House-passed bill. These amendments are cosponsored by Senator RIBICOFF; the distinguished ranking minority member of the Senate Labor Committee, the Senator from New York, Mr. JAVITS; and by my colleague and close personal friend, a member of the Senate Health Subcommittee, the Senator from Rhode Island, Mr. PELL.

Mr. President, I do not believe these amendments will be controversial, though they are both important. The first amendment increases the authorization of appropriations for education and public information programs in respect to Cooley's anemia to $1 million a year. It is crucial that HEW be authorized to conduct a vigorous program of public information such that those Americans who may be affected by this terrible disease can have at their hands all of the relevant information with respect to combating its effects. In my judgment, the House bill, with its authorization of $25,000 a year, does not deal adequately with this important aspect of the program. And our amendment is designed to give more adequate recognition to this aspect of the national program.

Our second amendment, Mr. President, is simply designed to correct a technical error in the House-passed bill. As I read the House-passed bill, it has the effect of deleting from existing law a provision of title XI of the Public Health Service Act with respect to sickle cell anemia which requires the Secretary of Health, Education, and Welfare to give priority to programs operating in areas which he determines to have the greatest number of persons in need of services provided under the program. I doubt that the House intended to delete this important provision, which by the way is included in H.R. 15474 with respect to Cooley's anemia. The amendment we offer simply makes a technical and conforming change to the provision of the House bill which restores the effect of this provision regarding sickle cell anemia.

Mr. President, I am delighted to have this opportunity to bring the National Cooley's Anemia Control Act before the Senate. This legislation would establish for the first time a national program to combat Cooley's anemia, an invariably fatal genetic blood disease which may affect as many as 200,000 Americans. H.R. 15474 would authorize a total of $8,175,000 over a 3-year period to establish needed programs in research, prevention, and education to combat this lethal affliction. The bill closely parallels legislation passed by the Congress in May to combat sickle cell anemia, and equally devastating genetic blood disorder. Passage of H.R. 15474 with the amendments I propose to offer would provide the resources to mount an effective attack against Cooley's anemia and would elevate a program for its prevention and control to its rightful priority among the Nation's health concerns.

Cooley's anemia, known also as Mediterranean anemia or Thalassemia Major, is an inherited blood disease which occurs primarily among individuals who have migrated to this country from the Mediterranean Basin. First classified by Dr. Thomas Cooley in 1925, the disease is caused by a genetically determined deficiency in the production of hemoglobin, the substance in red blood cells which enables them to carry oxygen to the tissues of the body. The resulting structural abnormalities in hemoglobin and in the red blood cells produce severe anemia and shorten the victim's average life expectancy to 20 to 25 years. Only through the administration of frequent and often harmful blood transfusions can the patient lead a relatively normal life for even this period of time.

Although victims of Cooley's anemia may be found in almost any country in the world, the disease appears to have originated in the area surrounding the Mediterranean Sea. There, it is postulated, the inheritance of a single gene for the disorder may have had the benefit of conferring immunity against malaria. Today, the incidence of the disease is still high in that region—especially among individuals of Italian and Greek descent—although centuries of intermarriage have introduced the gene into other populations. In the United States, the true incidence of Cooley's anemia is unknown; but it is estimated that as many of 5,000 individuals of Mediterranean origin may have the disease and as many as 200,000 may carry the trait. Thus, the disorder may affect a substantial segment of the American population.

As with sickle cell anemia, Cooley's anemia may be inherited in both major and minor forms. Those who receive two genes for the disorder—one from each parent—suffer the severe consequences of the disease and generally do not live beyond the age of 20. Those who receive only one gene for the disorder bear the "trait" and are not likely to suffer from any of the symptoms of the disease. If two such carriers produce children, however, they run a 25-percent chance of bearing a child with the severe form of the disease and a 50-percent chance of producing a child with the trait. This is a probability based upon mendelian inheritance; in actual outcome all of the children of carriers may have the disease.

Because Cooley's anemia is caused by a genetic impairment in the synthesis of adult hemoglobin, the disease generally becomes manifest during the first year of life. A child unfortunate enough to have inherited the disorder may show early signs of listlessness, loss of appetite, and irritability—in addition to the anemia which will continue to progress relentlessly throughout his life. Organs connected with the metabolism of these defective red blood cells are also affected so that a child with Cooley's anemia often has an enlarged spleen and liver. In addition, stunted bone growth leads to various structural deformities; and victims of Cooley's anemia are often marked by retarded physical development and an altered facial appearance. These children are unable to engage in strenuous physical activity but with the aid of transfusions are often able to pursue otherwise normal school careers.

Although significant advances have been made in prolonging the life of the Cooley's anemia victim, there is no real cure for the disease. Treatment is purely supportive and consists of frequent blood transfusions to alleviate the constantly recurring anemia. The frequency with which a patient must undergo these periodic transfusions depends upon the severity of his disease process. Some children must undergo such treatment as often as two to three times a month. In addition, as the illness progresses, the iron from these transfusions accumulates in various tissues producing the potentially lethal side effect of iron overload. This iron accumulation may affect the endocrine glands, the heart and other vital organs and, in itself, may contribute to the death of the patient. The development of an effective chelating agent to remove the accumulated iron is desperately needed.

As devastating as the clinical picture of this disease may be, it does not take into account the tremendous financial and psychological burden suffered by the victim and his family. Dr. James A. Wolff, director of pediatric hematology at the babies hospital in New York City has estimated, for example, that the cost for clinical and hospital admissions for a child who requires transfusions at 3-week intervals throughout his life is approximately $72,000 from birth to possible death at the age of 20. In addition to this financial burden, the family of a Cooley's anemia victim must endure the severe emotional strain involved in comforting and supporting a child with

a debilitating, deforming, and eventually fatal disease.

Although recent medical advances have made it possible to lengthen the average life expectancy of the Cooley's anemia victim—from 1 year in 1925 to over two decades today—a tremendous amount of research remains to be undertaken. Three broad categories of research require attention. The first and perhaps most important of these involves research into the basic genetic mechanism underlying the disease. Research leading to an understanding of this genetic disorder will provide the groundwork for devising effective means of treatment and prevention and will have implications for the understanding of other human genetic defects. Second, there is a widely recognized need for the development of an effective form of therapy to alleviate the constant suffering of those who are plagued with the disease. Blood transfusions are not only costly, but are ineffective in treating the cause of the problem. They may cause serious side effects of their own, and in doing so pose an additional threat to the life of the patient. Without the availability of a safe and effective agent to prevent iron accumulation, they provide only a palliative form of therapy. Third, there is a need for the development of a reliable and inexpensive test for the detection of the Cooley's anemia trait. With the development of such a test, it will be possible to provide assistance to those with the trait who seek assistance in preventing further inheritance of the disease.

Mr. President, I am convinced that this country has both the ability and the concern to provide the necessary research resources to mount an effective attack against this crippling killer. Accordingly, the National Cooley's Anemia Control Act would provide a total of $5,100,000 over the next 3 years for research programs designed to accomplish these important objectives. Although progress has been made through research programs sponsored by the National Institutes of Health and by private research organizations such as the Cooley's Anemia Blood and Research Foundation for Children, Inc., the legislation now before you would for the first time provide substantial Federal assistance to initiate a coordinated national program. Research in the diagnosis, treatment, and prevention of Cooley's anemia would be supported at a level commensurate with the seriousness of the problem, and the bill would specifically encourage research to develop efficient and inexpensive detection tests for those who carry the trait. There is no question in my mind that a major Federal investment would soon reap visible research results and would provide hope for present victims of the disease as well as for those yet unborn who could be afflicted with its unfortunate consequences.

In addition to marshalling the funds needed for the expansion and intensification of the Nation's research effort, H.R. 15474 would authorize expenditures of $3,000,000 over a 3-year period for the initiation and operation of Cooley's anemia screening, treatment, and counseling programs. We are all aware that the most important factor in the control of any disease is prevention. As there is at present no known cure for the disease once it is inherited, the best means by which to prevent its occurrence is through the establishment of voluntary screening and counseling programs for those who carry the trait. The National Cooley's Anemia Control Act would not only provide for the inauguration of these services but would also authorize use of the Public Health Service facilities for similar purposes. Participation in any of these programs would be wholly voluntary and the results of all tests would be held in strict confidentiality. Accordingly, individuals who had reason to be concerned about the possibility of bearing a child with Cooley's anemia could seek the testing, guidance, and counseling necessary to aid in prevention of the disease.

Finally, the National Cooley's Anemia Control Act would authorize $3,000,000 over a 3-year period for the purpose of initiating a Federal program to develop and disseminate educational materials on Cooley's anemia to the medical profession and to the public generally. The importance of education cannot be overemphasized. As we saw with sickle cell anemia—and as we now see with Cooley's anemia—lack of public education regarding these diseases has resulted in low visibility for an inadequate attention to their research programs and in unnecessary suffering for parents and children at potential and actual risk. In recent statements before the House Subcommittee on Public Health and Environment, numerous experts have testified to the need for the development of sound information and education programs. They have indicated that these programs should be specifically targeted to reach those groups of Americans at greatest risk in order to inform them of the availability of screening tests and of the genetic implications of possessing the disease or trait. In addition, they have called for the development of intensive informational campaigns which would include the use of mass media, symposia, films, and pamphlets for both laymen and health professionals. Only through sound education programs such as these will it be possible to offer meaningful choices to those affected by the trait or disease.

Mr. President, the National Cooley's Anemia Control Act deserves our urgent consideration. I believe it entirely fitting that the Congress, after taking the initiative in promoting cancer, heart disease, and sickle cell research, should lead the way in mounting a campaign to eliminate a disease which seriously affects yet another segment of our population. H.R. 15474 would provide for a comprehensive attack on this serious problem—by providing for prevention of the disease through voluntary screening and counseling programs and by encouraging research into potential cures for those who are its unfortunate victims. Taken together with the sickle cell legislation, it would mount a coordinated attack on two of the Nation's most prevalent genetic blood disorders.

Mr. President, I urge passage of this important legislation.

Mr. MANSFIELD. Mr. President, I call up two amendments on behalf of the Senator from Massachusetts (Mr. KENNEDY) for himself and the Senator from New York (Mr. JAVITS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Rhode Island (Mr. PELL).

The PRESIDENT pro tempore. The first amendment will be read.

The legislative clerk read the amendment, as follows:

On page 4, line 4, strike "$25,000" and insert in lieu thereof "$1,000,000".

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 5, line 15, strike the word "part" and insert in lieu thereof "title".

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I support the passage of H.R. 15474, the National Cooley's Anemia Control Act. Through this measure, Congress can wage war on this disease. The bill establishes a national commitment to provide research support in Cooley's anemia—a genetic blood disorder, whose tragic disease incidence is estimated at 5,000 individuals of Mediterranean origin and affects 200,000 others as carriers of the trait—and support for screening, counseling and education to minimize the possibility of more children being affected by the disease, which results in pain, suffering and early death.

The legislation under consideration is similar to what Congress has accomplished under Public Law 92-294 for sickle cell anemia. Cooley's anemia is also a hereditary blood disease. If two parents have the gene—both father and mother carry the trait—one child, according to the Mendelian law, will more than likely have the disease; two will carry the gene or the trait; one will be free of the trait. In other words, one-fourth of the youngsters born to families in which both mother and father carry this particular gene will have Cooley's anemia.

The Senate amendments I have cosponsored would place greater emphasis on the initiation of Federal programs to develop and disseminate educational materials by increasing the authorization for these purposes from $25,000 annually to $1 million annually. Educational programs specifically targeted to reach those groups of Americans at risk—similar to what was done for sickle cell anemia—so they can be informed of screening tests and the genetic implication of the disease need increased funding if they are to be appropriately stimulated. The most effective means by which to control a disease—particularly Cooley's anemia—is prevention of its occurrence.

Also, the Senate amendment's "technical" provision will assure the continuation of appropriate community representation in the development and opera-

tion of programs funded under this act.

The PRESIDENT pro tempore. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time, and passed.

Mr. RIBICOFF. Mr. President, I am pleased that the Senate has passed legislation almost identical to S. 3856, the legislation I introduced on July 28 to establish a program to combat Cooley's anemia, an inherited blood ailment that afflicts about 200,000 Americans of Italian and Greek descent. Similar legislation, introduced by Connecticut Congressman ROBERT GIAIMO and Congresswoman ELLA GRASSO, passed the House on August 1.

The disease, first described and classified by Dr. Thomas Cooley in 1925, is caused by a genetic defect in the makeup of hemoglobin—the substance in red blood cells which enables them to carry oxygen to the body's tissues.

Onset of the disease occurs early in childhood and is relentlessly progressive. Bones grow unevenly and become brittle, resulting in structural deformities and altered facial appearance. Organs such as the spleen and liver become enlarged. And the child with Cooley's anemia is listless—unable to engage in normal physical activity. Individuals who have the disease generally do not live beyond the first or second decade of life and must undergo frequent blood transfusions in order to maintain an adequate supply of red blood cells.

Cooley's anemia, also known as Mediterranean anemia or Thalassemia major, was originally limited to the Mediterranean area. As many as one in 100 children in some parts of Italy are thought to have the disorder.

Due to intermarriage and emigration of large numbers of people of Italian and Greek descent, the disease is now fairly widespread. There are presently no reliable statistics regarding the incidence of Cooley's anemia in the United States, but it has been estimated that the disease affects as many as 200,000 individuals in this country.

At present, there is no known cure for Cooley's anemia and no breakthroughs in prevention and treatment have been made in the 40 years since the disease was classified. However, diagnosis of the disease can be made during the first year of life and palliative measures to prolong life can be undertaken. In 1925 the life expectancy of a Cooley's victim was 1 year. Today, with the aid of blood transfusions, the average lifespan is approximately 20 years.

While research efforts at the National Institute of Arthritis and Metabolic Disease and the National Heart and Lung Institute have begun to reveal the genetic mechanism responsible for the malady, more basic research is necessary. Present blood therapy treatment programs of transfusion are costly, debilitating, painful and dangerous to life. Progress, then, is needed in both research and treatment.

Ultimately, the solution lies in prevention—whether through an effective program of screening and counseling or through the future development of some form of genetic therapy.

At present, voluntary screening and counseling programs offer the best means by which to prevent occurrence of the disease. Coupled with sound education programs, they can provide reliable information to those affected.

The legislation adopted by the Senate, the National Cooley's Anemia Control Act, authorizes a 3-year program to combat this disease—$1 million would be authorized for each of 3 years for the establishment and operation of Cooley's anemia screening, treatment, and counseling activities.

A second program would authorize expenditures of $1.7 million for each of 3 years to set up research projects on the diagnosis, treatment, and prevention of this disease—$3 million is authorized over a 3-year period for the Secretary of Health, Education, and Welfare to develop information and educational materials relating to Cooley's anemia and to distribute such information and materials to medical personnel and the public generally.

I urge the President to sign this bill into law at the earliest possible time so that the vital research and education programs needed to defeat this disease can get underway.

## TAX REFORM BILL MAY CUT BACK BEQUESTS TO ISRAEL

Mr. SCOTT. Mr. President, while I suppose no Member of this body expects serious congressional consideration of a tax reform bill this year, I think it would be educational, at the least, to point out what one of the pending bills will do. As reported in the press, it would cut back "bequests made by Americans to institutions abroad, including those in Israel."

Among the principal cosponsors of this bill, which would cut back "bequests made by Americans to institutions abroad, including those in Israel," is the Senator from South Dakota (Mr. MCGOVERN).

I ask unanimous consent to place this news article, which is from the Jewish Exponent of August 4, 1972, in the RECORD.

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

TAX REFORM BILL MAY CUT BACK BEQUESTS TO ISRAEL

WASHINGTON.—The Nelson tax reform bill, now in the hands of the Senate Finance Committee, contains a provision that may affect bequests made by Americans to institutions abroad, including those in Israel, it was learned last week.

Senate committee staff members observed that England, France and Israel are among the countries ranking high among those whose institutions receive such bequests.

The Nelson bill, introduced by Sen. Gaylord Nelson (D., Wisc.), has among its 50 provisions one that says a bequest by an American "shall be deductible (for income tax purposes) only if it is to be used predominantly within the United States or any of its possessions." The word "predominantly" in the bill's context has not been defined precisely.

No hearings have been scheduled for any section of the measure, and it is considered unlikely that it will be discussed on the Senate floor at this session.

The Nelson bill is co-sponsored by 11 Democrats. They are Sens. Hart, Kennedy, Eagleton, Tunney, McGovern, Mondale, Church, Harris, Hughes, Humphrey and Metcalf.

## ORDER FOR RECOGNITION OF SENATORS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for the recognition of Senators today be reversed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York is recognized for 15 minutes.

## CRISES AND OPPORTUNITIES IN UNITED STATES-JAPANESE RELATIONS

Mr. JAVITS. Mr. President, today we are in a new and critical stage of United States-Japanese relations. As a major world surplus Nation, the situation calls for Japan to make forward moves in the international economic area now and in this sense the fate of United States-Japan relations is in Japan's hands. I know it will take bold and skillful statesmanship in Japan, but the stakes are no less than the future direction of that nation. Japan today is at the crossroads—one road could lead to ever greater participation and leadership in the world, the other to old and tragic nationalism.

The political leadership of Japan has just undergone a significant change. Longstanding political, military, and economic policies are under review. The first high-level contact between this new leadership and U.S. officials took place in late July when Prime Minister Tanaka, Trade and Investment Minister Nakasone, and other ranking Japanese officials met with a high powered U.S. trade negotiating team led by Ambassador William D. Eberle, the President's special representative for trade.

This will be succeeded at the end of this month by an exceedingly important summit meeting in Honolulu between President Richard M. Nixon and the new Japanese Prime Minister Kakuel Tanaka. This meeting is likely to have important ramifications for the future of Asia and the free world, and for the negotiations now underway between free world nations and the U.S.S.R. and the People's Republic of China.

Prime Minister Tanaka is the first of a new, postwar generation of political leaders to assume power in Japan. There are certain parallels between Prime Minister Tanaka and Chancellor Willy Brandt in that both men are of a postwar generation and both men's political future partially is tied to their policies of "ostpolitik." Prime Minister Tana-

ka's "ostpolitik" concerns itself with the future shape of relations which will be hammered out between Japan and the People's Republic of China in the months and years ahead. The nature and development of these relations will have a crucial effect on the future peace, stability, and economic growth of the countries of the Pacific basin, and in turn will have a profound impact on the policies of the United States and U.S.S.R. toward this area and toward each other.

I consider the recent history of relations between the United States and Japan as being troubled and not in the optimum interest of either nation. The long festering textile dispute of 1970–71 had major political repercussions and adversely affected United States-Japan relations. We will have to leave it to history to judge as to whether there was a political commitment linking textiles and the Okinawa reversion and in turn whether the textile dispute played a role in the breakdown of prior consultations on U.S. relations with the People's Republic of China.

In turn, Japan was slow to recognize its rapidly changing and greatly strengthened international economic position in the late 1960's and early 1970's. The moment of truth came when West Germany and other European countries allowed their currencies to increase in value in May 1971 while Japan insisted on maintaining the longstanding dollar-yen parity despite the fact that it was obvious that the yen was enormously undervalued. This sequence of events contributed to the President's new economic policy of August 15 which, I understand, goes under the heading of the second Nixon shock in Japan.

I make these historical points since they are germane to the upcoming summit between President Nixon and Prime Minister Tanaka. The first issue at the summit will be the type of personal relationship which will be forged between the political leadership of the two most economically powerful countries in the free world. The personal relationship that develops, of course, cannot be divorced from the issues. President Nixon is in the heat of his reelection campaign and Prime Minister Tanaka is likely to face the Japanese electorate in the near future. Both leaders have problems with their legislatures. Both leaders know that the health of their domestic economies loom large as political issues; however, both countries seem to be emerging from an economic recession; with the U.S. recovery phased slightly ahead of the Japanese recovery. Both countries are in the process of redefining their future role in the Pacific basin as the United States continues its withdrawal from Vietnam. Both countries also are redefining their relationships with the People's Republic of China and the Soviet Union. And, finally, because of these factors, United States-Japan relations are in a state of unusual flux.

It is my hope that the summit conference between President Nixon and Prime Minister Tanaka will lead to a strengthened and renewed partnership between Japan and the United States and that the deterioration in relations of the recent past will be reversed. Achieving this goal in which both countries have a mutual interest will depend heavily on Japanese statesmanship and clear-sightedness over both the short and long term.

Press reports indicate that one of the key issues of the summit will be the pace of normalization of Japan's relations with the Peoples' Republic of China. Perhaps this could be phrased in terms of whether Japan is to establish diplomatic relations with the Peoples' Republic before the United States does so. It seems clear to me that on the economic side, the United States has under high level review trade relations with all nonmarket economies, including MFN, lists of permitted items of trade and investment guarantees. Japan, no doubt, has similar matters under review. These, not diplomatic relations, will dominate future discussions, particularly when the Indochina conflict is over.

Also, in my view, another priority issue which must be on the agenda of the two nations is the continued economic development of the Pacific basin in the context of a post-Vietnam war. Future Japanese-United States cooperation in this area is essential. Indeed, joint cooperative planning should begin now as to the future integration of a reconstructed Indochina into the Pacific basin complex. Japan and perhaps only Japan has the know-how, capital, and most importantly the political will to undertake a leadership role in developing the Marshall plan-like program that will be needed to reconstruct Indochina as well as to lift the peoples of all of Southeast Asia out of their centuries of economic bondage. Clearly the hour is at hand for the formulation of a grand design for the development of Asia. In implementing such a grand design, the United States would continue playing a positive, forthcoming role since lingering World War II sensitivities regarding Japan dictate a multilateral approach to the serious problems of the area.

The economic reconstruction and development of this region would establish a stronger demand for the kinds of Japanese products and technology which Japan is so well able to produce and export. Many of these products are encountering increased market resistance in the developed country markets of the world, such as the United States and Western Europe. Clearly also, Japanese capital will be needed if the petroleum and other resources of South Asia and the South China Sea are to be developed just as American and Japanese capital will be needed to develop the oil and natural gas resources of the Soviet Union.

In addition to increased Japanese foreign investment, would it be unreasonable to expect a significant expansion in the official Japanese aid program in the years ahead—the bulk of which would flow to Asia? Over the past few years Japan has significantly increased its overall resource transfers to the developing world and is approaching the one percent of GNP target established by the United Nations. However, since approximately half of Japan's "aid" is trade credits, Japan remains far short of the 0.7 percent target for official development assistance. As Japan's GNP approaches $300 billion by 1975, Japan as a strong surplus nation with minimal defense expenditures should be expected to move towards an official AID program in the $750 million to $1 billion yearly range. Numbers in this range do begin to approach Marshall plan magnitude particularly if they are additional to significant U.S. efforts as the Vietnam war ends.

Viewing matters in this broader context, I must point to a possible potentially virulent fly in the ointment. It would be my hope that this irritant could be removed so that both countries could get on with the broader tasks facing them.

I am concerned over the recent press reports which indicate that the recent discussions between U.S. Ambassador William Eberle and Japanese Government officials have not been very successful. It is distressing that at a time when the Japanese trade surplus with the United States has reached $3.2 billion in 1971 and is estimated to increase to some $4 billion in 1972, Japan reportedly is willing to make immediate trade concessions only in the minor $50 million range in addition to the commitment to buy at least $160 million worth of U.S.-enriched uranium through advance payments.

This action raises serious doubts whether Japan will really shoulder the new obligations which go along with being a mature industrial democracy. It raises the question of whether Japan under Prime Minister Tanaka will be willing to carry its fair share of its responsibilities of world economic and political leadership. Carrying this fair share as a major surplus nation would help insure the maintenance of stability of the international economic system of the free world—a system which has made such a signal contribution to promoting Japan's sensational economic growth and stability.

Present policies which do not emphasize trade liberalization also give short shrift to the Japanese consumer. Liberalized trade would contribute to betterment of the Japanese diet, increase consumer choice, and bring downward pressure on prices. Also, it is my feeling that if this negative Japanese position on trade is not altered, it is likely to backfire and lead to renewed speculative pressures for a further revaluation of the Japanese yen over the near future. Prime Minister Tanaka has indicated that such a revaluation is not acceptable to his government yet we know that exigencies of the market can overtake even the most earnest political pledges.

A factor contributing to this pressure is the fact that following the December 1971 currency realinement, many Japanese exporters have only partially passed on the effect of the currency realinement by accepting reduced yen proceeds from export sales rather than raising export prices. This has reduced the effectiveness of the currency realinement and raises the question whether many Japanese industries are engaging in exporting at less than fair value.

In turn, the present Japanese policies will delay the expected improvement in the U.S. balance-of-trade position which is necessary if the U.S. Congress is to pass liberal and forward looking legisla-

tion to maintain open trade in the world during the next Congress.

Let me caution that trade legislation can no longer be put off indefinitely. The President has reaffirmed old commitments such as generalized preferences for the developing world and is in the process of making new commitments such as MFN for the Soviet Union. His authority to negotiate trade concessions has long ago expired.

It is my view that there will be a major trade battle in the Congress within 2 years and the balance of trade position of the United States at that time with specific reference to our bilateral trade relations with Japan could emerge as a major factor in the debate and vitally affect the nature of the legislation eventually passed.

Clearly the maintenance of a liberal, relatively open trading policy in the United States assumes particular importance when the continuing difficulties Japan is having in expanding their trading relations with the European Common Market countries is considered. In turn, as Western Europe moves toward a free trade zone for Western European industrial products in the years ahead, the impact of trade discriminatory policies could become more severe for major trading nations outside Europe such as Japan and the United States.

It is my hope that the expanded European Common Market—EEC—and the countries which will become associated with the EEC will opt for an outward looking, liberal trading order. However, the United States and Japan, based on the past record of the EEC, must begin now to develop contingency plans in case the EEC chooses the inward-looking protectionist rule. I would regret this and fear for the Atlantic Alliance and for the future economic and political growth of the free world as the consequence of a crystallization of protectionism. But I cannot rule out the possibility that Western Europe may turn inward and go protectionist just as I cannot rule out that the U.S. Congress may also opt for this self-defeating protectionist course, too. I continue to hope that West German and British influences will moderate the worst of France's intransigence on trade and monetary matters and in turn that the Smithsonian agreement over time indeed will strengthen the U.S. balance-of-trade position.

Finally, as regards Japan, the events of 1970 and 1971 have proven that Japanese responses in the international economic areas—which in the past could be characterized as "too little, too late"—have had enough serious political consequences to provoke much thoughtfulness in Japan. It would be my hope that the Tanaka government will take this into consideration as new trade, aid, and monetary policies are formulated.

Future relationships between our two countries should not be crucified on the cross of a mercantilism which demands an ever larger national trade surplus. The trade surplus position of Japan has grown explosively in recent years and respected Japanese economists indicate that this surplus could increase in the years ahead. Let me bluntly state that a $4 billion deficit on the trade account with Japan is unacceptable in the United States; it is unacceptable because of the immediate and concentrated impact this surplus has on American jobs and American employment. Since this problem is so clearly evident and since the failure to resolve this problem would have such grave consequences, it would be my expectation that responsible political leadership in Japan can take the necessary steps to deal with it before events get out of hand.

It is my fervent hope that the upcoming summit meeting will be successful and that the basis for a new, cooperative relationship between the United States and Japan will be laid. Since the nature of the United States-Japanese relationship in the years ahead will directly influence evolving relations with the Peoples' Republic of China and the Soviet Union of both countries, the renewal of close United States-Japanese relations is of the highest priority on the foreign policy agenda of both nations.

Some may think me forehanded in calling rather dramatic attention to these opportunities as well as dangers. But so critical are the future relations between the United States and Japan to world peace and world prosperity that I believe it is imperative that the authorities in both countries and the people of both countries be aware of the perils of continuing on the present course with particular regard to trade relations and the urgent need for major decisions which will reverse the present trend which could lead toward deterioration, rather than a strengthening of our vital relations.

## PROTEST OF FINANCE COMMITTEE ACTION ON REVENUE SHARING

Mr. JAVITS. Mr. President, yesterday's Finance Committee action in adopting a substantially different formula from the House version of the revenue-sharing bill, marks a setback for States and cities which sorely need revenue sharing now.

Industrial States where the urban crisis is the worst, like New York, California, Illinois, and Ohio, are singled out by the Finance Committee proposal. For example, compared with the House bill, New York loses $142 million through the Finance Committee bill. This is more than any other State.

The chief difference between the Finance Committee bill and the House bill appears to be the absence of the factors of urbanized population and income tax effort—as opposed to general tax effort—in the distribution formula. Considering that urban areas are where the fiscal problems are the worst, and considering the need to encourage State and local income taxes, the Finance Committee formula is a big step backward for States which need revenue sharing the most.

Together with other Senators I must do my best to get the whole Senate to reverse this discriminatory action.

I ask unanimous consent to have printed in the RECORD a list of States that will suffer most under the Senate Finance Committee proposals. This list also indicates the difference in revenue flows to the States between the Senate and House bill under the first year of operation of the program.

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

STATES WHICH GET PENALIZED BY FINANCE COMMITTEE PROPOSAL

| | Million |
|---|---|
| Alaska | $1.1 |
| California | 100.4 |
| Connecticut | 15.1 |
| Delaware | 4.4 |
| District of Columbia | 11.9 |
| Hawaii | 3.2 |
| Illinois | 50.8 |
| Maryland | 22.7 |
| Massachusetts | 35.5 |
| Michigan | 32.8 |
| Minnesota | 5.9 |
| New Jersey | 37.1 |
| New York | 142.5 |
| Ohio | 42.0 |
| Pennsylvania | 10.7 |
| Rhode Island | 2.8 |
| Virginia | 5.9 |

## ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Indiana (Mr. BAYH) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against the time of Mr. BAYH.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

## ANNUAL REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY

Mr. BAYH. Mr. President, there have been widely published reports that certain key chapters of the annual report of the Council on Environmental Quality, presented to Congress on Monday, were deleted because they dealt with "politically sensitive issues."

According to these report, the missing chapters dealt with energy, recycling, and the Delaware River Basin. Since these first two subjects are of crucial importance in the battle to save our environment, and since they are not discussed at all adequately in the published report, there is reason to believe the accuracy of the news accounts which said the report had been censored.

If this is the case, Mr. President, I regard this as an extremely alarming action—one which violates the spirit and perhaps the letter of the National Environmental Policy Act. That act stipulated that the President provide the Congress with an annual report on the environment. In requiring that the annual report be filed the law says that the report—

Shall set forth . . . current and foreseeable trends in the quality, management, and

utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation. (42 U.S.C. 4341.)

Under this provision of the law the lack of adequate attention in Monday's report to energy and recycling raises serious questions about whether or not the law is being complied with by this report. I would respectfully suggest to the four standing committees of the Senate to which this report was referred that it might be in order to determine, by hearings or through appropriate study, whether or not the report is adequate as presented or whether it should be returned to the White House as being inadequate with a request that a complete report be filed immediately.

Let us look at the three areas reportedly deleted from the report.

ENERGY

It may well be, Mr. President, that there is no single environmental issue of greater importance that the problems posed by the competing demands for more and more energy and, on the other hand, the drive for greater and greater protection of the environment.

The Senate has recognized the urgency of what has been properly called an "energy crisis" by passing Senate Resolution 45, offered by the distinguished chairman of the Public Works Committee, Mr. RANDOLPH, which has led to a study—now underway—by the Interior Committee to help develop a coordinated national energy policy.

Certainly, the issues involved in resolving the choices between energy demands and environmental protection pose sensitive political issues. This is why, we read, that this chapter was deleted from the report on the environment. But it is precisely because of the political sensitivity of these issues that they should have been included in the report. It is important, in this election year, that these issues receive a full, public airing, instead of being brushed under the rug. We do not need censorship of such crucial national issues; we need candor, public debate and education of the people.

One might wonder why such material might have been deleted from the report. Imagine that the professional staff of the Council on Environmental Quality had serious reservations about the oil import quota system. Certainly major oil companies, despite their known political inclinations, would have been sensitive to any challenge to the quota system.

Or imagine that the professional staff was urging a "go slow" policy on Atlantic coast offshore oil drilling at a time when the oil companies wanted to charge ahead in this area.

Perhaps there was a discussion in that reportedly deleted chapter dealing with the pricing of natural gas.

Or maybe there were some questions about the fast breeder nuclear reactor program and a suggestion that fusion research was more relevant to meeting long-range energy needs.

Yes, Mr. President, these and other fundamental questions about energy and the environment are politically sensitive. It also happens a discussion of such questions should be, and are not, in the report.

I am not here to take positions on these issues, Mr. President. If I had the wisdom to resolve them all today, I would share that with the Senate. But I do know that these issues and their resolution are of legitimate and great concern to the American people and that if the reports of censorship are true then a terrible disservice has been done to the public.

The irony, of course, comes when one asks: Suppose the reports of censorship are untrue? Well, if that is the case then the report falls far short of the standard of thoroughness which it should meet.

RECYCLING

While my greatest concern about the material said to have been deleted from the report is with the chapter on energy, we must not ignore the fact that the subject of recycling wastes is also of growing importance. Solid waste management is going to be one of the key tests of the success with which we handle our environmental crisis. And effective solid waste management will obviously require significantly stepped-up recycling.

Since the matter of recycling receives so little attention in the report, and since that little attention is not addressed to the economics of this issue, once again the glaring absence of important material from the report lends strength to the allegations that certain material was deleted from the report. In this instance, as in the case of energy, the absence of important questions and discussions from the report runs contrary to the specific criteria for the report quoted above. Can there be any question that discussion of energy and recycling are essential to the "social, economic, and other requirements of the Nation?"

The third chapter reportedly deleted from the report was said to have dealt with the management of the Delaware River Basin. Frankly, I am puzzled as to why this type of material, far less controversial than recycling and energy, may have been deleted. If the reports are true, however, then it is a logical assumption that there was something within that chapter which offended someone's political sensitivity. There is no statutory authority for deleting portions of the report on this ground.

Mr. President, the question of whether material was censored from this report raises issues that go beyond the chapters and issues reportedly deleted. It goes to the question of whether we are—in this extremely important election year—being spoon fed only that material which the White House wants us to receive. How can the electorate be expected to make responsible, thoughtful decisions at the polls if they do not have all relevant information about the issues before them?

If censorship did take place in this instance, how many times has it taken place without coming to the attention of the public?

How can we ask millions of Americans, young and old, who are skeptical about the political process to have faith in a system in which such political censorship may well take place?

There is a limit, Mr. President, to the extent of mistrust and cynicism which the political system can withstand before irreparable damage is done. And we are periously close to that point. Let us hope that we can restore trust and eradicate corrosive cynicism before it is too late.

I am not willing, Mr. President, to let this issue of the environmental report rest here. I am today sending a letter to Chairman Russell Train, of the Council on Environmental Quality, asking him to respond to the charges which have been leveled and asking him to forward to the Congress immediately any relevant material which may have been left out of the report. If the news accounts are inaccurate, this must be proven. If they are accurate, the censored material must be made public immediately.

Under no circumstances can the matter be allowed to go unchallenged; we need no more straws on the camel's back of loss of confidence in Government. We cannot afford the risk of letting any straw break that camel's back.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of my letter to Mr. Train and articles from the Washington Post and the New York Times about the alleged deletions from the environmental report.

There being no objection, the letter and the articles were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, D.C., August 9, 1972.*

Hon. RUSSELL E. TRAIN,
*Chairman, Council on Environmental Quality, Washington, D.C.*

DEAR CHAIRMAN TRAIN: It has been widely reported that the Annual Report of the Council on Environmental Quality made public Monday lacked three chapters which were deleted at the request of the White House. According to reports the chapters in question dealt with energy, recycling, and the Delaware River Basin.

As you well know, the Congressional mandate for the Annual Report requires that it "shall set forth . . . current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation." (42 USC 4341) Certainly the issues of energy and the environment, recycling and the Delaware River should have been included under this provision of the law.

I am particularly concerned about the matter of energy, since the question of meeting the nation's growing energy needs with minimum environmental impact is an important and growing national issue. It has been reported that this chapter of the Report was deleted because it would "raise sensitive political issues."

Certainly, the issues involved in resolving the competing demands of energy needs and environmental protection do raise crucial political issues. But instead of being taken from the public arena these issues should be fully and openly debated in this election year. Instead of brushing these issues under the rug, as some apparently would like to do by denying the public the benefit of the Council's expertise in this area, everyone should welcome the fullest possible circulation of the Council's views. Thus I am deeply disappointed that a subject as important as energy and the environment was not dealt with in full in our Report. Because you and your professional staff fully understand the crucial nature of these questions, the lack of

discussion of them in the Report gives credence to the charges of censorship. I cannot help believing that the spirit of the National Environmental Policy Act is being violated in this instance.

While my greatest concern about the material said to have been deleted from your Report is with the chapter on energy, we must not ignore the fact that the subject of recycling wastes is also of growing importance. Solid waste management is going to be one of the key tests of the success with which we handle our environmental crisis. And effective solid waste management will obviously require significantly stepped-up recycling. Yet the matter of recycling receives surprisingly little attention in the Report, and the economics of recycling are not touched on at all. The glaring absence of this important material from the Report lends strength to the allegations that certain material was deleted.

It seems to me that the Report's failure to discuss and analyze the crucial issues of energy and recycling is inconsistent with the Congressional mandate for the Annual Report. Can there be any question that discussions of energy and recycling are essential to the "social, economic and other requirements of the Nation?"

The third chapter reportedly deleted from the Report was said to have dealt with the management of the Delaware River Basin. Frankly, I am puzzled as to why this type of material, far less controversial than recycling and energy, may have been deleted. If the reports are true, however, then the only logical conclusion is that there was something within that chapter which offended someone's political sensitivity. There is no statutory certainly for deleting portions of the Report on this ground.

Moreover, I think that in your capacity as Chairman of the Council on Environmental Quality you must direct yourself to the implications of such alleged information management and censorship by officials within the Executive Office of the President. If important information of national concern is withheld from the public because of an unwillingness to deal openly with "politically sensitive issues," where is the line to be drawn without subverting the national interest?

Because of the urgency with which I regard the issues posed by the reported withholding of these chapters of your Report, and because of the overriding importance of the national question of balancing the demands of energy and the environment, I would appreciate you letting me know promptly whether this highly relevant material was left out of the final Report and why. If such material of importance was left out I believe it is your responsibility to forward this material to Congress immediately in compliance with the statute stipulating that Congress have a complete, annual report on the environment.

Thank you.

Sincerely yours,

BIRCH BAYH,
*U.S. Senator.*

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[From the Washington Post, Aug. 8, 1972]

U.S. UNIT FINDS AIR CLEANER—BUT WATERWAYS ARE DIRTIER, HILL IS TOLD

(By Elsie Carper)

The Council on Environmental Quality reported yesterday that the nation's air is getting cleaner, that rivers and waterways are dirtier than ever, and that the costs of pollution control are going up.

The report was delivered to the White House by the three presidentially appointed members of the council and then sent to Congress.

In a message forwarding the report to Capitol Hill, Mr. Nixon said "there should be a sober realization that we have not done as well as we must, that changes in laws and values come slowly, and that reordering our priorities is difficult and complicated."

But the President also found much to praise. He said he was "pleased . . . that the quality of the air in many of our cities is improving. Across the nation, emissions from automobiles—a significant portion of local emissions—are declining. We can expect these welcome trends to accelerate as the new standards and compliance schedules called for by the Clean Air Act of 1970 become fully effective."

And the President said he also was encouraged "by the growing capacity of a people able to assess their problems, take stock of their situation and get on with the unfinished business of shaping . . . a satisfying and healthful environment."

Discussing the good news in the report, Council Chairman Russell E. Train told a White House news conference that "with some variation the overall air quality is improving on a national basis."

Water quality was a different story. The report found concentrations of phosphates and nitrogen compounds—which cause eutrophication, or dying, or lakes—had increased "in a large proportion of both urban and rural river basins. This, the report said, was apparently due to increased use of fertilizers. Oxygen-demanding wastes also were found to be increasing, mostly in high-population, high-industry basins.

Train said there is every indication that water quality will not improve materially in many river basins until pollution is controlled from water run-off from farms, feed lots and urban streets.

"While we carry on our major efforts to clean up pollution from municipal and industrial sources, we must increasingly turn our attention to land runoff—of nutrients, fertilizers, pesticides, organic materials, and the soil particles that often transport the others," the report said.

On costs, the report estimated that current standards will require an outlay of $287.1 billion in the decade of the 1970's. This was nearly three times last year's estimate of $105.2 billion but that figure covered six years while the new figure is for ten.

Annual costs are estimated to rise from $10.4 billion in 1970 to $33.3 billion in 1980.

The figures include expendituers by businesses and industries as well as by government at all levels.

The report said that while pollution abatement costs seem large they are in the aggregate relatively small compared with such measures of total economic activity as the Gross National Product—the cost of goods and services.

During the 1971 to 1980 period, the GNP is expected to total over $213.2 trillion. Consequently, total environmental costs would represent 2.2 percent.

The report estimated that $106.5 billion will be spent for air pollution abatement, $87.3 billion on water pollution, $86.1 billion for disposing of solid wastes, $5.1 billion to reclaim land ravaged by strip and surface mining, $2.1 billion for radiation control, and $900 million to $2.7 billion for noise control.

The report, the third to be produced by the council, was expected to include sections on energy and recycling, but both were eliminated after the report was reviewed by the Office of Management and Budget and by the White House.

The energy chapter, which discussed pricing of electricity and conservation of fuels, was said to raise sensitive political issues, while the chapter on recycling was deleted because the administration has not yet determined whether it will propose tax incentives and subsidies to encourage reuse of materials.

Mr. Nixon spent 45 minutes with Train and the other two members of the council, Robert Cahn and Gordon F. J. MacDonald. Both Cahn and MacDonald are leaving the council. Sucessors have not been named.

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[From the New York Times, Aug. 8, 1972]

REPORT FINDS NATION'S AIR CLEANER BUT WATER DIRTIER

(By Robert B. Semple, Jr.)

WASHINGTON, August 7.—The Council on Environmental Quality, in an expurgated edition of its third annual report on the state of the environment, said today that the nation's air was getting cleaner but that its water was growing dirtier.

The report was delivered to President Nixon this morning with three chapters missing. According to council sources, the White House and the budget bureau asked that publication of chapters on energy, recycling and pollution in the Delaware River Valley be delayed until after the election.

The sources said that the White House feared that the chapters might cause controversy in a political year and that all three subjects were sensitive and complex and required further study.

AIR QUALITY IMPROVED

The council reported that by most available measurements "air quality on a nationwide basis improved between 1969 and 1970."

According to widespread samplings, the council said, emission of carbon monoxide dropped 4.5 per cent during the year and particulates 7.4 per cent, primarily through controls applied to smokestacks.

However, the council said, water pollution from such sources such as municipal sewer systems and industry has not diminished.

The council also warned that the nation's waterways were likely to deteriorate further as a result of runoffs from farms and construction projects, a source of pollution that the council said it had underestimated until this year.

POLLUTION INCREASING

"Land runoff from farms and even urban land, as opposed to discharges from cities and factories, has a much greater impact than we realized," the three-member council wrote in part. "In all types of river basins, the concentration of nutrients is increasing."

The three members of the Council—its chairman, Russel E. Train, Dr. Gordon McDonald and Robert Cahn—met with Mr. Nixon for 45 minutes this morning. They reported afterward that the President discussed environmental issues with interest and urged the council to educate ordinary Americans on environmental issues.

Mr. Nixon said at one point that the environment was in danger of becoming an "élitist" issue and that the council should "reach down and include the fellow who never went to college."

In a preface to the report, Mr. Nixon chided Congress for not acting on some 20 legislative proposals aimed at curbing pollution. Some Democrats have offered alternative and in some cases more costly remedies of their own.

"The time for deliberation has passed" Mr. Nixon said. "It is now time for action."

ABOUT $287 BILLION ESTIMATED

The council estimated that it would cost at least $287.1-billion to solve the country's major pollution problems over the next decade, with annual spending from private and public sources rising from $10.4-billion in 1970 to $33.3-billion in 1980.

MISSING CHAPTERS

The most expensive items are air pollution, $106.8-billion, and water pollution, $87.3-billion. The council also urged broader attacks on the problems of solid waste disposal, noise pollution, radiation and land reclamation.

Details of the three missing chapters, which were to have been sent to the President in a seperate volume, were not disclosed.

Officials at the council, however, said the

chapter on recycling urged the adoption of tax incentives to encourage recycling among consumers and in industry, a technique the Treasury Department vigorously opposes on economic grounds. The sources also said the chapter might have exposed the fact, if only in indirection, that the Administration has yet to develop a comprehensive solid wastes program.

The chapter on the Delaware River basin was said to have contained some implicit criticisms of the management of the basin by a joint Federal-state authority.

The chapter on energy treated such politically sensitive questions as oil imports, the Alaska pipeline, gas pricing policies and offshore drilling. It also contained pointed criticisms of industry.

Mr. BAYH. Mr. President, one closing thought—every Member of this body is a conscientious and sensitive individual, all of us being only human. We do not like criticism. At least, I have never reached the place where I enjoyed criticism, although I must say that some of it has been constructive in shaping my views, thoughts, and directing my attention to certain issues. But it is important in this election year that the Senate, the House, indeed the Government, not run for cover whenever a politically sensitive issues is raised. If a politically sensitive issue comes up involving the conflict between energy and the environment, it is better to throw it out on the table, bring the best minds to bear on it, vote the courage of our convictions, stand up and be counted, and find the best solution that we can. There will be no easy, simple solution to some of the complicated problems in today's society.

I remind the Senate of the admonition that Harry Truman offered, which I think is most appropriate, when he said:

If you cannot stand the heat, you had better get out of the kitchen.

All of us in the Senate are in the kitchen and most of us want to stay here. Also, we had better do all we can to see that those in the executive branch, and others responsible for denying Congress and the public all the information available and necessary, be advised that they, too, be prepared to stand the heat or get out of the kitchen.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, prior to laying before the Senate the gun control bill, I ask unanimous consent that there be a brief period for the transaction of routine morning business for not to exceed 9 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER (Mr. GURNEY). Without objection, it is so ordered.

## FEDERAL SPENDING UNDER THE LABOR-HEW APPROPRIATIONS BILL

Mr. ROTH. Mr. President, when the Senate passed the Labor-HEW appropriations bill on June 27, it contained a ceiling of $2.5 billion on social services spending under title IV of the Social Security Act.

In conference, this ceiling—which was not a part of the House-passed bill—was dropped. It is now estimated that without this ceiling, Federal spending for social services will be at least $4.8 billion during this fiscal year. This is, of course, four times the original budget request of $1.2 billion and almost twice as much as the Senate approved ceiling of $2.5 billion. Some estimate that during the next fiscal year expenditures for this program could increase to as much as $8 billion.

I was greatly concerned over this problem when this bill first passed the Senate, and voted against an amendment that would have removed the ceiling. And, I now intend to work to see that this ceiling is returned to the bill. When the conference report is presented to this body, I will make certain motions, the purpose of which is to return the legislation to conference with instructions that Senate conferees insist upon the ceiling.

When the bill comes before the body, I will speak to it further. But in the meantime, I ask unanimous consent to have printed in the RECORD for the consideration of my colleagues, three articles which have appeared recently in newspapers concerning this program: two are from the Washington Post and one is from the New York Times, as well as an article on this program which appeared in the latest issue of U.S. News & World Report.

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

[From the New York Times, Aug. 8, 1972]

THE 1967 LAW IS GIVING STATES WINDFALL IN FEDERAL FUNDS: PLAN, OVERLOOKED UNTIL RECENTLY, MAY PROVIDE $4.8 BILLION THIS YEAR AND ENLARGE THE NATION'S BUDGET DEFICIT

(By Edwin L. Dale, Jr.)

WASHINGTON, August 7—Most of the states have belatedly discovered an obscure provision of Federal law that will probably enable them to obtain, virtually "free," an estimated $4.8-billion from the Federal Treasury in the current fiscal year.

This is nearly as much as the states and local governments would receive from the much-debated revenue-sharing plan backed by the Nixon Administration and approved by the House.

The program involved provides 75 per cent Federal financing of "social services" for the poor and others, such as the aged and children. The states have discovered that, by making small changes, sometimes a small expansion, in programs that they were already paving for themselves, they can collect from Washington 75 cents out of every dollar spent.

The money amounts to a fiscal windfall for the hard-pressed state governments. But it threatens to enlarge greatly the Federal budget total and the deficit this fiscal year and later.

President Nixon allowed $1.2-billion for this item in his budget. But as more and more states have qualified for the grants, this estimate has soared.

Congressional sources put the latest estimate at $4.8-billion in the fiscal year 1973, which just began, and this is not denied in the Department of Health, Education and Welfare, which administers the program.

The extra money would be provided in a supplemental appropriations bill next spring.

Before the states woke up to the potential bonanza, the program was not only obscure but relatively small. As recently as the fiscal year 1969, total spending under it was only about $370-million.

California was first to learn how to take advantage of changes in the Federal law enacted in 1967. Illinois was apparently second, acting in 1970. Now the states are applying for funds in droves.

The procedure is somewhat complicated, but an example of how the states can take advantage of the program would be an alcohol or drug abuse prevention program that the state had previously financed itself. By purchasing the same service from a private agency, the state would qualify for 75 per cent Federal financing.

Starting in 1970, President Nixon in each year has asked Congress to place an over-all ceiling on allowable grants to the states under this program, which would lead to a sort of rationing of the allotted amount. But each year Congress has refused.

This year, the Senate Appropriations Committee and later the full Senate approved a ceiling of $2.5-billion, double the President's original budget estimate. But the provision was dropped in conference between the House and the Senate.

PRESSURE BY GOVERNORS

Governors have reportedly put strong pressure on the key members of Congress involved to head off any ceiling.

A major problem for the President and Elliot L. Richardson, Secretary of Health, Education, and Welfare, is that a cutoff now would leave some states with large Federal grants and others with very little.

The program may have led to some actual expansion in social services, but no one in the Federal Government seems to know how much. The suspicion is that the bulk of the Federal money is merely replacing state money that was being spent anyway.

The ultimate solution to the problem, officials believe, is a change in the underlying 1967 law, which was enacted as an amendment to a large and complex Social Security bill.

However, there is no evidence yet of Congressional eagerness or Administration pressure to change the law.

STATE ASKS $854-MILLION

New York State's Department of Social Services has asked for $854-million this year in Federal matching grants under the 1967 law, according to a high official of the department who asked not to be named.

Of that figure, he said, $205-million is for reimbursement of money spent during the 1972 fiscal year.

In the first year of the program, 1967, New York received only $57-million in matching grants, he said, because "the Federal Government was very slow in issuing regulatory material and guideline material."

"The state amended its state welfare plan as soon as the Federal guidelines were available," he said, "and started to make serious claims for this on selected programs during 1970 and 1971."

"Over the past years there has been a major expansion of these programs, in agriculture, mental hygiene, narcotics addiction, youth services and education. We are more fully utilizing the provisions under the Social Security Act towards programs which had been previously funded with state or local funds only."

"It was not just merely a matter of substituting state money with federal money," he said, adding that no state program operating solely on Federal funds and that there were no state programs that would not exist without the grants.

[From the Washington Post]

A $5 BILLION ERROR IN SOCIAL POLICY

Impossible though it sounds, the federal government has apparently backed itself blindly into a multi-billion dollar promise to subsidize states' social services. The fiscal drain is not only unexpected but, under the

present law, uncontrollable. Worse, this fluke of federal legislation is encouraging the states in a massive turn in precisely the wrong direction for our national social policy. It is a classic example of a great decision that was made without forethought, without public debate, and without any deliberation on the other and better choices.

In her article on this page Monday, Jodie Allen of the Urban Institute examined, in detail, the growth and implications of this legislation. It now constitutes an open-ended commitment to match three or more federal dollars for each dollar that a state spends on social services to the poor. The definition of social services covers almost anything imaginable except, unfortunately, education.

It was some years before the states began to realize the full possibilities of this legislation. But the word has been spreading rapidly. In fiscal 1971, the total disbursed was a bit less than $700 million. In fiscal 1972, it doubled to more than $1.3 billion. This year, the applications indicate that it may quadruple into the range of $5 billion. A bung of considerable dimensions has been driven into the U.S. Treasury and, having learned where to find it, the states are now turning the tap on full.

If this money were all being spent wisely on programs that actually lifted families out of poverty, the states could justify all this great outpouring and more. But there are no federal controls or standards on the quality of the state programs that it finances. It even appears that the federal authorities do not know with any precision what it is being spent on. Undoubtedly many of the state services are essential and justify expansion. But no one in Washington knows which, or how much.

Social services have never been demonstrated to reduce poverty efficiently. The sudden increases in funding are doubly dubious because these services require skills that are in short supply.

As Mrs. Allen observed, states like Maryland and Mississippi propose social service programs this year that, if limited to welfare recipients, would cost more than $1,600 per person. That approaches $6,500 for a family of four. The country has rejected the idea of cash grants at anything approaching that scale. We are apparently prepared to provide the poor with the services of social workers, psychiatrists, homemakers, therapists and counselors up to any cost. But, in contrast, we decline to provide the one essential support that they need; cash.

Welfare reform, in any orderly and intentional sense of the term, is dead this year. President Nixon and the congressional leadership have given up on the bill. But at the same time, Austin Scott reports elsewhere in this morning's paper, the President has silently decided to do nothing about this hemorrhage of social services funds until after the election. The country now finds itself saddled with a massive and inadvertent expansion of ineffective social programs, while getting none of the reforms that Mr. Nixon promised three full years ago.

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[From the Washington Post, Aug. 7, 1972]

HOW THE FEDS BOUGHT MISSISSIPPI: BACK DOOR REVENUE SHARING—AND ON A BIG SCALE

(By Jodie Allen)

While debate rages in the halls of the Congress and the administration over revenue sharing and welfare relief for hard-pressed states and localities, a multi-billion dollar program of fiscal relief for states is quietly being implemented under a little noticed provision of the Federal welfare law which provides federal matching for state expenditures on "social services" for needy persons. A recent action by the Senate-House Conferees on the 1973 HEW appropriation bill on August 2 seems to assure that almost $4 billion for "social services" will be added to the President's budget with little debate and with virtually no public attention.

Program increases of this magnitude are usually front page news, particularly in an administration highly concerned over the prospect of a record-breaking budget deficit. The reason for this strange turn of events lies in the peculiar history and characteristics of the social service program.

There are three features of the social service authority which explain its unique potential for breaking the federal bank. The first is that the language of the social service provisions, as modified by a series of liberalizing amendments during the 1960s, is remarkably broad. The services covered include any "services to a family or any member thereof for the purpose of preserving, rehabilitating, reuniting or strengthening the family, and such other services as will assist members of a family to attain or retain capability for the maximum self-support and personal independence." Furthermore such services may be provided not only to current welfare recipients but, since 1965 to former or potential recipients as well.

Without even stretching the imagination it would seem that practically the entire gamut of services provided by state and localities for their citizens—including vocational rehabilitation, job training and counselling, child care, foster care, family planning, family counselling and referral, protective services for dependent persons, mental health and mental retardation services, community health services, homemaker services, non-formal or compensatory education, and information and referral services of all sorts—might easily be justified at least in part as deserving of federal support under the amendments. In fact the only services specifically excluded from support are public school education and institutional care and the only additional limitation appears to be a vaguely worded caveat in a HEW memorandum to the states that they must "significantly expand" not merely re-fund existing services. And to make it all easier, since 1967 the law has allowed the states not only to provide such services themselves but to purchase such services from other public and private agencies with federal support.

The second striking feature is that the terms of the federal support are extremely attractive. For every $25 the states or localities proffer for these services the Feds will supply another $75. The Talmadge amendments of 1971 went this one better and allowed 90 federal dollars for every 10 state or local dollars if the services provided were such as to enhance the employability of current, former or potential welfare recipients. (This largesse should be compared the relatively miserly 50 per cent matching which is all most large states can receive on actual cash grants to recipients.)

Last and best there is the "open-end" financing provision—which means exactly what it sounds like. Unlike most federal authorizations for which a fixed amount is appropriated by Congress each year, the social service fund is essentially a bottomless pit. As is the case for public assistance cash payments, whatever amount of money states and localities express willingness and ability to spend for social services in a given year, the federal government must stand ready to match at $3 or more for 1.

Given these generous provisions, the only thing that is hard to understand about the social service program is why it is not already the largest domestic program in the federal budget. In fact most states were slow to recognize the potential of the social service program. In 1964 only $75 million in federal dollars went to social services. By 1968 the federal cost had risen to the still modest level of $230 million and by 1969, even after a one year increase of 59 per cent the federal share was still only $366 million. A few sharp state officials however were beginning to catch on. One state, California, had by 1970 managed to corner almost 40 per cent of the total social service budget of $500 million for that year largely through the cleverness of a consultant to the California State Assembly, Tom Joe. In a fascinating article in the June 17, 1972, issue of the "National Journal," John Iglehart has traced the subsequent involvement of the ingenious Mr. Joe who, as part of the entourage accompanying former HEW Secretary Finch to Washington from California, has subsequently stayed on at HEW. There, in an informal capacity, he has spread the glad tidings of largesse to other less favored states—to the ultimate discomfort of the administration.

For discomforted indeed are HEW budget managers. From a sleepy little sub-billion dollar program, social services has in the last several months skyrocketed with a multi-billion dollar flare likely to eclipse in importance both the much heralded revenue sharing proposals now being debated in the Senate Finance Committee and the now beleagured welfare reform package with its promise of some $2 billion in state welfare savings.

Picking up the thread of our chronology we find that by fiscal year 1971 the federal share of social service expenditures had climbed to almost $700 million with the Congress ignoring a request by the administration in its budget for that year to impose a 10 per cent ceiling on expenditure increases over the previous year (a request repeated and again denied in the administration FY 72 budget). In FY 72 social services again surprised everyone by outstripping the original administration estimate of $838 million by at least another $450 million and, by some estimates by perhaps, as much as $750 million. In either case the federal government is thus already spending at the rate of over $1.3 billion a year on social services—an amount almost twice that expended in the previous year and already larger than the administration's $1.2 billion request for the upcoming fiscal year, 1973.

But that discrepancy must be counted as minor. For while the Congress has been considering the HEW request, the states have quietly been revising drastically their estimates of federal dollars required in FY 73. In May to the consternation of HEW officials a new estimate of $2.2 billion, almost twice the administration's 1973 budget request of $1.2 billion, was computed. The Senate Appropriations Committee, alerted to the danger added to the HEW appropriation bill a ceiling of $2.5 billion on social service expenditures. But pressure from governors and state officials anxious to cash in on the bounty proved too strong and, with virtually no public attention, the limitation was dropped in the Conference Committee despite assertions in the conference report issued on August 2 that 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."

But the conferees literally didn't know the half of the matter. For by the end of June the states had set their sights far higher than a mere $2.2 billion—in fact having doubled the estimate once, they decided to do it again this time submitting a total FY 73 request of almost $5 billion, a quadrupling in expenditures over the previous year to an amount equal to the much publicized revenue sharing program. And there is unanimous agreement on the Hill and in HEW that that estimate is probably too low.

Fortunately it is not necessary to question the efficacy or relative utility of social services in order to question the desirability of this turn of events. It is fortunate in that no

one seems to have any clear idea of what the money is being spent on.

But apart from the merits of social services per se three things are abundantly clear:

1. A huge sum of taxpayer money is being distributed among states in a quixotic fashion unrelated either to relative need or to the ability and willingness of states to use the money constructively.

2. It is not possible for states and local governments to achieve a four-fold expansion in services of any kind in one year (on top of a doubling the previous year) and particularly not in services of a type for which no clearly successful record of performance has yet been demonstrated, even on a modest scale.

3. Even if the money is in fact expended for the purposes intended, serious imbalances are occurring within state expenditures patterns between social service activities for low income populations and other forms of assistance and service both to this population and to other groups in the population.

To illustrate these points one need only look at a few states. In 1971 Mississippi spent about $950,000 on social services. Its estimated expenditures for 1972 increased by 88 per cent to $1.8 million. In 1973 Mississippi now estimates it will spend some $460 million on social services, over 250 times the amount it spent the previous year.

Two other comparisons are equally interesting. If Mississippi's social service benefits were spent entirely on welfare recipients, it would turn out that Mississippi would be spending some $1,625 per welfare recipient on social services, or about $6,500 per year on a family of four (a number familiar to the National Welfare Rights Organization). Apart from the striking generosity of this allotment it is interesting to compare this expenditure with the maximum welfare cash grant which such a family if it had no other income could receive in Mississippi. That amount is $720. And lastly it is interesting to observe that if, as is likely, most of the $460 million in federal dollars is used simply to support existing state and local services in Mississippi, this amount alone will account for over half of the current total Mississippi state budget.

Other examples abound. Maryland's estimated expenditures will grow from a 1971 level of $15 million to an estimated level of almost $420 million in 1973. At this point Maryland will be spending some *$1,650* per welfare recipient or about *$6,600* for a family of four. Georgia plans to expand its program from a 1971 level of $12 million to a 1973 level of over $220 million. New York will expand from $67 million 1971 to $850 million, Illinois from $24 million to over $180 million. Faced with an unplanned increase in the President's budget of at least $3.6 billion and the frightening potential of even more staggering increases to come (the estimates are from $6 to 8 billion in the next fiscal year) there appears to be little that the administration can or, perhaps, wants to do to stem the flowing tide. To "close the end" on social services would require legislative action and, as has already been demonstrated by the recent action of the appropriation conferees, such action is unlikely to be forthcoming, particularly in an election year, given the opposition to such a change that would be generated by enthusiastic state and local officials who have suddenly discovered that there is indeed a pot of gold at the end of the federal rainbow.

There is also the difficult problem of devising a formula which, at once, distributes the fund among the states in at least some vague relationship to need and current fiscal effort; maintains each of the states at least at their current level of expenditures and probably allows some increase (a practical necessity to ensure acceptance of any formula); and, at the same time sets a reasonable dollar limit on the total budget.

Despite the practical and political difficulties involved, however, it is clear that something constructive must be done, not simply to control a runaway program, but to insure that the monies are distributed equitably among states and that real and needed public services are produced in the process. Surely some more rational basis must exist for distributing several billion dollars of taxpayer money than one depending upon the relative ambition and ingenuity of a few states and federal officials.

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[From the U.S. News & World Report, Aug. 14, 1972]

SERVICES TO THE POOR AND THEIR RUNAWAY COSTS

Boiling up now is a new crisis in federal spending to help the poor.

U.S. budget analysts are worried by explosive growth of the social-service program funded by the Department of Health, Education and Welfare.

With State after State rushing to cash in on what one Government official calls "a questionable form of revenue sharing," costs of the program have spiraled—as shown by the accompanying chart.

What is involved is a law, passed in 1962 and liberalized in 1967, under which the Federal Government pays 75 per cent of the costs of social services rendered by States and localities to people on relief and to past and "potential" welfare recipients.

The idea is to help some people get off relief rolls and to keep others from swelling the ranks of welfare cases, now numbering more than 15 million.

WIDE RANGE

Services provided range from child care to centers for the needy aged, from literacy education and job counseling to treatment for alcoholism or drug addiction.

The program is virtually open-ended. With no ceiling set, costs in federal funds have skyrocketed from 387 million dollars to more than 2 billion in the last three years. Officials estimate that the outlay could reach 6 billion in another two years unless a lid is applied.

The Nixon Administration has urged Congress to set a limit. The Senate approved a 2.5-billion-dollar ceiling, but the House of Representatives rejected a definite lid. Senate-House conferees agreed August 1 on legislation urging federal officials and the States to tighten the program without setting a definite figure. Somewhat stricter rules now are to be implemented.

John D. Twiname, administrator of the Social and Rehabilitation Service of HEW, which runs the social-services program, compares the situation to the early days of medicaid. Costs of that health-care program for the needy soared so spectacularly that Congress was forced to legislate a cutback.

The cost potential is even greater in social services, according to Mr. Twiname, because what can be provided is not spelled out as clearly as in medicaid. Another point that is made by the HEW official:

Some States are just now realizing that the 1967 liberalization provided that welfare agencies could purchase services from other public or private agencies, with the Federal Government committed to payment of $3 for every dollar spent by the State.

WAITING LINE

Applications currently are pending with HEW from 27 States, either for new social-service programs or expansion of existing programs.

Some States have been able to cut their own welfare spending by converting services previously paid for with State funds into those that can be financed under the matching arrangement, with the Federal Government paying 75 per cent and the State or locality only 25 per cent.

Social services are defined under the program as those that serve the purpose of "preserving, rehabilitating, reuniting or strengthening the family, and such other services as will assist members of a family to attain or retain capability for the maximum self-support and personal independence."

Thus the range is wide. Some examples of the kinds of services offered, besides those already listed:

Adoption services, foster homes for children, help for unmarried mothers, child-protection services, money management, help in finding housing, job training, homemaker instruction, help for the mentally retarded, rehabilitation of the handicapped, meals-on-wheels for elderly shut-ins.

A single family may qualify for a number of the services offered. In the last year, HEW officials report, one or more services provided under the program went to about 6 million persons in welfare families, plus an estimated 400,000 families and 100,000 individuals qualifying as former or "potential" welfare recipients.

THE PINCH

Because welfare costs have risen so fast, 19 States and the District of Columbia have cut relief payments in the last two years. Officials say that the money crunch in many States is a main reason for the rush to have the Federal Government take over much of the burden for social services.

A comment from Mr. Twiname:

"It is unrealistic to expect States to do much about increasing their share at a time when most States are cutting back welfare, or at least holding their own."

The program administrator added:

"We are making certain that these grants do result in expanded services, even though States are shifting much of the cost to the Federal Government."

The contention that expansion of social services is a way to cut down welfare rolls brought this observation from a top official of HEW:

"Nobody really knows whether this is so. There is no information now about the correlation between the intensive application of services and any absolute reduction of rolls.

"It is premature to say that services will decrease dependency. But these services are mostly those that are clearly needed."

Of major concern to this official is the lack of information on how effectively federal funds are being used. He called for a two-step approach:

"First, a dollar limit on spending. That is vital.

"Next, there has to be a hard look at how the program is being run. There has been too much emphasis on getting the dollars.

"It has been too much of a fiscal shell game, a money rush by the States. Even States with good programs have been more concerned about getting the money than improving the services."

TIGHTER RULES

New regulations drafted by HEW are designed to make the States more accountable. Reports in greater detail on how federal money is spent are to be required. A federal official explained:

"What this means is that a State must try to set up the program so that the dollars will be applied more systematically toward solution of a problem—not simply to expand services helter-skelter. The State planners must prove the need for a service before it will be financed.

"We ought to know where the money is going. We don't want to dictate what they must or must not do, but it must fit into some rational pattern."

Strong pressure has come from Governors and other State officials against imposition of a dollar limit on the program. One

reason, HEW sources say, is that a ceiling would exclude from the program States that have been slow to expand social services and would virtually rule out further expansion by States already participating.

As federal officials seek to cope with rapid growth of the program, these questions are being raised in Congress and elsewhere in the Government:

Is the money flowing from Washington helping to keep people off welfare or to get them off? Or is it giving the States a chance to reduce expenses by substituting federal funds for their own?

What do State welfare officials say about expansion of social services? What services are producing the best results? Just how is the money being spent? Is the whole thing, as some experts contend, a "boondoggle"?

To get answers, staff members of "U.S. News & World Report" examined the program closely in States which have been among the leaders in making use of federal dollars for social services.

The survey turns up some sharply conflicting views. Findings follow:

*California*

As the first State to make broad use of the liberalized approach to social-service spending, California at one point was receiving about 25 per cent of the federal money available.

Experts disagree on results.

Says Charles Hobbs, the State's deputy director of social welfare:

"The goal was reduced dependency by providing social services. That concept has not paid off."

But Betty Pressley, director of social welfare for Marin County, contends that if expanded social services had not been provided, welfare rolls would "probably be a lot bigger."

And Dr. William Gee, head of the On Lok day-care center for old people in San Francisco's Chinatown—*On Lok* is Chinese for "safe and happy residence"—says this:

"It does reduce the welfare burden. That's one of our big selling points."

On Lok is being funded at $110,000 a year, for three years.

In Santa Cruz County, Mrs. Mary Wallace of the social-welfare department says that "the federal money has been a huge help for us." She points out, as an example, that a day-care program for children enabled mothers to take advantage of educational-training services, and notes that in just one month—last April—mothers of 80 children went off welfare.

WORKER CUTBACK

In Los Angeles County, federal funds are being used in a new system which has led to a drastic reduction of the number of trained social workers on the county payroll.

Under the system, "eligibility workers," rather than trained social workers, take on the job of counseling welfare recipients. A spokesman explained:

"We once assumed that if someone was on welfare, he or she had a social problem that required the services of a highly trained social worker.

"But the more we looked at the problem, the more we realized that the recipient only needed help in learning how to live on a budget or in getting specialized help from some other agency, private or public."

With less training required, "eligibility workers" draw pay considerably below the scale for professional social workers, the county official said.

The system is designed to give the welfare recipient greater responsibility for his own betterment. According to Mr. Hobbs, the State's deputy director of welfare, it is a "first step toward a solution" of the problem of "the breakdown in responsibility" among those on relief rolls.

*New York*

Federal financing is enabling the State of New York to more than double spending on social services this year, compared with last year, without increasing the State's own outlays.

Total spending is 787 million dollars, of which 590 million is in federal funds. The State's share is 197 million.

Federal aid, State officials said, means a massive expansion in family service, mental health, narcotics treatment and other programs aimed at keeping people off welfare.

Barry L. Van Lare, executive deputy commissioner of the State's Department of Social Services, had this comment on the infusion of Government funds:

"In New York, the federal dollars will lead to a continued expansion of services available to the poor."

Some State legislators have been critical because New York appeared to lag in taking advantage of 75 per cent federal reimbursement for social-service spending.

Now that New York is getting the federal funds, Mr. Van Lare remarked that "it appears that federal dollars are merely replacing State dollars which were designed to provide services for the poor." But, he added:

"In effect, what we have is that the State has been prefinancing programs since 1967 which were eligible for Federal funding. What we are dealing with now is the availability of federal funds and procedures for securing funds to allow the Government to provide the level of support it intended in 1967."

TOWARD INDEPENDENCE

This additional comment from Mr. Van Lare:

"There is no doubt that this array of services is vital to our ability to move people off welfare. Each of the programs has a very specific objective aimed at moving people along from total dependency to total independency."

Preliminary estimates are that from two-thirds to three-fourths of the 590 million dollars in federal reimbursement money will benefit New York City, which has more than a million people on welfare.

Jule M. Sugarman, the city's human resources administrator, said the financial transfusion is "absolutely essential." Citing examples of services to be expanded, Mr. Sugarman added:

"In day care for children, we are now providing only 10 to 15 per cent of what we should provide. In treatment for drug addiction, we're providing for about 25 per cent of the number of people who should be included."

*Texas*

A federal windfall of nearly 180 million dollars in social-service payments is allowing Texas to avoid new taxes without cutting back on any of its existing programs.

State welfare officials estimate that about 100 million dollars of the federal money will be used to support services for which the State previously was footing the entire bill. The rest will be used to expand existing programs and start new ones.

The Texas Department of Welfare will spread the money across 11 State agencies. New programs include a 4.1-million-dollar plan to provide day care for 12,432 children of welfare mothers. The mothers are enrolled in job-training programs in 16 cities.

Because the Texas program is just getting started, welfare officials say that it is impossible to judge its effectiveness in reducing relief rolls.

But Jerry Chapman, assistant commissioner of welfare, said that strict federal regulations have forced State agencies to tighten screening procedures "to make sure that they are delivering services to the right people."

*Georgia*

Welfare programs in Georgia have been carefully restructured to take advantage of more federal dollars.

Spending on social services in the year that began July 1 has a "potential total" of 222 million dollars, compared with 42 million in the previous year, officials say.

Herschel Saucier, who directs family-aid programs, explained:

"We don't expect to spend the 222 million this year, but during the last quarter of the fiscal year—next April, May and June—we ought to approach that rate of spending."

Funds going into contract services provided by private agencies have spiraled from about 2 million dollars on June 30, 1971, to approximately 38 million contracted for as of June 30, 1972.

Of this, about 15 million dollars is allotted to day-care centers serving 11,000 children. A year ago, there were only about 1,000 children in such centers.

A "homemakers" project in Atlanta for 100 persons, to cost $58,416.

A $144,000 "tutoring and counseling" contract with the Boys' Club of Macon.

"Test-taking training" for 850 persons, under a $109,533 contract with the Atlanta Urban League.

"Family-life education" provided by a branch of the Young Men's Christian Association in Atlanta. Cost: $475,152.

"Group and vocational counseling" by the Salvation Army in Atlanta for 2,000 persons, $73,134.

The State prison system has a contract for $1,635,360 for its new program of counseling provided to inmates and their families.

The State narcotics-treatment program is to get $71,908 for a computer and $148,490 for a drug-information center.

The Sickle-Cell Foundation of Georgia has a $32,000 contract for "planning and research" directed toward efforts to combat sickle-cell anemia.

Mr. Saucier said that the State does not now have an evaluation of the effectiveness of the various service projects, but is working with the Department of Health, Education and Welfare in Washington to establish a monitoring program.

*Illinois*

Officials in Illinois say they are unable to gauge the effect of the flow of federal funds for social services.

This year, the State expects to get 205 million dollars from Washington to help finance services to the poor. This equals the total of grants received from HEW in the two prior years.

None of the money is going for new services. Instead, it is paying for existing ones

Services range from day care in Chicago public-housing projects to counseling of convicts, help for the mentally ill and advice to people who have trouble managing their budgets.

Are the services reducing the relief load?

Says Bruce Thomas, director of the Illinois Institute for Social Policy, a State agency set up to examine social-service programs:

"No one knows the effectiveness of these programs. It's probably our primary concern right now.

"There's an extraordinary gap in our knowledge."

From Bruce Ferguson, of the Illinois Department of Public Aid:

"If information on which we can make sound judgments isn't forthcoming within six months or so, I'm afraid people will become so fed up that the whole program of federal grants will face cutbacks."

*Michigan*

The State spent 28 million dollars on expansion of social services last year and ex-

pects to receive 21 million in federal reimbursement.

Chief effect of the federal funds, said Joseph La Rosa, assistant deputy director of the Michigan Department of Social Services, was "to expand our base to people not reached before."

Asked if the programs are getting people off welfare, Mr. La Rosa said the question was unanswerable, adding:

"Frankly, one of the weaknesses has been the inability to demonstrate effectiveness of the various programs."

*Ohio*

This State spent 45 million dollars to expand social services last year, of which the Government provided 36 million.

An official commented: "We are so busy just writing up contracts to get the federal money that we haven't had the opportunity to evaluate results of these services."

*Washington*

This State, which spent about 15 million dollars for social services last year, will spend 70 million this year.

Federal funds are being used "for program enrichment, not to raid the U.S. Treasury," said Dean Morgan, deputy director of the Department of Social and Health Services.

But some States are raiding the treasury, Mr. Morgan declared, adding: "So there is a real danger that they may kill the goose that lays the golden egg."

NEW EFFORT: FOOD FOR ELDERLY

At a time when the Government is worrying about the increasing cost of services for poor people, the White House is launching a special effort to get more of this group to accept food at federal expense.

President Nixon's announcement of this program, dubbed "Project FIND," came on August 2.

It is aimed specifically at elderly men and women who are eligible to get food subsidized by the Federal Government but who have not yet signed up to do so.

The Social Security Administration has sent out pamphlets, prepared by the Department of Agriculture, to all people getting old-age benefits or related social-security payments.

Each of the pamphlets explains the food programs that are available and the regulations for making use of them. A postage-free postcard was included, so that people who are interested in the program can request help in applying for foods or food stamps.

At the same time, thousands of volunteers, trained by the American Red Cross, will seek old people throughout the nation who can qualify and who may not be on the Social Security mailing list.

STAMPS OR FREE FOOD

Two types of assistance will be called to their attention by the volunteers:

There is free food distributed through 36 States, the Navajo Nation, Puerto Rico and the Virgin Islands. Included are such things as canned meat, canned vegetables, canned juices, butter, cheese, beans, shortening, dried prunes, peanut butter and some cereals.

Food stamps are the other possibility. These are in use in 47 States and the District of Columbia.

Eligible people can get the stamps free, if their incomes are low enough, or they can buy them at a sliding scale of rates that still enables them to save money in their grocery shopping.

One or both plans operate in all but seven counties in the U.S.

INCOME LIMITS

To be eligible for either food plan, an elderly person must have an income of $178 a month or less and own no more than $1,500 in assets, not counting the value of a home, life insurance policies and personal property. The asset limit for a couple 60 years of age or older is $3,000 on the same basis, and the income limit is $233 a month.

A person living alone pays nothing for food stamps, if his income is less than $200 a month. He get stamps that will entitle him to buy $36 worth of groceries. A couple with an income of $233 would pay $44 for food stamps with a retail buying power of $64.

President Nixon said special steps to reach old people with the food-distribution schemes are necessary because "tens of thousands, or perhaps hundreds of thousands" are "unaware of these and other resources, private and public, which could do so much to improve the quality of their lives."

Food stamps alone are now costing the Federal Government about 1.9 billion dollars a year, eight times as much as they did three years ago.

There was no estimate of how much these costs might increase as a result of the latest effort to reach more of the elderly poor.

## COMMITTEE MEETINGS DURING THE SENATE SESSION TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on the District of Columbia may be authorized to hold hearings today.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Public Works may be authorized to meet during the Senate session today in executive session to continue the consideration of the Foreign Aid Highway Act of 1972.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet in executive session today on routine committee business.

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

## COMMITTEE MEETING DURING THE SENATE SESSION TODAY, TOMORROW, AND FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce be authorized to meet during the session of the Senate today, tomorrow, and, if necessary, on Friday, to consider only those matters of pending business which are either House-passed measures or otherwise crucial.

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

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with amendments:

S. 32. A bill to authorize the National Science Foundation to conduct research, education, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes (Rept. No. 92-1028) (together with supplemental views).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with amendments:

S. 2166. A bill to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes (Rept. No. 92-1029).

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

John E. Hirten, of California, to be an Assistant Secretary of Transportation; and

Kelly E. Taggart, and sundry other persons, for permanent appointment in the National Oceanic and Atmospheric Administration.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ALLEN (for himself and Mr. SPARKMAN):

S. 3896. A bill to provide for the settlement of claims resulting from participation in a Public Health Service study to determine the consequences of untreated syphilis. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 3897. A bill for the relief of Bhuminder Singh. Referred to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 3898. A bill to recognize the fifty years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two Commissions on the Organization of the Executive Branch, and his service as 31st President of the United States, and in commemoration of the one hundredth anniversary of his birth on August 10, 1972, by providing grants to the Hoover Institution on War, Revolution and Peace. Referred to the Committee on Labor and Public Welfare.

By Mr. PELL (for himself, Mr. BROCK, and Mr. ROTH):

S. 3899. A bill to amend chapter 25, title 44, United States Code, to provide for two additional members of the National Historical Publications Commission, and for other purposes. Referred to the Committee on Government Operations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN (for himself and Mr. SPARKMAN):

S. 3896. A bill to provide for the settlement of claims resulting from participation in a Public Health Service study to determine the consequences of untreated syphilis. Referred to the Committee on the Judiciary.

Mr. ALLEN. Mr. President, I introduce on behalf of my distinguished senior colleague (Mr. SPARKMAN) and myself, a bill for appropriate reference to compensate individuals for losses sustained as a result of participation in a continuing experiment conducted by the Public Health Service in Macon County, Ala., beginning in 1932, the purpose of the experiment being to determine the mental and physical consequences of untreated syphilis

on certain individuals. I request unanimous consent that the bill be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ALLEN. Mr. President, I was shocked and dismayed to learn that the U.S. Public Health Service had conducted such an experiment over a period of 40 years, reportedly involving some 400 men infected with syphilis and a control group of 200 uninfected subjects, for the sole purpose of observing and recording the ravages of this crippling and deadly disease in the absence of treatment for it.

It has been reported that at least seven deaths resulted from nontreatment of syphilis in the human subjects of this experiment. At this point, no one can know with certainty the extent of disabilities or deaths causatively connected with a failure to provide available medication and treatment which in the early forties was available and recognized as a specific cure for this potentially deadly disease. In any event, few will question an ethical responsibility on the part of the U.S. Government to compensate individuals or their dependents for deaths, disabilities, loss of earnings, or other costs reasonably attributable to the purposeful withholding of treatment by the Public Health Service. This bill recognizes that responsibility, establishes a legal right to compensation, and provides the administrative machinery for recovery.

Briefly, the bill authorizes the Secretary of Health, Education, and Welfare or his designee to receive, investigate, settle, and pay all claims against the United States based on the death or permanent mental or physical injury resulting from a failure by the Public Health Service to treat the disease of syphilis during the period an individual participated in the experiment. The Secretary or his designee will determine the eligibility of claimants and the amount of compensation to which each may be entitled with maximum recovery for any one claim limited to $25,000.

Mr. President, it is not our purpose or desire to fix blame or responsibility for the tragic consequences of this experiment. Nor do we question the motive of those responsible for this experiment. Yet, I am profoundly disturbed by an assumed power and right in the scientific community to subject human beings to experiments of this nature without full knowledge of the individual subjects involved in such experiments. Human judgments of right and wrong are determined not alone by the motive which may have prompted a particular course of action, but also by the consequences of such an action. Our sole purpose is to do justice by the innocent victims who have suffered adverse consequences from the experiment.

On Tuesday, August 1, 1972, the Evening Star and the Washington Daily News editorially commented on this subject and persuasively speaks on certain aspects of the problem which are not reached by this legislation. However, the editorial accurately reflects my opinion concerning congressional responsibility in this matter and I request unanimous consent that it be printed in the CONGRESSIONAL RECORD.

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

[From the Evening Star and the Washington Daily News, Aug. 1, 1972]

THE CRUEL EXPERIMENT

Let's hope, and insist by all available political means, that there are no more medical experiments like the one that left hundreds of black Alabamans untreated for syphilis. The United States Public Health Service can produce nothing from its 40-year-old Tuskegee Study that could possibly be worth the human cost, or the erosion of faith in the methods of science.

The PHS set out in 1932 to record the ravages of syphilis in some 400 men, with about 200 uninfected subjects to compare with. What might have seemed a valuable medical investigation at the time became academic in the 1940s, when penicillin became available as the cure for the grim disease. Yet, the surviving syphilitics in the study group went untreated and some remain so.

Seven deaths are attributed directly to syphilis, but some others probably should be blamed on the disease and on the failure of the PHS to provide the obvious remedy.

The catastrophe can be traced to a certain arrogance in the scientific community, which likes to employ guinea pigs among us ignorant laymen, and found its willing subjects among Tuskegee's Depression-era blacks. The secrecy of the project is indicated by the recollections of doctors who had been employed to examine some of the syphilis-study objects but were not told why. The continuance of the study until today can be attributed in part to the inertia of a bureaucracy where faces change but lazy ways go on. It is a mystery, however, that no one blew the whistle on this particular outrage until now.

Little can be salvaged from this PHS misdeed, but the government should compensate the survivors and their families. Beyond that, there should be assurance, in the form of legislation, that governmentally and privately sponsored research stay within more humane limits in the future.

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EXHIBIT 1

S. 3896

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress recognizes and assumes the compassionate responsibility of the United States to pay for losses sustained by individuals who participated in a continuing study conducted by the Public Health Service in Macon County, Alabama, beginning in 1932, to determine the medical consequences of untreated syphilis. It is the purpose of this Act to compensate such individuals for losses sustained by them as a result of participating in such study.

SEC. 2. As used in this Act, the term—

(1) "Secretary" means the Secretary of Health, Education, and Welfare; and

(2) "settle" means consider, ascertain, adjust, determine, and dispose of a claim, whether by all or partial allowance or by disallowance.

SEC. 3. The Secretary or his designee is authorized to receive, investigate, settle, and pay all claims against the United States for death or permanent mental or physical injury resulting from participation in the study referred to in the first section of this Act.

SEC. 4. (a) The Secretary is authorized to issue such rules of procedure for the consideration and disposition of claims filed under this Act as he deems appropriate.

(b) Claimants, or their authorized representatives, shall submit their claims in writing to the Secretary, under such rules as he may prescribe pursuant to subsection (a), within six months after the date of the enactment of this Act.

(c) The Secretary shall determine and pay the amount of awards, if any, in the case of each claim within twelve months from the date on which the claim was submitted.

SEC. 5. (a) With respect to claims filed and awards paid pursuant to the provisions of this Act, the Secretary shall determine—

(1) whether losses sustained resulted from a failure by the Public Health Service to treat the disease of syphilis during the period the claimant participated in the study referred to in the first section of this Act;

(2) the amounts to be awarded as compensation for such losses; and

(3) the persons entitled to receive such awards.

(b) Claims for awards based on death shall be submitted only by authorized legal representatives.

(c) No claim for death or permanent mental or physical injuries may be approved by the Secretary in an amount in excess of $25,000.

SEC. 6. (a) The payment to any person of an award pursuant to a claim filed under the provisions of this Act shall be in full settlement and discharge of all claims of such person against the United States resulting from participation in the study referred to in the first section of this Act.

(b) No claim cognizable under the provisions of this Act shall be assigned or transferred, except to the United States.

SEC. 7. The Secretary shall, within two years after the date of the enactment of this Act, transmit to the Congress a report setting forth—

(1) each claim settled by him and paid pursuant to the provisions of this Act, with a brief statement concerning the character and equity of each such claim, the amount claimed, and the amount approved and paid; and

(2) each claim submitted to him in accordance with the provisions of this Act which has not been settled by him, with supporting papers and a statement of his findings of facts and recommendations with respect to each such claim.

SEC. 8. There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this Act.

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By Mr. PELL (for himself, Mr. BROCK, and Mr. ROTH):

S. 3899. A bill to amend chapter 25, title 44, United States Code, to provide for two additional members of the National Historical Publications Commission, and for other purposes. Referred to the Committee on Government Operations.

Mr. PELL. Mr. President, I am introducing today, for myself, Senator BROCK and Senator ROTH, legislation to expand the membership and the funding authorization for the National Historical Publications Commission.

I have had the privilege of serving since 1967 as the Senate member of the Commission. During that time, I have been consistently impressed with the invaluable work done by the Commission, with a very modest budget.

The Commission is charged with responsibility for recommending grants to nonprofit educational institutions for collecting, editing, and publishing documentary source material important to American history.

During the first 7 years of its existence,

actual appropriations for the Commission grant program have averaged $350,000 a year. And during the same period, recipients of grants have made available an average of nearly twice as much—$656,000 a year. The willingness of the private institutions to come forward with substantial matching funds indicates, I believe, the importance with which those institutions view the program, and the wisdom of the Congress in investing in the collection and editing of the irreplaceable documents of our national history.

The Commission now faces, however, two major challenges. First, the costs of collecting, editing, microfilming, and publishing have increased greatly during the past several years while the Commission's budget authorization has remained constant at $500,000.

Second, the Commission is expected to make a major contribution to the observance of the bicentennial by expanding the availability of source documents on the American Revolution and the founding of the Federal Government.

The legislation which I am introducing would enable the Commission to meet these challenges by eliminating the $500,000 authorization limit for the next 5 fiscal years.

The legislation would also expand the Commission membership to include two members of the Organization of American Historians, the largest national organization of historians concerned specifically with the history of the United States.

Mr. President, this legislation is recommended by the Commission, and I understand has the endorsement of the administration. I believe it is an important step in preserving and making more widely available the documentary history of our Nation, especially during the bicentennial era, and I hope that it will be given early and favorable consideration.

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

Mr. BEALL. Mr. President, yesterday I placed in the RECORD the 40 Senators who have joined me in the cosponsorship of S. 325, a bill to provide for a survivor benefits program for our military personnel. I am pleased to ask unanimous consent that the distinguished senior Senator from Alabama (Mr. SPARKMAN) be added as a cosponsor of this legislation.

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

Mr. BEALL. Mr. President, now that the Armed Services' Special Subcommittee on Survivors Benefits has completed its hearings I certainly urge the subcommittee to begin its executive deliberations so that the bill may be recommended to the full committee and ultimately the Senate in the near future.

S. 2516

At the request of Mr. TOWER, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 2516, a bill to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis.

S. 3759

At the request of Mr. JAVITS, the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 3759, to provide for the humane care, treatment, rehabilitation, 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.

S. 3841

At the request of Mr. HANSEN, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of S. 3841, to amend the Internal Revenue Code of 1954 to provide for an estate tax charitable deduction in the case of certain charitable remainder trusts.

S. 3852

At the request of Mr. CRANSTON, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 3852, a bill to amend the Railroad Retirement Act to provide a 20-percent increase in annuities.

SENATE JOINT RESOLUTION 226

At the request of Mr. PERCY, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of Senate Joint Resolution 226, to authorize the President to designate the period from September 17, 1972, through September 23, 1972, as "National Bank-Women's Week."

## ENROLLED BILLS SIGNED

The President pro tempore today, August 9, 1972, signed the following enrolled bills, which had previousy been signed by the Speaker of the House of Representatives:

S. 2499. An act to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. frigate *Constellation*; and

S. 3645. An act to further amend the U.S. Information and Educational Exchange Act of 1948.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, August 9, 1972, he presented to the President of the United States the following enrolled bills:

S. 2499. An act to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. frigate *Constellation*; and

S. 3645. An act to further amend the U.S. Information and Educational Exchange Act of 1948.

## AMENDMENT OF JOINT RESOLUTION ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION—AMENDMENTS

AMENDMENTS NOS. 1422 THROUGH 1424 AND 1427

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY submitted four amendments, intended to be proposed by him, to the bill (S. 3307) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

## ESTABLISHMENT OF A SELECT COMMITTEE TO STUDY QUESTIONS RELATED TO SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS—AMENDMENT

AMENDMENT NO. 1425

(Ordered to be printed and to lie on the table.)

Mr. JAVITS (for himself, Mr. ERVIN, and Mr. PERCY) submitted an amendment, intended to be proposed by them, jointly, to Senate Resolution 299, to establish a select committee to study questions related to secret and confidential Government documents.

## RAISING OF NEEDED REVENUES BY REFORMING CERTAIN TAXES—AMENDMENT

AMENDMENT NO. 1426

(Ordered to be printed and referred to the Committee on Finance.)

Mr. NELSON. Mr. President, one of the sections of S. 3378, which I introduced on March 21 along with Senators HART, KENNEDY, MONDALE, CHURCH, EAGLETON, HARRIS, HUGHES, HUMPHREY, MCGOVERN, METCALF, and TUNNEY, provides that a charitable bequest will be deductible for estate tax purposes only if it is to be used predominately within the United States or its possessions. This provision was put into the bill as a result of a drafting error. It was not the intention of the sponsors of this bill to discourage contributions to philanthropic organizations abroad.

We all recognize that there are hundreds of charitable operations in countries all over the world—both religious and nonreligious—which have been widely supported by American contributors for many years. These involve a wide range of causes, such as helping homeless children, providing relief to victims of natural disasters and many other meritorious activities.

S. 3378 is an extremely complicated bill, running to 85 pages and containing 55 sections and over a hundred major changes in the tax laws. Along with the other cosponsors, I was not aware of the drafting error in question when S. 3378 was introduced.

Therefore, on behalf of Senators MCGOVERN, HUGHES, and myself, I am submitting an amendment to S. 3378 which would delete this section from the bill.

## ADDITIONAL STATEMENTS

### THE HATCH ACT—TOO AMBIGUOUS

Mr. MOSS. Mr. President, it is an accepted fact today that many Federal employees avoid even the most basic participation in the democratic process for fear of sanction. Some go so far as to conceal their political preferences even in private circumstances.

Their apprehension is understandable. For more than 30 years Government workers had had to lean over backwards to avoid violating an ambiguous piece of legislation known as the Hatch Act. Drawn up in the later days of the New Deal as a means of protecting Federal officials from political coercion, this statute has had the net effect of restricting their freedom altogether. Today, many are afraid to do anything more than vote for fear of prosecution under the act.

Last Sunday, the New York Times contained an interesting article which pointed out some of the many ambiguities which continue to surround enforcement of the Hatch Act. As the Senate reviews various proposals for reforming this statute, I believe a thorough public discussion of the issues involved here is essential.

We must define those activities which a Federal employee might safely pursue without prejudicing his official position and move to guard his right to pursue these activities.

I ask unanimous consent that the Times article, written by Robert M. Smith, be printed in the RECORD.

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

[From the New York Times, Aug. 6, 1972]

HATCH ACT: JUST WHAT DOES IT PROHIBIT?

(By Robert M. Smith)

WASHINGTON.—Can an employe of the Federal Government make a speech at a rally held by a political party? Can he participate in voter registration drives? Can he put a political sticker on his car? Can he become actively involved in such local issues as civil rights and taxes?

The answer under the Hatch Act, the Federal statute governing civil servants' behavior in political matters, is no to the first two questions and yes to the second pair. But there is widespread confusion on the matter, and when 1,000 Federal employes were surveyed in 1967 about the permissibility of 10 activities—including the ones above—only about one person in three understood what he could or could not do in six or more of the situations stipulated.

It is partly for this reason—vagueness—that a three-judge panel of the Federal district court for the District of Columbia last week declared the Hatch Act unconstitutional. "The defect," Judge Gerhard A. Gesell declared for the court, "lies not in the basic underlying purpose to limit certain partisan political activities by Federal employees but rather in its drafting. . . . No one can read the act and ascertain what it prohibits."

The court also held that the act was too broad. Judge Gesell wrote: "Restrictions may not be achieved by means which sweep unnecessarily broadly into First Amendment areas" of free speech and association. "Ours is not a form of government," he remarked, "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.'"

The immediate practical effect of the court's decision was left in doubt. On the one hand, the court enjoined the Civil Commission from enforcing the Hatch Act; on the other hand, it stayed the injunction until the United States Supreme Court could rule on an expected government appeal.

At week's end, the Civil Service Commission had made it known that—until the Supreme Court speaks—it will enforce the act. There appeared to be little doubt that the Government would appeal: The act is 33 years old, it was upheld by the Supreme Court in 1947, it affects millions of people, one of the three Washington judges dissented, and some Congressmen might be very unhappy if there were no appeal.

The act—its official name is "An Act to Prevent Pernicious Political Activities"—had a dual purpose: to give the country an efficient and neutral civil service based on the merit system rather than political patronage and to protect civil servants from being bludgeoned into unwanted or improper activity.

The means the act chose, in the words of Thomas C. Matthews Jr., the lawyer who argued the case against it, was "to set up a broad prophylactic screen against potential abuse." It tells an estimated three million employes that "no officer or employe in the executive branch of the Federal Government . . . shall take any active part in political management or political campaigns." (By an extension based on the use of federal funds, it tells about three million state employes the same thing.)

Mr. Matthews, a volunteer lawyer for the American Civil Liberties Union, likened the prohibition to a gate at a national park. "Rather than letting people in and telling them what they could not do," he explained, "the act just tells them they can't go in at all."

What Mr. Matthews and a good many others would like to see is a narrower statute allowing voluntary partisan activity, but outlawing such practices as intimidation and coercion. Above all it would explain clearly to Government workers what they may and may not do.

Two measures have been introduced on Capitol Hill to change the law. One sponsored by Senator Gale W. McGee, Democrat of Wyoming and chairman of the Post Office and Civil Sevice Committee, would allow most activities except running for political office. The other, sponsored by Senator Frank Moss, Democrat of Utah, would allow a civil servant to run for local political office but would not allow him to serve as campaign manager for a candidate seeking state or national office. Neither has been acted on by the committee.

In the end, the effect of a narrower Hatch Act, or of no act, on partisan politics is foggy. The 1967 survey asked Government employes: "If federal workers were allowed to do more things in politics, what differences would this make in your own political activities away from work?" Only eight per cent of the civil servants interviewed said they would be considerably more active. Sixty per cent said their political activities would stay about the same.

### BOMBING OF RED RIVER DIKES IN NORTH VIETNAM

Mr. GOLDWATER. Mr. President, I take strong issue with the contention of Senators KENNEDY and TUNNEY and other Senators who insist that the United States is embarking on a policy of deliberate bombing of the Red River dike system in North Vietnam. I should like right at the beginning to label this whole attempt to smear the Nixon administration and the U.S. Government as a deliberate propaganda drive designed by Hanoi and carried out by her friends including Jane Fonda, Ramsey Clark, and other pro-North Vietnam dupes in this country.

Mr. President, I believe this whole attempt to convince the American people that their Government is deliberately embarked upon a "scorched earth" attempt to murder civilian noncombatants in Indochina is one of the most insidious efforts ever devised by the Communists in Southeast Asia.

Mr. President, when the whole truth is known about the dike damage in North Vietnam and how it came about and what is being done to correct it, it takes on an aspect as sinister as the tales which were once woven about that epitome of oriental evil—Dr. Fu Manchu.

Mr. President, there is even reason to believe that the Communists have deliberately risked the lives of millions of their own people in an effort to discredit the U.S. conduct of the war which Mr. Nixon inherited from President Kennedy and Johnson. Let me explain:

For many centuries, the people of North Vietnam have lived in a posture of constant defense against the raging Red River which winds through their country. Since time immemorial, any damage to the elaborate, 3,000-mile dike system in North Vietnam brought immediate repair efforts. At times as many as 300,000 men, women, and children were pressed into service to repair primary and secondary dikes which protect the civilian population of North Vietnam.

But this year something different has been happening, and this can be proved by aerial reconnaissance photographs taken of North Vietnam since the devastating flood season of 1971.

To understand the propaganda campaign now being waged by Hanoi with the help of anti-Nixon figures in this country, it should be known that every year August and September bring a flood season to North Vietnam which is always damaging and often ruinous. The flood season last year was one of the worst in the long history of the Red River Valley. Torrential rains last year damaged hundreds of dikes and weakened many others. Although the flooding in 1971 was more severe than usual, it was not impossible to remedy. But this time the Hanoi government spent its time and its manpower mounting an offensive against the South Vietnamese below the DMZ rather than looking to their defenses against the raging Red River.

Indeed, until only several weeks ago, Hanoi had made no move to mount its annual effort to mobilize the population for a general dike repair operation. Photographs taken of the dikes and the damage done to the dike system as a result of the 1971 floods and as a result of some American bombs but more Communist bombs, show that the repair effort is the latest ever recorded by U.S. photographic planes, beginning at least 2 months later than the usual time for repairs aimed at protecting the dike system against the rainy season just ahead.

All of which, Mr. President, brings me to the point of my remarks, and that is that North Vietnam expects another devastating flood season in August and September of this year, and they are

making every effort to place the blame for any loss of life that occurs squarely on the shoulders of the U.S. Air Force.

That is what all the fuss is about, and believe me it is an especially filthy chapter in the waging of propaganda warfare. You actually have a government which is making feeble and belated attempts to protect its civilian population from a known danger in the hope that their military enemy can be blamed for a callous slaughter of defenseless civilians.

Mr. President I reject completely the contentions of Hanoi, Jane Fonda, Ramsey Clark, and Senator KENNEDY that the United States is deliberately attempting to destroy the dike system of North Vietnam.

In his remarks of August 4, Senator KENNEDY remarked:

> We see today only a pale shadow of the truth.

I have to agree with my colleague from Massachusetts on this point and credit him with playing a major role in the deception. In his remarks, Senator Kennedy said:

> Observers speak in terms of tens of millions of bomb craters in Indo-China and liken parts of North Vietnam to the lunar landscape in describing the devastation we have caused.

Senator KENNEDY does not identify the observers he quotes, but I believe it is a fair assumption that they have a deep sympathy for Communist causes and a direct interest in smearing the U.S. Military Establishment.

There are more responsible reports on bomb craters in North Vietnam. One of them was released by the State Department in an unusual move and showed aerial reconnaissance photos to support its assertion that only a dozen bomb craters on the dikes have been caused by U.S. action. It said even the largest of these could be repaired in a day by a crew of less than 50 men with wheelbarrows and hand tools.

American officials have explained that dikes are as integral a part of North Vietnam as highways are in other countries. They point out that placing an absolute quarantine on hitting dikes from American airmen would be like telling kids to stay off the sand while they are at the beach. And because of the prevalence of dikes in all parts of North Vietnam, ranging from primary 50-foot high dikes to channel the Red River into the Gulf of Tonkin to tertiary dike channels which distribute water from the larger dams to North Vietnamese farmers, the tops of some have necessarily had to be used by the Communists for antiaircraft guns, missile implacements, pumping stations for oil pipelines, and storage areas for surface-to-air missiles. Many dikes also are topped by roads along which trucks move with military equipment. Thus it is that some of the dikes, by reason of the use they are being put to to facilitate the killing of American men, are legitimate targets in the aerial bombardment.

Mr. President, I believe we all know that journalists, movie actresses, and left wing spokesmen from this country are given guided tours of the damaged dikes in the Hanoi area whenever they visit the enemy capital. They are told, of course, that all the bomb craters are a result of deliberate U.S. bombing of the water protection system. In fact, any damaged dike is described as a casualty of American inhumanity, whether that damage resulted from a misdirected aerial bomb or from the devastating flood waters which swept over that country in 1971.

There is another factor, however, especially where crater damage is involved in the Hanoi and Haiphong areas. And that factor involves crater damage from Communist, rather than American bombs. The highly authoritative and respected magazine Aviation Week raises a very important point in this regard. Editor-in-Chief Robert Hotz points out that surface-to-air missiles supplied to North Vietnam by the Soviet Union carry 420-pound high explosive warheads. He further points out that when these missiles are fired at American planes and fail to hit their targets, they fall back on the dam system and explode there. The magazine estimated that since April, more than 2,000 surface-to-air missiles have been fired in North Vietnam and only a handful of those exploded near U.S. planes. Crater damage around Hanoi and Haiphong from the SAM missiles "must be enormous" Aviation Week observes.

So, Mr. President, the question presents itself of how American observers can tell SAM craters caused by the Communists from bomb craters caused by American raids. The answer is that there is no way. And this fact alone "gives the lie" to the statements by people like Jane Fonda and Ramsey Clark, and it is important for the American people to understand this.

In conclusion, Mr. President, let me reiterate that the whole furor over American bombing of the Red River dikes is nothing but an effort by Hanoi to let this year's floods come and do their worst while they and their friends blame the United States—in advance—for any disaster that might occur involving the wholesale death of North Vietnamese civilians.

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## AFRICAN LIBERATION MOVEMENTS

Mr. McGEE. Mr. President, this morning's Washington Post contains a book review by journalist Bruce Oudes. The book is entitled "African Liberation Movements: Contemporary Struggles Against White Minority Rule." It was written by black journalist Richard Gibson.

I have had the occasion to discuss issues with Mr. Oudes as they relate to Africa. I find his perceptions very extraordinary as they relate to Africa and, therefore, I feel there is no better qualified individual to accurately assess writings of this nature than Mr. Oudes.

I would urge Senators to peruse Mr. Oudes' review of this book and suggest that it would be worthwhile for all of us to obtain copies of Mr. Gibson's journalistic efforts. Our relations with sub-Sahara Africa have been marked by neglect, apathy, and a lack of knowledge of, and concern for, the aspirations of these nations.

I ask unanimous consent that the book review be printed in the RECORD.

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

AFRICA: A JUST REBELLION

(Reviewed by Bruce Oudes)

It doesn't take long to get an idea of where, in the current idiom, Richard Gibson has his head. Before the introduction he quotes Thucydides: "I began my history at the very outbreak of the war in the belief that it was going to be a great war. . . ."

Gibson is a partisan; he's also a black American, a journalist, and an expatriate of the Paris-in-the-1950s generation. Each of these factors has had a bearing on what he has produced: the first volume ever written by a black American that is wholly dedicated to all the southern Africa race conflicts.

It is an important and controversial book, one that should be widely read and discussed in black studies courses around the country. However, it is doubtful that the movers and shakers of American foreign policy at this stage will give it anything like the attention it unquestionably is getting in the governing circles in Portugal, South Africa, and Southern Rhodesia.

The Nixon administration will see it as merely confirming "The Myth of the Guerrilla," J. Bowyer Bell's button-down and seersucker post-mortem on liberation movements. To understand its implications for the future of U.S. foreign policy and the not-unrelated question of the climate of domestic opinion would require a good deal more sensitivity to black nationalism's foreign policy than the White House seems willing to offer.

In brief, Gibson does an unprecedented hatchet job on the black African exile organizations, which generally have done more fighting among themselves than against the white minority regimes. He does it, however, with the object of cleaning house, puting an end to the petty bickering in order to organize for the long-term struggle.

He believes that white repression leaves the blacks no choice but violence in southern Africa. He qualifies this only by adding that black Africans who are espousing nonviolence are doing so out of "tactical necessity rather than a deeply held commitment."

To the extent that journalism and scholarship must be uncommitted, Gibson's effort has serious, unquestionable faults. To the extent that a partisan is not supposed to tell tales, Gibson is not a good revolutionary. He is somewhere in between, trying to define for himself that anomaly known as the "black American journalist."

If it is possible to be both hard-nosed and leaning toward the Maoist view of the Sino-Soviet conflict, Gibson turns out to be just that. He is particuarly disenchanted with the Soviets for what he sees as their half-hearted help for the liberation cause. Rather than in helping to hasten the day of African victory, he believes they wish to see the conflict prolonged as an embarrassment to the West.

It would be much easier for critics to dismiss "African Liberation Movements" as just another bit of prattle from the Afro-kooks if Gibson didn't have such impeccable backing as London's prestigious Institute of Race Relations. He draws on a wide variety of written sources to back his description and analysis of the intra-African warfare. It is, of course, difficult to comment on the accuracy of some of the dirty linen he exposes. However, his airing of it will force those who feel themselves unfairly maligned to attempt to set the record straight. Then at least there will be a record rather more complete than the fragments now available to the general reader.

Gibson's interest in the subject of African revolution apparently dates from the late

'50s and early '60s when, among other things, he worked for CBS News in New York, attended Columbia University on a CBS fellowship, and serve a stint in Algiers as editor of "Revolution Africaine." Now he lives in London and writes for Tuesday Magazine and Negro Press International.

Such credentials would seem evidence that, while pro-revolution, he is by no means entirely anti-West. He is not writing only for black people or Communists; he appears to be sending the white West a message: In his conclusion he cites a British church organization that concluded an analysis of southern Africa a couple of years ago by saying, "There can be a just rebellion as well as a just war and we cannot sincerely withheld support from those who have decided to face the certain suffering involved in such rebellion."

The Democratic Party's platform committee recently rejected a proposal by Rep. Charles Diggs along virtually identical lines, one that would have the United States recognize the right of blacks in Africa to gain liberation "by whatever means necessary." Diggs, Gibson, and others are slowly forcing on a reluctant white community a discussion of their responsibility for continuing white rule over black majorities in Africa.

Gibson isn't bothering with a parlor debate on these questions. His priorities are clear.

## PUBLIC DISCLOSURE BILL

Mr. CASE. Mr. President, I am delighted to learn that the Subcommittee on Privileges and Elections chaired by Senator CANNON of Nevada has reported to the full Rules Committee a slightly modified version of S. 343, a bill to require public disclosure of income and financial activities of top officials in all three branches of Government.

It was in 1958 that I first introduced this bill. Each Congress since then I have reintroduced it with a growing number of cosponsors including the majority and minority leaders of the Senate.

In the last session a hearing on this bill was held by the subcommittee at which I was glad to testify along with Senator SPONG, who has taken a lively interest in the whole matter.

It is my hope that the full committee will act to report the bill to the Senate before our recess begins.

At a time when the executive branch is vigorously seeking to root out corruption in public office, I can think of no more salutory action than passage of our bill. It would do more, as the short title states, "to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States" than any other single action we could take.

Specifically, the bill would apply to all persons earning $15,000 or more in the legislative, executive, and judicial branches of Government. Each employee would have to report, on behalf of him and his spouse, the amount and source of each item of income—including gifts exceeding $100 in value—the value of each asset and the amount of each liability in excess of $1,000, any transactions in securities and commodities if the amount exceeds $1,000 and any real estate transactions other than the purchase or sale of his personal residence which exceed $1,000.

Reports would be filed annually with the General Accounting Office and, most important of all, be open to public inspection.

## NEED TO COMBAT GYPSY MOTH THREAT

Mr. ALLEN. Mr. President, the Committee on Agricutlure and Forestry on June 7 reported H.R. 10729, a bill designed to protect man and the environment. One provision of the bill was designed to encourage research into new and safer methods of controlling pests by insuring the researcher of the exclusive rights to the fruits of his research. It would not give him a monopoly. Anyone else could perform the same experiments or upon payment of an agreed price, could use his test data.

The whole purpose of the provision is to encourage the work that has to be done to protect our environment. The Committee on Commerce has reported an amendment to strike this provision from the bill. The adoption of the amendment of the Committee on Commerce would be a great mistake.

The Wall Street Journal yesterday published a graphic description of the terrible depredation the gypsy moth is inflicting on this country. I think we all ought to agree that if anyone could come up with a solution to this problem, he ought to be not only well paid for his work, but also ought to receive the gratitude of everyone who faces the danger of an environmental infested with the gypsy moth.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Wall Street Journal, Aug. 8, 1972]

INSECT EXPANDS ITS AREA IN UNITED STATES, DEFIES ATTEMPTS AT BIOLOGICAL CURBS, MAY EAT INTO STATE ECONOMIES

(By Burt Schorr)

BLUE MOUNTAIN, PA.—The calendar and the thermometer read August, but December appears to rule this finger of the Appalachians.

The red, black and scarlet oaks, the chestnut and white oaks, the aspen and black birch, even the ground-hugging huckelberry are only winter skeletons. Except for a dragonfly or two, no insect is in evidence. Missing, too, are the flash of forest birds and the scuttle of chipmunks and squirrels.

Everywhere, though, is the August sun, burning what ordinarily would be the dark, cool interior of thick woods—52,000 defoliated acres in all, stretching away on all sides from the Port Clinton fire tower here. Looking out over the desolation, State Forester Nevin Slusher observes, "Everything on the forest floor—the leaves and dead limbs—is fuel. A day or two in the sun, and it's ready to burn."

This is ecological havoc on an awesome scale, and its cause isn't a mystery. The stripper of Blue Mountain's greenery is the blue-and-red-dotted caterpillar of the gypsy moth, which has been chewing on foilage in Northeastern states for over a century. Yet the presence of the swarming larvae here on the northern edge of Pennsylvania Dutch Country is a troublesome portent to foresters and etomologists.

In 1869 a few adult moths escaped from an amateur French naturalist who had imported them from Europe in the hope of establishing a new strain of silkworm in North America. Since then, the caterpillar mostly has been confined to New England and eastern New York. Its repeated defoliation of trees—chiefly oaks whose leaves are preferred—altered forest composition in those states over the decades but had little economic impact.

EXPANSION OF TERRITORY

But now heavy moth infestations in New Jersey and Pennsylvania indicate that the insect rapidly is expanding its territory in a southwesterly direction (though wet conditions this year apparently slowed the advance). Directly in the path of the breakout: more than 100 million acres of predominantly oak forests growing along Appalachian ridges like this one. Many foresters believe that trees in the threatened region, which stretches from western Pennsylvania to Georgia, are especially vulnerable to death from defoilation because they are growing in poor, relatively dry soils. Barring unexpectedly quick success in finding ways to control the gypsy moth biologically—efforts to do so chemically on a wide scale have been abandoned as fruitless—tree losses in the affected areas could run as high as 80%, foresters estimate.

"That whole region from Pennsylvania to Georgia looks like one big gypsy-moth garden to me," says Robert Campbell, an ecologist at Hamden, Conn. Mr. Campbell heads a federal team seeking to develop the first computer model able to pinpoint where the caterpillars are most likely to turn up next.

Lack of solid intelligence on the moth's movements is only one of numerous knowledge gaps that students of the insect are attempting to span. Current research also is directed at finding additional gypsy-moth parasites able to establish themselves in vulnerable areas; it is also aimed at increasing the efficiency of a bacterial spray that is fatal to the caterpillars.

PROBLEMS OF FUNDING

At present levels of state and federal funding, though, progress in biological control promises to be slow. New Jersey, the most advanced state in seeking gypsy-moth parasites, currently counts only seven species of wasps and flies and one predacious beetle on the job within its borders—and in numbers too few to check exploding caterpillar populations.

One of New Jersey's marauders is the pinhead-size wasp Ooencyrtus kuwanae, which injects its eggs into the eggs of the gypsy moth, killing the unborn larvae. Unfortunately, Ooencyrtus doesn't have an egg depositor long enough to reach beyond the outer layers of the moth-egg cluster.

If Ooencyrtus was only a partial success, Exorista segregata seems to have been an outright failure. Exorista is a fly native to Spain that slays caterpillars by depositing its eggs inside them. For five years New Jersey has propagated Exorista by the tens of thousands; now it has stopped, because the parasite has apparently failed to take hold.

Meanwhile, the gypsy moth is clearly on the march. In the Northeast, this year's affected area will at least equal the record 1.9 million acres totally or partly stripped in 1971, Forest Service experts estimate. As recently as 1968, only 80,000 acres were being chewed by the gypsy larvae. Here in Pennsylvania, where the caterpillars have been knifing steadily westward from the New Jersey border, state officials believe that some 500,000 acres suffered heavy defoliation this year compared with a mere 60 acres four years ago.

In 1958, after 3.5 million acres were sprayed with DDT from the air in a federal-state push to "eradicate" the moth, defoliation shriveled to a scant 125 acres. But the spraying set off

an environmental furor, and the chemical was abandoned as a weapon against caterpillars. During the 1960s, with DDT phased out of control programs, the area ravaged by the caterpillars doubled and doubled and doubled again; simultaneously, the moth began moving south and west at the fastest rate since 1920.

Carbaryl (sold under the trade name of Sevin by Union Carbide Corp., the sole U.S. maker) has been used to protect trees in populated and recreation areas. But wider-scale use of any insecticide would be futile, experts now agree. The Pennsylvania Department of Environmental Resources, for example, cities the high cost involved, the "erratic control" yielded by some replacements for DDT and the harm done to natural enemies of the moth in any indiscriminate spraying.

RIDING THE RAILS

One particularly hard-hit locality this year was Jackson Township, N.J., where large numbers of yard trees and some 10,000 acres of woodlands were stripped. Local lawns, terraces and swimming pools swarmed with caterpillars—which bristle with hair and can reach 2½ inches in length—and there came a steady rain of caterpillar wastes from the trees. One resident found thousands of caterpillars crawling in his attic, and rails slick with migrating caterpillars even immobilized a freight train temporarily.

"This is like living in a horror movie. My sons are even having nightmares about the worms (caterpillars)," Mrs. Raymond H. Marine, a Jackson Township housewife, wrote the local newspaper. Mr. Marine, blinded in World War II, couldn't touch the grass or a bush "without coming up with a handful of worms," she continued. Moreover, nearly every leaf on the 2¼-acre Marine lot—including those on holly trees, ornamentals and rosebushes—was consumed.

It is true that vigorous trees and shrubs do leaf out again once the caterpillars stop eating and transform themselves into the dark-brown pupal stage. Nearly always, too, population buildup during the second successive year of heavy defoliation causes the caterpillars to die in massive numbers from starvation and disease. Here on Blue Mountain, nearly all the stripped trees have put out a second canopy of new—if somewhat smaller—leaves. Heavy rainfall has helped the regrowth and also fostered spread of the wilt disease, a caterpillar virus that left piles of dead larvae heaped on the ground.

The flush of new greenery can conceal a tree's weakened condition, however. "After two years of defoliation, food reserves in the tree may become critical," says James O. Nichols, forest pest-control supervisor for the Pennsylvania Environmental Agency. At that stage, oaks are an easy prey for the chestnut borer. By constructing tunnels beneath the bark, the borer stops the flow of nutrients and water, which can kill a tree in one summer.

One ridge-top tract under study in Passiac County, N.J., was heavily defoliated in 1968 and 1969. By 1971, about 80% of the white oaks (which make up about 9% of the tract's total trees) were dead and another 17% in poor shape. Of the chestnut oaks (40% of the stand), three-fifths were dead and more than a fourth in poor condition. Although they fared a bit better, 57% of 77% of the red, scarlet and black oaks and eastern hemlocks also had died or declined seriously. Many of the affected trees were among the oldest and largest on the tract.

EATING INTO THE ECONOMY

All this is especially bad news for states like Virginia, West Virginia and North Carolina, where forests play big roles in the economy. Hardwood cutters there are faced with loss of income, while pulp and paper mills, furniture makers and other forest-supplied enterprises expect higher raw-material costs. Revenue from tourists and sportsmen also are likely to decline; a mountainside of dead oaks would entice few scenery buffs and produce few acorns for deer.

The moths are taking far bigger cross-country leaps on campers, trailers, mobile homes and other vehicles that they usually board as caterpillars.

Brown-winged adult males have turned up during the past three summers as far west as Alabama and Wisconsin in traps baited with disparlure, a synthetic version of the sex attractant generated by the nonflying, white-winged females. This spring, newly hatched caterpillars and buff-colored egg masses turned up in a Missouri mobile-home park; state and federal investigators traced them to a mobile home from Connecticut.

The Agriculture Department has established a quarantine of sorts against the pest. It covers the movement of nursery stock, timber, lumber, quarry products and mobile homes from infested to noninfested areas. Trailers and campers are exempted, though, and 30 agriculture inspectors assigned to spot-checking such vehicles at major highway rest stops in the Northeast this summer have been turning up the insect about 5% of the time.

The department reckons that the odds are only one in 20 that a hitchhiking female will lure a male to fertilize her eggs and that hatched larvae will find favored trees to feed on, rather than resistant species like the ash, butternut, tulip-poplar and most maples.

But Thomas McIntyre, coordinator of Agriculture's moth-control efforts, says that the few females that do mate will then produce 800 to 1,000 eggs each. He isn't too optimistic either about natural barriers to the moth's progress. Based on the gypsy moth's range from Northern Europe to North Africa, he says that "there is no reason this insect can't survive in every state of the U.S."

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## HOW MANY TUSKEGEES? HUMAN EXPERIMENTATION ABUSE MUST BE STOPPED

Mr. HUMPHREY. Mr. President, Tuskegee, Alabama., has been put on the map because of an opproborious, 40-year syphilis experiment involving several hundred black patients.

For decades after the establishment of penicillin as a recognized medical treatment for venereal disease, such treatment was denied these patients by the Public Health Service and the prestigious foundations conducting the study.

How many Tuskegees are there?

And how ironic that Tuskegee should achieve notoriety as the site of this inhuman study, rather than gain its proper recognition as an important seat of learning for blacks.

The eminent Dr. George Washington Carver conducted some of his most important scientific research at Tuskegee University. How ironic that elsewhere in Tuskegee and in Macon County the Public Health Service was conducting "human experimentation."

Since the recent disclosure of the experiment, other abuses in the area of human experimentation have been brought to the attention of Congress. I have just become aware of a tragic death due to experiments with carbon dioxide treatments for drug and alcohol addicts. Though the death occurred last February, a medical evaluation is just now getting underway.

We must put a stop to abuses in human experimentation.

We must devise a mechanism for the regulation of such experimentation. The taxpayers of our Nation should not be required to pay the bills for such deplorable studies.

We can no longer rely upon press disclosure or well-publicized deaths as a result of experimentation, to bring the abuses to light.

Today, the Washington Star, in an article written by Jean Heller, has disclosed that questions had been raised regarding the Tuskegee study in 1966, but that the decision to continue the study, without treating the participants for syphilis, was apparently not forthcoming until 1969.

Six hundred men were involved in this experiment. None of the participants knew the nature of the study or had given his consent to participate.

Now we learn that the Tuskegee participants might have received treatment, but may have been coerced into avoiding treatment by the lure of the $50 cash payment and burial expenses.

I ask unanimous consent that the article be printed in the RECORD.

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

SYPHILIS STUDY REORDERED AFTER INQUIRY ON MORTALITY

(By Jean Heller)

Six years ago an employe of the U.S. Public Health Service questioned the morality of a federal syphilis study in Alabama. The result was an internal inquiry and an official decision to take no action.

Peter Buxtum, who worked in the veneral disease branch at San Francisco, said he raised the issue in 1966. In 1969 he was told nothing could be done for the participants in the Tuskegee Study, a 40-year experiment conducted in Macon County, Ala., to determine the effects of untreated syphilis.

Four hundred black men with the disease in 1932 were enrolled in the experiment and never received any treatment for the disease itself. At least seven died as a direct result of untreated syphilis and the figure could be higher.

DOCTOR FOILED

A government doctor said yesterday he was instructed not to treat the men involved, and when he insisted on treating them, the men disappeared.

Dr. Reginald G. James said he believes the men were being told not to take the syphilis treatment.

OPPOSITE STORY

"At that time certain benefits were proffered the patients such as treatment for other ailments, payment of burial expenses and a $50 cash benefit," he said. "To receive these benefits, the patient had to remain in the study." They were told that if they took treatment they would be dropped, he said.

James directly contradicted a former Public Health Service doctor who played a key role in administering the Tuskegee Study. Dr. John R. Heller said in an interview 10 days ago that the PHS did not intend that men involved in the experiment be deliberately denied treatment.

And, he added, it was his impression that all of the study's participants had received treatment from private doctors and Tuskegee-area clinics.

"Naturally, you'd rather have the study population untreated," Heller said, "but there was no covert attempt to keep these people untreated."

Even after World War II, when penicillin was known to cure syphilis and the drug was readily available, it was denied to participants in the experiment.

And that fact first started Peter asking questions. Buxtun has since left the PHS and recently graduated from law school. He

gave copies of letters he wrote to PHS Center for Disease Control in Atlanta and its responses to The Associated Press.

KEPT IGNORANT

"It seemed to me that the ———formed about what they had volunteered for and what exactly was going to be happening to them," Buxtun said of the participants in the study. "Nobody was apparently concerned with moral or legal issues involved."

In 1967, Buxtun said, CDC flew him to Atlanta where he met with four PHS people, including Dr. William Brown, then in charge of the venereal-disease branch at CDC.

Buxtun said: "They began thinking in terms of a review of the study. In 1969, the decision was made not to treat any of the participants" because of their age.

Because massive penicillin therapy, the treatment for syphilis, can cause serious side-effects and because it was believed the syphilitic condition of the survivors of the Tuskegee Study was dormant, there would be no treatment, Brown said in a letter to Buxtun.

Buxtun said that after he received Brown's report on the review, he wrote again.

"I asked if any thought had been given to compensating families of people who died in the experiment," he said. "I received no answer to that letter."

## THE MALAISE THAT HAS DAMPED THE AMERICAN SPIRIT

Mr. MATHIAS. Mr. President, a number of quotations have been engraved on the walls of the Capitol and other Government buildings in Washington. Some of them are worthy to be remembered.

But nowhere have I seen Wordsworth's well known reminder that—

The world is too much with us, late and soon.

I do not have the authority to inscribe them on any wall, but I can and do quote them in the RECORD at this point. I think we should reflect on them and undoubtedly, but improbably, should react to them. In Congress as in the other branches of Government and in much of our professional and commercial life we are so occupied in swabbing the decks, chipping paint, and polishing bright work that no one has the time to plot the course. Our preoccupation with the daily grubbing of our lives at the expense of fresh visions of the horizons ahead is a self-perpetuating condition. The busier we get, the less time we have to think about what we are doing.

Fortunately, our society has not totally overlooked the need for some contemplative view of human affairs. One of the men in America who helps to fulfill that need is James Reston. In the New York Times of August 6, 1972, Mr. Reston has probed for the nature of the malaise that has damped the American spirit. It is a speculation that requires much more wisdom and perception than the mere identification of symptoms.

It is a speculation not beneath the dignity of the Senate or of any officer or institution of government. It may, in fact, be the most pressing business of the Senate and the Nation.

I ask unanimous consent that Mr. Reston's article be printed in the RECORD.

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

A NATION OF STRANGERS

(By James Reston)

FIERY RUN, VA., August 5.—In this lovely hilly corner of Virginia most of the old eighteenth- and nineteenth-century houses have changed hands since the last war, some of them several times, and there has been a steady migration, which illustrates a much larger national problem.

Many of the young blacks from the Little Africa community on Rattlesnake Mountain have drifted away to Washington or Baltimore. Affluent businessmen and middle-class civil servants and professional people, weary of the urban turmoil, have retired into the old mansions and tenant houses, seeking the beauty and privacy the blacks have left behind.

Then there are the part-timers, or weekenders, like Eric Sevareid, Frank McGee, Tom Wicker and James Kilpatrick, who have found modest hideaways in these coves and valleys, thinking they will escape the tyranny of the deadline, and never quite managing to get the grass cut back by Sunday night, when they have to go back to their typewriters.

My colleague and neighbor in another place, Vance Packard, has made a detailed study of the causes and consequences of this nomadic American life in a remarkable and important book soon to be published, "A Nation of Strangers."

"The exploration," he says, "has led me to believe that at least forty million Americans now lead feebly rooted lives. We are seeing so deep an upheaval of life patterns that we are becoming a nation of strangers." He notes the following:

• About 42 million Americans change their home addresses at least once a year.

• By 1975, the Census Bureau estimates 65 per cent of all Americans will be living in metropolitan areas. In the twenty years between 1940 and 1960, 17.5 million people left the farms—more than half the total living on the land in 1940.

• Meanwhile, there is a countermovement of young people away from the cities, not into the settled life of the countryside but into a life of almost chronic movement, separated from traditional male-female relationships, from traditional religious beliefs and from steady work because of rapid technological and social change.

Packard sees some hopeful signs of revolt against this gypsy existence but is generally pessimistic about the deeper trends toward a widespread feeling of loneliness and frustration.

"While the footlooseness of Americans as pioneers was a source of vitality and charm," he says, "several of the new forms that the accelerating rootlessness of Americans is takings should be a cause for alarm. Great numbers of inhabitants fell unconnected to either people or places and throughout much of the nation, there is a breakdown of community living. In fact, there is a shattering of small-group life. A number of forces are promoting social fragmentation. We are confronted with a society that is coming apart at the seams."

Well, it is not a new lament, but it would be a bold man who could face Packard's well-documented indictment without a sense of anxiety, and one of the odd things about it is that we are having a Presidential election to determine the leadership of the nation for the next four years and there has been very little talk about the fundamental issues.

Both President Nixon and Senator McGovern have recognized the problem, both favor a wider distribution of industry and jobs, a more equal standard of welfare payments and tax reform which would produce a fairer redistribution of wealth.

But they differ wildly about the means of achieving these common goals. The President is saying, in effect, that it is possible to have $80-billion defense budgets and enough billions left over to win the domestic battle for social order and to maintain a vigorous expansion of private rewards. Senator McGovern is questioning this fundamental assumption and insisting that the Government is faced with truly radical problems and must choose radical reforms to meet them.

But far more time and space have been devoted to Tom Eagleton's health than to the health of the nation. Far more to the question of the Vice-Presidency than to the question of vice. Far more to Ed Muskie's migrations between Washington and Maine and his final withdrawal from the Vice-Presidential race than to the vast migrations of the American people.

It is widely assumed, for example, that the question of the security of the United States is primarily a question of the size of the defense budget and the negotiations with the Russians about the control of old and new weapons systems. But we may very well be coming into a new phase of world history where the major question of security lies not in a confrontation of armies but in a confrontation of societies.

Mr. Lincoln emphasized the point over a hundred years ago when the American people were divided over what kind of society this was to be. Foreign armies and problems were not the major threat, he insisted, but internal dissension and confusion could weaken and threaten the Republic. This is still a great issue for debate, and the vast, restless migrations of the American people are only part of it.

But in essence this problem comes down to simpler things. "To be deeply rooted in a place that has meaning is perhaps the best gift a child can have," Christopher Morley wrote long ago. "If that place has beauty and a feeling of permanence, it may suggest to him unawares that sense of identity with this physical earth which is the humblest and happiest of life's intuitions."

## DID JOHN BIRCH SEEK DEATH?

Mr. McGEE. Mr. President, last Sunday's Washington Post, contains an article entitled "John Birch: Did He Seek Death?" written by Wesley McCune.

Mr. McCune utilized military records surrounding the death of Capt. John Birch in China shortly after the surrender of Japan. These records were released only this year. The article points to the inherent weakness of extremist organizations—the distortion of truth and reality in promulgating their causes while utilizing the basest of human instincts.

I believe the article to be an important comment on the John Birch Society, which used the incident to promote its doctrine of fear and hatred in our country. It is well that Senators read what Mr. McCune has written.

I ask unanimous consent that the article be printed in the RECORD.

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

JOHN BIRCH: DID HE SEEK DEATH?

(By Wesley McCune)

(NOTE.—The author, a former correspondent for Time and Newsweek, is director of Group Research, Inc., a Washington organization that monitors right-wing activities.)

In 1954, a candy manufacturer named Robert Welch wrote a book, "The Life of John Birch," which told how an American Baptist missionary who had turned intelligence officer in China during World War II became the first casualty of World War III—the war against communism. Birch was killed

by Chinese Communist soldiers 10 days after Japan's surrender on Aug. 14, 1945.

In 1958, Welch organized the John Birch Society, and he remains its leader. Several governors have proclaimed John Birch Day on the late captain's birthday, and Birch's parents participate in the society's activities. When the organization's existence became public, in 1961, most of the publicity centered on Welch's charge that President Eisenhower was a "dedicated, conscious agent of the Communist conspiracy," but there was also a little speculation about who Capt. John Birch really was.

A few authorities suggested that he had provoked his own death, but the government refused to make public an official version. Welch injected the charge that Washington suppressed the news of Birch's death because of Communist influence. This was part of his "grand conspiracy" theme, and his basic speech during the early months of 1962 included this passage:

"With his death and in his death the battle lines were drawn, in a struggle from which either communism or Christian-style civilization must emerge with one completely triumphant and the other completely destroyed. Partly for these reasons, but even more because John Birch—in all of his short but outstanding career—so typified the best of America, we have named our organization in his memory."

A 16-page tabloid distributed by the Society in 1965 through millions of Sunday newspapers used a color photograph of Birch in uniform on the cover and opened with two pages depicting him as a martyr to the causes of the United States and Christianity. Included in the publication was a picture of his flag-draped casket.

SECRET DOCUMENTS

Requests for Army records on the circumstances of Capt. Birch's death were refused at the time on the grounds that they were classified "secret." However, persistent efforts by Samuel J. Archibald, director of the Washington office of the Freedom of Information Center at the University of Missouri, have resulted in declassification of the documents after nearly 27 years.

About 50 pages of official reports make it clear that Capt. Birch, whose record had been very good, provoked a group of Chinese Communist soldiers into killing him and almost killing his Chinese adjutant, a Lt. Tung, by being demanding, threating and arrogant.

Nine days after Japan's surrender, Capt. Birch was assigned to lead a small group of U.S., Chinese and Korean personnel to Suchow in the interior of China to collect Japanese files and check the airport for the Office of Strategic Services. Although the war was supposedly over, this territory was occupied by Japanese and their puppets and there was still hostility.

Nationalist forces under Generalissimo Chiang Kai-shek had been fighting the Japanese, as had Communist Chinese forces under Mao Tse-tung and Chou En-Lai.

Gen. Albert C. Wedemeyer, Commander of U.S. forces in China, was also chief of staff to Chiang, and the United States had an observer group at Communist headquarters in Yenan. The two Chinese forces were not cooperating, but nevertheless, both were supposed to know the location of American missions. In this case they didn't, however because the area was occupied by the Japanese.

DON'T MIND IF THEY KILL ME

The Birch Group found the Japanese cooperative the first day of the mission, but was warned of danger if it proceeded into the Communist area. Despite the warning, Birch led his group forward, and they encountered some Communist troops. Birch, who was fluent in Chinese, was allowed to pass, but according to the records, Lt. Tung noticed that Birch's attitude was "a little severe." He told Birch he thought his conduct was "dangerous," but the captain replied: "Never mind, I want to see how the Communists treat Americans. I don't mind if they kill me, for America will then stop the Communist movement with atomic bombs."

Nevertheless, Birch let Tung do the talking to the next two groups, and there were no incidents. At Hwang Kao railroad station that afternoon, the Chinese were more belligerent. Tung reported that fact to Birch who reacted by taking a hands-on-hip stance and telling one of the Chinese: "Well! So you want to disarm us. At present the Americans have liberated the whole world, and you want to stop us and disarm us. Are you bandits?"

By this time, the Birch party was surrounded by 60 or 70 armed Chinese. After some delay, they told the party it could proceed, but Birch refused to be satisfied until taken to the commanding officer. When a Communist soldier started to lead them back to where they had just been, Birch grabbed him at the back of the collar and said: "After all, what are you people? If I say bandits, you don't have the appearance of bandits. You are worse than bandits."

LEFT FOR DEAD

A short distance farther, the leader of about 20 armed Communists ordered his men to load their guns and disarm Birch. Tung tried to intervene again, but was shot. He lost consciousness after hearing another shot and hearing Birch say he was hit in the leg and could not walk. A third shot apparently killed Birch, and he was bayoneted as well. Both men were left for dead, but Tung was rescued and returned to an American base, where he was interrogated at length. He lost an eye and a leg.

The others in the Birch group were detained nearly two months, and reported later that they were treated fairly well. Three of the Americans made out a joint report which substantiated Tung's, especially as to Birch's attitude and the warnings he had been given.

Birch's body was recovered from a shallow grave, and after a Catholic service was buried with military honors on a hillside near Suchow.

A 10-page report on the incident, submitted to Gen. Wedemeyer by the judge advocate for the theater and dated Nov. 13, 1945, relied substantially on the eyewitness accounts by Lt. Tung. It concluded that "although Capt. Birch's conduct immediately prior to his death indicated a lack of good judgment and failure to take proper precautions in a dangerous situation, nevertheless the actions taken by the Chinese Communist Army personnel fell short of according the rights and privileges due even to enemy prisoners of war and constituted murder." It added: "The shooting was done maliciously . . . the killing was completely without justification."

With that conclusion, however, was the following statement: "Since the presence of the Birch party in the area had not been announced to the Communists, Nationalists or the Yenan Observer Group . . . and because the Communists were still in battle action, it was entirely proper for them to hold Birch and Tung until satisfied that they were friendly groups. Further, in view of Birch's attitude and actions, the Communists were to a degree properly resentful at being termed 'bandits' and were not inclined to be immediately helpful."

BELLIGERENT, CONTEMPTUOUS

The report also concluded: "From T. Tung's testimony, it seems clear that Birch was in no mood to treat with the Communists and that his actions toward them were belligerent and contemptuous."

Gen. Wedemeyer wrote Aug. 31 to Mao Tse-tung about the incident, expressing gratitude for past cooperation and asking for a prompt investigation report. A reply from Yenan asserted that Birch and Tung had approached from the enemy's direction, had cursed the Communists who challenged them, and were shot in self-defense.

Wedemeyer also wrote Chiang Kai-shek asking for help in bringing the perpetrators to justice. Several months later, having received no reply, Wedemeyer reminded the generalissimo of the request and received a message that the Nationalists had repeatedly asked the Communists for help in court-martialing those responsible but had received no response. However, the message went on, the matter was being taken up with Chou En-lai.

That was March 15, three years before Chou and Mao drove Chiang (and the United States) out of China.

About 10 years later, Wedemeyer wrote an article for Robert Welch's new journal, One Man's Opinion, and soon was listed on its editorial advisory committee. In 1958, Welch secretly organized the John Birch Society and changed the name of his magazine to American Opinion. Wedemeyer remained an adviser through the October issue of 1961, several months after the right-wing organization became public, but a few weeks later he told Newsweek magazine that he had left Welch.

"I knew John Birch was a captain in China," he said. "He provoked the attack on himself; he was arrogant. I warned Welch not to make a hero of Birch. That's why I quit . . . I think Welch is a dedicated, fine American, but he lacks good judgment."

Ironically, the military records which were finally released were held up a few additional days so that their disclosure could not cause embarrassment during President Nixon's trip to China earlier this year.

## THE GENOCIDE CONVENTION AND THE BILL OF RIGHTS

Mr. PROXMIRE. Mr. President, one of the most persistent arguments against the Genocide Convention has been the contention that the treaty would override portions of the Bill of Rights. The greatest concern is that the freedoms guaranteed by the first amendment would be put in jeopardy.

The Honorable Arthur Goldberg has addressed the Subcommittee of the Committee on Foreign Relations of the U.S. Senate on this matter. As a former member of the Supreme Court of the United States as well as our former Ambassador to the United Nations, he is eminently qualified to comment on the relationship between our Constitution and this treaty.

Mr. Goldberg's opinion is very clear and is very well-founded. He states:

> The Constitution, of course, is supreme. It would be unthinkable that even a treaty could override, for example, the clear commands of the first amendment to the Constitution of the United States . . . The Supreme Court has so decided and on this point I do not detect any lack of unanimity. This is our supreme document and *Reid v. Covert* is a controlling precedent which I do not think is in jeopardy by any further proceedings.

The Reid against Covert decision affirms that all treaties made are the supreme law of the land, but that does not imply that treaties may be contrary to the Constitution. Rather, any law or treaty must comply with the Constitu-

tion. The reasoning behind this argument is impeccable. If any court declared that treaties may supersede sections of the Constitution, it would be advocating an amendment procedure which is not sanctioned by article V of the Constitution.

The supremacy of the Constitution over treaties has been repeatedly reaffirmed in court decisions. There is no reason to fear that the Genocide Treaty will take away rights guaranteed to us by the first amendment. I urge Senators to vote in favor of the Genocide Treaty.

## EXTENSION OF COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOL PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

Mr. TOWER. Mr. President, 2 years ago, I cosponsored the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (P.L. 91-616). I have noted with satisfaction the significant progress we have made toward the development and implementation of a comprehensive program to address the problems of alcohol abuse and alcoholism. Today, I am cosponsoring S. 3644, a bill to extend the authority of the act for an additional 3 years.

The true extent of the problem of alcohol abuse and alcoholism is just being realized. Dr. Merlin K. DuVal, the Assistant Secretary for Health, and Scientific Affairs, has stated that alcohol is the most abused drug in the United States today.

There are over 9 million alcoholics or problem drinkers in America. The most visible victims of alcoholism are the inhabitants of skid rows across the Nation. Yet, they represent only 3 to 5 percent of the alcoholic population of the United States. Most alcoholics are in the Nation's working and homemaking population and it is apparent that alcoholism represents a significant drain on our Nation's productivity.

The Texas Commission on Alcoholism estimates that there are 425,000 alcoholic persons in Texas. They represent approximately 4 percent of the State's population.

The consequences of alcoholism and alcohol abuse are tragic. Alcohol is responsible for 28,000 traffic deaths each year. Alcoholics die 10 to 20 years earlier than the average American. In addition to intoxication, the illnesses associated with alcohol abuse and alcoholism include emotional disorders and chronic and progressive diseases of the central nervous system and of the liver, heart, muscles, gastrointestinal tract, and other bodily organs and tissues. It is difficult to estimate the social price the Nation is paying in terms of broken homes, unemployment, and poverty. We have been able to determine that alcoholism drains the economy of some $15 billion annually.

Public intoxication and alcohol-related offenses account for more than 40 percent of the arrests in the United States annually. Our judicial system is already overburdened, but more importantly, judicial action provides no lasting solution to the alcoholism problem because it does not provide for rehabilitation.

I am encouraged that we are finally recognizing that alcoholism is not a criminal act. It is an illness which requires rehabilitation through a broad range of health and social services tailored to persons at different stages of alcohol abuse and alcoholism. The criminal law is not an appropriate device within itself for preventing or controlling health problems. Alcoholism and alcohol abuse are masive public health problems.

It was to address this problem that we worked so diligently to enact the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. The act created the National Institute of Alcohol Abuse and Alcoholism which has two principal overall goals—to assist in making the best alcoholism treatment and rehabilitation services available at the community level and to develop effective methods of preventing alcoholism and problem drinking. To achieve these objectives, the NIAAA fosters, develops, conducts, and supports broad programs of research, training, development of community services, and public education.

One of the vital parts of the act was the authorization of State formula grants to enable the States to develop comprehensive and integrated treatment and rehabilitation programs on the community level. I am most pleased that Texas was the first State to have its State plan approved by NIAAA and was the first State to receive its block grant—which amounted to $1,637,247. Texas has received a total of more than $4,800,000 in Federal funds during the past 2 years from NIAAA.

I have been most pleased with the programs that have developed in the short span of 2 years. All 50 States have already developed their State plans. Congress now needs to extend and expand the program of alcohol rehabilitation begun by the 1970 act by passing S. 3644.

I ask unanimous consent to have printed in the RECORD a table showing grants and contracts awarded in the State of Texas.

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

NIAAA GRANTS AND CONTRACTS AWARDED IN STATE OF TEXAS, FISCAL YEARS 1971 AND 1972

| | City | Type | Amount |
|---|---|---|---|
| Fiscal year 1971: | | | |
| St. Joseph Hospital | El Paso | H-16 | $520,735 |
| Bexar MH/MR | San Antonio | H-16 | 384,851 |
| McIsaac | Houston | Research | 40,519 |
| Davis | do | do | 43.473 |
| Geller | San Antonio | do | 20,537 |
| Baer | Houston | do | [1] 83,310 |
| Haber | Galveston | do | 29,730 |
| Subtotal | | | 1,123,155 |
| Fiscal year 1972: | | | |
| St. Joseph Hospital | El Paso | H-16 (V) | 755,290 |
| | | H-16 (III) | 130,730 |
| | | H-16 (III) | 65,093 |
| Bexar MH/MR | San Antonio | H-16 (V) | 501,850 |
| | | H-16 (III) | $44,099 |
| Project Bravo | El Paso | R-18-CA | 96,521 |
| Indian alcoholism program (Williams). | Dallas | R-18-SSA | 93,750 |
| Bell County MH/MR | Belton | R-18-SSD | 204,945 |
| Shanbour | Houston | Research | 36,100 |
| Geller | San Antonio | do | 21,131 |
| Baer | Houston | do | 62,295 |
| Haber | Galveston | do | 29,741 |
| Davis | Houston | do | 46,131 |
| State occupational | | | 49,896 |
| State formula | | | 1,631,247 |
| Subtotal | | | 3,768,819 |
| Total | | | 4,891,974 |

[1] Continuation of fiscal year 1970 funds.

## RELEASE OF COMMITTEE REPORT ON PROBLEMS OF ELECTRICAL POWER PRODUCTION IN THE SOUTHWEST

Mr. JACKSON. Mr. President, on August 4 the Committee on Interior and Insular Affairs submitted to the Senate its first interim report under the authority of Senate Resolution No. 45 which authorized a national fuels and energy policy study. The interim report has been printed and copies are now available for distribution.

The interim report is entitled "Problems of Electrical Power Production in the Southwest," and the situation covered by the report is quite specific. It is a situation, however, which involves and exemplifies many broad energy problems and public policy issues which are of growing importance to all parts of the Nation.

The geographical region of concern in this report includes parts of Colorado, New Mexico, Arizona, Utah, and Nevada commonly referred to as the "Four Corners" area. In recent years, large scale coal-fired powerplants have been planned and are being constructed in this area which may ultimately result in an energy complex of tremendous capacity.

The major plants usually associated with this development are: the Four Corners and San Juan plants in New Mexico; the Navajo plant in Arizona; the Kaiparowits and Huntington Canyon plants in Utah, and the Mohave plant in Nevada.

At present, only two of these plants are in operation. They account for about

3,700 megawatts of capacity. Ultimately, all of the plants will provide over 12,000 megawatts—enough to serve about 9 million people.

As the analysis in this report displays, the major part, at least, of the energy planned to be produced by these plants will be urgently needed. Furthermore, development of the plants would bring employment and economic activity to the desert region which will provide new opportunities for the residents, particularly the Indian people. This has been a national social objective for some time.

It is evidenced by the existence of a joint Federal-State Commission established especially to assist in the economic development of the Four Corners area.

At the same time, it appears equally certain that development of the energy resources of the Four Corners region, regardless of the very best measures which technology can provide, will have significant adverse environmental impacts. The desert area, until recently, has remained sparsely populated and undeveloped. Its unparalleled scenery and unique ecological systems have been largely undisturbed by the works of man. Development will surely result in significant changes.

The tradeoffs between the preservation of environmental values and economic development which supports other major social goals, such as equal opportunity, are among the most difficult questions of energy policy. The study has significance far beyond the immediate questions of Federal responsibility for the situation which exists in the Southwest and Federal involvement in future decisions concerning the Southwest energy complex. Reference to the case will be useful in the committee's further consideration of major energy policy issues. Among the issues to which it has relevance are:

The long-term implications of continuing present growth rates of energy demand, especially for electrical power;

The increasing trend toward the employment of environmental regulation for local zoning or control of local development with the attendant impact on regional and national development;

The institutional structure of the electrical utility industry and the industry's responsiveness to public planning needs;

Increasing public concern over massive strip mining of the coal resources of the West, and the implications of the use of this extensive coal resource in meeting future energy requirements;

The organizational structure of Federal energy agencies and its effect upon their capabilities to make and implement public decisions;

The state of technology of electrical power generation and transmission and the adequacy of research and development in the field; and

Evolving environmental protection law and regulations and their relationships to other social objectives and needs.

Perhaps the most significant realization to come out of the study is that despite the important statewide, regional, and national interests in the resources of the Southwest desert region, many critical commitments of those resources have been made based upon very narrow and short-term considerations.

The situation which presently exists in the Four Corners area is the cumulative result of numerous resource management decisions, each of which was made without adequate consideration of alternatives and without adequate knowledge of the long-rang impacts. The commitments which have already been made greatly constrain the options which remain open to the region for the future. The energy being produced by the existing plants and mines and those which are presently being developed will be essential to the region's power system. In the near term, there are no viable alternatives to those developments. The water and the coal which are committed to their operation are foreclosed to other potential uses. The environmental impacts of the siting choices may be mitigated, but the decisions can no longer be retrieved. We still do not have the essential information to judge the ultimate consequences of these commitments.

The report is realistic in its appraisal of the shortcomings of past Federal actions, and it is blunt in recognizing the complexity of the problems. But it does offer constructive recommendations both of a general nature and in the specific issue areas of energy demand, air quality, strip mining, the interests of the Indian people of the region, and water resources.

Our principal objective now should be to confront the problems honestly, openly, and in a cooperative spirit. To take as an example only one aspect of the situation, the strip mines at Black Mesa and Four Corners are among the largest in the world. Reclamation efforts have thus far proceeded at a very slow pace. They should be accelerated. We should find out exactly what can be accomplished and what the shortcomings are and apply all of the abilities of government and industry to seeking better methods.

In the light of that experience—rather than in speculation and controversy—we can realistically appraise new proposals for such mining developments for powerplants and coal gasification in the Southwest, in the much larger prospective developments in Wyoming and Montana, and elsewhere. In each area of concern covered by the report there are similar needs and opportunities to improve the existing situation and to lay groundwork for better future decisions.

The findings and recommendations which are set forth in this report do not exhaust the committee's interests in the case. Some of the broad national policy issues will be treated further in the final report of the national fuels and energy policy study. The findings and recommendations in this interim report are, however, of great significance both to the Southwest region and to the Nation. I am hopeful that those in the Congress, in the executive agencies, and outside of the Federal Government who have interests and responsibilities regarding the Nation's energy resources will consult the report in its entirety. The recommendations call for actions on the part of Federal officials and other participants in the development of the Southwest energy complex. Some of them refer directly to congressional action. I intend to strive for expeditious action wherever congressional actions are indicated which are within the jurisdiction of the Interior Committee. I am hopeful that recommendations involving the jurisdiction of other committees will be considered by those committees as constructive suggestions which are made in the cooperative spirit of Senate Resolution No. 45.

Mr. President, I ask unanimous consent that the findings and recommendations of the report be printed in the RECORD. However, I urge Senators to consider them not standing alone but along with the introductory and background chapters of the report itself.

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

FINDINGS AND RECOMMENDATIONS

A. GENERAL

*1. Findings*

1. There is a national commitment, which has been given expression by the Congress in legislation such as the National Environmental Policy Act, the Clean Air Act, and the Federal Water Pollution Control Act, that the quality of the nation's environment must be prescribed to protect and enhance the quality of life for this and future generations of Americans. This commitment must provide the basis for decisions regarding Federal responsibilities and actions concerning the development of the southwestern desert regions.

2. The national interests in and the attendant Federal responsibilities for the energy complex now being developed in the Four Corners area are particularly significant because of the Federal trustee relationship with the Indian people of the region, the extensive Federal ownership of public lands and the important national park system units which will be affected by the development, and the significant Federal investment in resource development for the region.

3. The Department of the Interior, along with other Federal agencies, has long had responsibilities and authority to consider the conservation and preservation of areas of unique natural beauty and of historical and scientific interest. This objective is set forth explicity in the Presidential approval of policies for water and related land resource planning, printed in 1962 as Senate Document No. 97, 87th Congress.

4. The Federal interests and involvement in coal-fired powerplant development in the Four Corners area are unique because of the direct Federal financial participation in the Navajo powerplant, the special responsibilities of the Secretary of the Interior regarding the waters of the Colorado River System, and the extensive commitments of Indian and nationally owned natural resources to the development.

5. The cooperative planning efforts of utilities participating in the Western Energy and Supply Transmission Associates planning group and the Federal involvement in resource and siting decisions in the Southwest provide some measure of unified planning for regional energy resource management. There is evidence, however, that public information about utility plans until recently has been inadequate, and that public participation in planning would be greatly improved by the procedures contemplated in powerplant siting legislation presently pending in the Congress. More important, the problems now being experienced in the Four Corners area will be more severe in other regions of the country where the Federal in-

volvement is limited or nonexistent unless institutional arrangements and procedures to improve planning and build public confidence in utility, State and Federal planning for meeting electrical power requirements are strengthened.

6. Despite the extent of the Federal involvement in and responsibility for the development of the region's energy resources, there has been and still is insufficient available information upon which to base sound resource management decisions. This inadequacy of information relates to baseline environmental data, to the day-by-day activities associated with the planning, construction, and operation of the Southwest thermal powerplant complex, and to basic knowledge of the physical and physiological environment impacts of such developments.

7. The present Four Corners situation reflects the cumulative effect of numerous resource management decisions, each of which was limited in the scope of its objectives and of its geographic concern. Private and public utilities, local, State, and Federal agencies, Indian tribes, corporations, and individuals collectively and severally have participated in decisions which were made to achieve limited and relatively short-term goals and which often were made without full knowledge or adequate consideration of the full range of alternatives, the potential regional impacts, or the long-range desirability of the actions involved.

In 1968, for example, the Congress in accordance with a recommendation of the Executive Branch authorized the Secretary of the Interior to become a financial participant in the Navajo thermal powerplant. This participation was viewed as an attractive alternative to the construction of major hydroelectric dams on the Colorado River primarily because of environmental opposition to the dams. The long-term environmental impact of the thermal-electric alternative, however, was not subjected to study in detail equivalent to that of the dams.

This and other single objective decisions have resulted in investments of natural resources and commitments to courses of action which will seriously constrain the remaining opportunities to achieve optimum resource and environmental management throughout the region.

8. The prospects for achieving sound regional economic and environmental management conditions in the Four Corners region have been seriously hampered by inadequate planning and coordination among the several parties, governmental and private, involved in the present development. Piecemeal decison-making on powerplant proposals may have the long-range impact of, in effect, "zoning" the region for a single purpose—power generation—by allocating scarce natural resources and preempting for that purpose the capacity of the region to absorb pollutants.

9. The special set of circumstances in the Southwest, particularly the extensive Federal involvement and the broad range of environmental problems encountered, must be viewed as an opportunity and responsibility to explore new mechanisms for cooperative environmental research and planning involving all legitimate values and all levels of government and private industry. The "laboratory" provided by the existing activities must be utilized to define problems and discover solutions applicable both in the Southwest and elsewhere. There is abundant evidence that as large coal-fired powerplants are proposed and come under development in the States of the Upper Colorado Basin; in Wyoming, Montana, North Dakota, South Dakota; and in other regions of the country, many of the issues found in the Four Corners area will be duplicated throughout a vast portion of the nation.

10. The Four Corners Regional Commission, a joint Federal-State planning body, provides an existing organization with a potential for coordination of Federal and State interests for the purpose of improving the economic and environmental well-being of the Region's residents. The Commission would appear particularly suitable as a coordinating body because of its Congressional charter. The Commission was established after initial Federal involvement in the region's power development had begun. To date, moreover, the capability of the Commission to undertake comprehensive economic and environmental management planning has been limited by inadequate funding and restrictions on statutory authority. How many, if any, of the current issues could have been avoided had the Commission been in existence at the inception of the power development can not be known.

*2. Recommendations*

1. The Secretary of the Interior, in conjunction with the Four Corners Regional Commission and other Federal agencies, should develop a general, region-wide study of the long-range economic and environmental impact of current Federal decisions and activities concerning the Southwest energy complex. Despite the inadequacies of information and the uncertainties inherent in such a complex analysis, the best possible projections of future conditions should be developed and updated periodically as better information becomes available. This study should provide a framework for public consideration of future decisions about individual resource development proposals.

The Secretary of the Interior should be authorized and directed to report annually to the President and to the Congress on the status of activities associated with thermal powerplant development in the Southwest and other Western States, on the Federal interest and responsibilities therein, and on the actual and anticipated environmental effects of those activities along with his recommendations concerning Federal action to prevent or mitigate environmental impacts of regional and national concern.

The Secretary should also be directed to cooperate with other appropriate Federal and State agencies in establishing and maintaining an appropriate data gathering and research program to support these reports.

2. Pending legislation to establish a Federally assisted land use planning program should be enacted to (1) provide financial assistance and encouragement to the States to develop the information and institutional mechanisms necessary to make long-term resource management and development decisions; (2) insure cooperative Federal-State consideration of state-wide, regional, and national needs and interests in major land-use decisions; and (3) to encourage multi-objective planning on the basis of appropriate geographic areas so that environmental management can accommodate needed natural resource developments with minimum environmental degradation.

3. Legislation designed to improve power plant siting decisions should be enacted to establish procedures for open long-range planning; timely siting decisions; and smooth, predictable construction schedules. The legislation should include provision for: (1) long range (at least 10 years) advance planning through a public forum on at least a regional basis; (2) effective public participation at all stages of the planning and approval process to improve responsiveness to a broad range of issues, improve the quality of the decision-making process, and insure agency credibility; (3) early identification of alternative sites suitable for power plants; (4) establishment of a certification program that achieves so far as possible one-stop approval at the state or regional level of proposed power facilities with Federal certification of Federal facilities or where the state or region has failed to establish qualified certification bodies; (5) periodic review of power plants to determine the feasibility and practicability of retrofitting operating plants with the latest technological developments to improve safety or reduce environmental impacts; (6) an efficient, expeditious form of judicial review on contested issues which will result in early decisions and which will avoid economic waste and the risk of low power reserves.

4. The Secretary of the Interior and other Federal officials who have responsibilities for Federal decisions involving the development of the powerplant complex in the Southwest should view the procedures established under the provisions of the National Environmental Policy Act both as an opportunity and an obligation to provide a basis for well-informed advance public participation in major resource decisions. Federal officials should strive to make the maximum use of environmental impact statements to provide the national, regional, and local publics with full information on the need for, the alternatives, and the long-range implications of specific proposals for development.

5. In view of the deficiencies in information concerning the long-range regional impacts of the development of coal-fired powerplants; the uncertainties concerning the timing and nature of emerging competitive uses for land, minerals, water, and other natural resources; the limited capacity of the regional environment to absorb pollution; the transitional state of pollution control technology and regulation; and the lack of comprehensive regional planning; and in the face of incontrovertible need for electric energy in the Southwest, additional powerplant development decisions will have to be made under conditions of insufficient knowledge of the long-term impacts and with inadequate time for optimum planning in order to meet future energy requirements. The immediate implementation of appropriate research and investigations which will provide sound information for planning is imperative. In the interim, until adequate information is available, irretrievable commitments of resources should be limited to the minimum necessary to meet the regional power requirements. Premature commitments should be avoided both in regard to additional development in the Southwest or to major new energy developments involving Federal resources in other regions.

6. Legislation to develop new institutions and procedures for planning the use of the public lands, for setting new standards and requirements which reflect changed conditions, and to update the land laws to reflect such changed conditions should be adopted. At a minimum, this legislation should provide for: (1) coordinated Federal-State planning in areas of mutual concern and interest; (2) a resource inventory and a survey of projected demands which will be placed on the public lands for recreation, transportation, mineral development, the generation and transmission of energy resources and other demands; (3) a system of Federal planning and management authority which takes into consideration and accommodates the diverse and legitimate requirements of the immediately affected public, operators of essential utilities, local and State governments, and the Federal government; and (4) public participation at early and appropriate stages in the planning process.

7. The Four Corners Regional Commission should undertake the necessary studies to incorporate development plans and projects in the 92 county region to insure that the natural qualities of the Region are preserved in the course of proposed economic growth. The Congress should give consideration to whether the authority of the Commission should be expanded as necessary to facilitate the optimum use of the joint Federal-State partnership available in the Commission toward an integrated and coordinated approach to eco-

nomic planning and development for the Four Corners Region.

B. ENERGY DEMAND IN THE SOUTHWEST

*1. Findings*

1. Based upon the assumption of the minimum probable growth energy demands in the Southwest, and assuming the maximum probable development of nuclear, hydroelectric, and other fossil fuel power generation, there will be a remaining requirement for a substantial amount of coal-fired generating capacity to be developed in the region before 1980 and probably between 1980 and 1990.

2. There are a number of potential sites in the Southwest which could support coal-fired powerplants of 1000 megawatt capacity or greater. Important planning decisions remain to be made concerning the selections among these potential sites, the sizes of individual developments, and the timing and sequence of construction of future powerplants. These planning decisions should benefit from the past experience in the region. They should incorporate the best available information on environmental impact and the best available technology for the production of clean electrical energy. Selection of particular sites and commitments to particular developments should be based upon a careful evaluation and examination of the regional environmental, social and economic consequences of each potential site.

3. The demand for energy in the Southwest is not substantially created by "frivolous" or "unnecessary" uses. However, the continued promotional advertising by utilities in the region, in the face of growing public opposision and in view of the problems posed by the projected growth in demand, contributes to public frustration and lack of credibility in the projections.

4. Existing public policy expressed in the Federal Power Act and elsewhere which requires utilities to provide abundant, reliable power to all customers and which primarily stresses the maintenance of low rates as the primary public concern in regulation has fostered a tradition in the electrical industry which clashes with emerging public attitudes and values. These new attitudes and values stress costly environmental protection and conservation of resources and question the advisability of encouraging unlimited growth.

5. The siting of major powerplants involves public interests of regional scope. With load centers hundreds of miles from the power plant sites, benefits and impacts are distributed beyond State jurisdictions. National assets and resources are involved and the economic tradeoffs affect interests far beyond those of the utilities or even of their customers or the local and state governments with jurisdiction over the locations of power source and demand.

6. The level of support for research and development in the conventional technologies of electrical generation and transmission is not adequate to accommodate the increasingly stringent public demands for reliability, environmental protection, and flexibility in siting of facilities.

7. The timing of powerplant construction in the foreseeable future will be a critical factor in the preemption of water, land and mineral resources by powerplants in preference to emerging potential competitive uses such as coal gasification and oil shale development. The urgency of the need for powerplants is also a critical factor in decisions as to whether or not to accept environmental impacts. Many of these decisions are rightfully public decisions because they necessitate commitments of publicly owned resources and involve the responsibilities of Federal agencies. There are, however, no independent Federal determinations of projected power demands and supplies except those based upon projections by the utilities which propose the developments.

8. Historically, electric utilities in the United States have evolved an institutional responsibility to meet the demands of all customers without deliberate limitation. Most power systems have little physical ability to selectively reduce service even in emergencies. The present inflexible situation poses the threat of general shortages or total blackouts of systems whenever peak loads might exceed system capacity. The social and economic consequences of such uncontrolled shortages and the inability to selectively manage critical peak conditions are serious constraints upon trade-off decisions where power needs and environmental concerns are in conflict.

9. Although the current controversy over the power development in the Southwest has not greatly highlighted transmission lines, it is probable that the ultimate transmission grid contemplated will pose the most severe problems of aesthetic insults to the region. There is no evidence that the environmental impacts of transmission lines have been adequately considered in powerplant site selection.

*2. Recommendations*

1. In a broad sense, the National Fuels and Energy Study authorized by S. Res. 45 will address a detailed consideration of the possible significant changes in public attitudes regarding increased use of power and regarding continued growth generally.

2. In the course of the Committee's study of national fuels and energy policy, consideration will be given to empowering an appropriate Federal agency to prepare and maintain independent projections of regional power supplies and demands as a basis for public decisions, and authorizing and directing an appropriate Federal agency to undertake an in-depth study of the extent of the opportunity for, and the alternatives available to reduce the growth in demand for electric power such as revising the electric rate structure, internalizing social and environmental costs associated with power production, recommending conservation practices that would permit more efficient use of existing capacity and available fuels, and studying whether a system of contingency planning utilizing end-use controls as a means to ration electrical energy is a practical policy option.

3. The design of future power plants should incorporate the greatest possible flexibility for the modification or supplementation of air pollution control equipment during or after construction as new technologies become available.

4. The Secretary of the Interior, in cooperation with other appropriate Federal agencies, should initiate a study of the potential for the development of coal gasification plants in the Southwest. The study should develop preliminary information of the probable requirements for sites, water, coal, and other resources for such installations and on the probable environmental effects. In future decisions regarding powerplants, consideration should be given to such developments as an alternative source of energy.

5. Legislation should be enacted to establish a balanced and sustained Federal program of research and development to reduce environmental impacts of power facilities, improve generation and transmission efficiencies, and develop new sources of clean, reliable energy. Such a program is needed to develop options for meeting projected electrical demands within the constraints imposed by environmental protection requirements and other public planning needs. This program should be funded by an assessment on electricity consumption and directed by an independent commission with provisions to insure high visibility and public accountability.

C. AIR QUALITY

*1. Findings*

1. The existing and proposed powerplants are and will be major sources of manmade air pollution in the Southwest.

2. Emissions of existing powerplants have measurably degraded air quality in the region. Even with employment of the best pollution control technology, development of proposed additional plants probably will result in further degradation.

3. The relatively recent establishment and rapid evolution of air quality law and regulations at all governmental levels when coupled with the long lead times necessary for planning and construction of powerplants and the developmental, or even experimental, nature of many of the advanced pollution control technologies available have introduced serious uncertainties into utility planning for power supplies in the Southwest.

4. The monitoring of air quality which presently is underway in the region is extremely limited even in the immediate vicinity of operating powerplants. Monitoring of regional effects is confined to a few special, short-term studies. There do not seem to be plans for the establishment of comprehensive, reliable monitoring programs by any governmental entity. It will continue to be impossible to determine reliably the impact which powerplants are having until adequate measurement of air quality indicators are made. Furthermore, if baseline measurements are not made before any more plants are put in service it will be difficult or impossible to determine the impact they are having at a later time.

5. The development of coal-fired, thermal power generating capacity in the West is still at an early stage. The sound selection of future plant locations will depend upon extensive data which only can be obtained from research and monitoring at existing plants. This essential information is not being obtained because of the limitations of existing monitoring and research.

6. Available data on meteorology and air quality in the region are not adequate to determine reliably the extent of the impacts of existing powerplants on regional ambient air quality or on biota or to develop reliable analytical models to predict regional ambient air quality under assumed future conditions. Uncertainties as to the capabilities of future pollution control technology, lack of basic meteorological data, and the inability of existing models to predict reliably the dispersal of pollutants make the prediction of ambient air quality uncertain as new powerplants are brought on line.

7. It seems unlikely that without Federal assistance the States can fund the installation and maintenance of air quality and meteorological data monitoring systems adequate to provide a data base for accurate measurement of the effects of existing plants and reliable prediction of the effects of proposed plants.

8. The present level of knowledge concerning pollutants such as small particles; radionuclides; heavy metals; and other trace elements from coal-fired powerplants in the Southwest is inadequate to dismiss conclusively the potential dangers alleged to result from such pollutants.

9. The present research effort is inadequate to predict the long-range impacts of sulfur oxides, nitrogen oxides, and other pollutants upon humans, animals, and vegetation in the region.

10. Operating powerplants have not been able to comply with the increasing stringent air quality standards being imposed by Federal, state, and local regulations. The capability of available pollution control equipment to meet these standards utilizing the coal of the region has not been demonstrated in sustained operation.

11. The improvement in pollution control achieved by the installation of venturi scrubbers on units 1, 2, and 3 of the Four Corners powerplant exemplifies the kinds of results which are attainable when efforts are made to improve the technology of environmental management. The fact that these efforts were not made at the time the plant was constructed is symptomatic of the general lack of concern for avoidable pollution which has been a national attitude until recently. The costly problems which have been experienced in the installation and operation of the equipment are typical of the practical difficulties which result from hurried applications which do not provide for deliberate development and testing of equipment.

12. The inability of the existing powerplants to meet applicable air quality standards is due in part to the recent establishment of such standards and the rapid evolution of air quality legislation, in part to the inadequacy of antipollution technology, and in part to the reluctance of the utilities to anticipate and plan for the changing legislation in their original decisions.

*2. Recommendations*

1. The Environmental Protection Agency (EPA) in cooperation with the National Oceanographic and Atmospheric Administration (NOAA) should be authorized and directed to design a network of air quality monitoring and meteorological stations in the desert region of the Southwestern states. The network should be adequate to:

(*a*) measure the impacts of existing powerplants and other point sources upon the air quality of the region;

(*b*) provide basic data for the construction of models capable of predicting the impacts of the proposed new sources of air pollution on the ambient air quality of the region.

2. EPA in cooperation with NOAA should participate with the states and with industry in the financing, installation, and operation of a regional air monitoring network, the collection and analysis of the data, and the development of predictive models. The results of this effort should be made available to industries and to state and Federal agencies to assist in evaluation and planning of future powerplants and other industrial developments.

3. The Secretaries of Interior and Agriculture in cooperation with the Administrator of EPA should be authorized and directed to initiate a program of research on the long-term effects of air pollutants on water quality, fish and wildlife, and vegetation on the public and Indian lands in the region.

4. Any required Federal approval of the selection of sites for additional coal-fired thermal powerplants in the West should be made only after more extensive monitoring and research data collection are done on the existing plants in the Southwest. There should be a substantial upgrading of the monitoring and research efforts both of the government agencies and the companies involved, so that future site selections may be based upon broader information and experience.

5. Premature commitments to specific proposals and designs for future coal-fired powerplants in the Southwest should be avoided so that Federal requirements placed upon such plants may be based upon the latest advances in technology and the greatest experience from existing installations.

6. The EPA should expand and expedite its existing research and development efforts in cooperation with the utilities to utilize the Four Corners powerplants as practical field experiments to develop air pollution control techniques. The agency should establish a regular program of reporting upon the progress made in this work and upon its evaluation of the actual operating capabilities of the most advanced pollution control installations in actual operation in the region and elsewhere.

7. The Administrator of EPA should be authorized and directed to undertake a detailed study of the long-term energy policy, regional planning, power plant siting and land use management implications of the present provisions of Federal air quality law which establish minimum standards which State and local government must meet, but which do not establish maximum standards. Under existing arrangements Federal, State and local jurisdictions exercise varying degrees of authority over air quality regulation. The exercise of this authority has created a situation where within a given geographical region or air shed there are inconsistent and often overlapping standards promulgated by different units of government. As a consequence, all regional planning involving power plant siting and other decisions concerning major development activities are subject to considerable uncertainty and specific planning and siting decisions for the region are, to some extent, the product of "forum shopping" for the most favorable standards. This creates important problems of uniformity as between different governmental units located in the same region.

8. The Administrator of EPA should be authorized and directed to conduct research to identify and evaluate the environmental advantages and disadvantages associated with the gasification of coal, both for the production of gas as a fuel and for combined cycle generation of electric power. The Administrator in cooperation with the Secretary of the Interior should initiate research into methods of mitigating any apparent adverse environmental impacts of coal gasification plants.

9. The Secretary of Interior should be directed to accelerate research and development efforts on the gasification of coal as a fuel for combined cycle operation in view of the potential for both reducing pollution and extending the resource base through the higher efficiencies attainable in combined cycle operations.

D. STRIP MINING

*1. Findings*

1. Two coal strip mines—Navajo and Black Mesa—are currently operating as parts of the thermal power generating complex in the Southwest. The size of these operations is expected to increase greatly in the near future and these mines may become prototypes for similar operations elsewhere in the West.

Insufficient effort is being made at these sites to obtain environmental information and experience related to strip mining, and to demonstrate the success of available technology.

At the Navajo mine, 1400 acres have been mined since 1963, but only 100 acres have been reclaimed. A portion of the mined area is to be used as a disposal site for ash from the Four Corners powerplant, however, making liberal allowances for this purpose, more reclamation work should have been accomplished.

It is essential that full advantage be taken of these opportunities to obtain information and experience in minimizing the environmental impact of surface mining, and in reclaiming the land after mining.

2. The attempts at revegetation at the Navajo mine have not been successful. There has been insufficient effort to improve upon this record and to provide a convincing demonstration that effective reseeding is possible.

3. There is a lack of data and there has been practically no research on the actual and potential effects of wind or water dispersal of various trace elements from open pits, spoil areas, fly ash disposal areas, or coal processing facilities.

4. The role of the Interior Department as trustee for the Indian tribles demands that, notwithstanding the role of any other agency or party to the contracts, it is the responsibility of the Department of the Interior to inspect these mines and insure compliance with all provisions contained in leases, contracts, and mining plans.

*2. Recommendations*

1. Reclamation operations at the Navajo and Black Mesa mines should be accelerated. The demonstrated feasibility of reclamation should be a prerequisite to any further exercising of the Secretary's discretion under the mineral leasing laws to lease coal resources on public lands. The Secretary should promptly develop and submit to the Congress a timetable for reclamation of the approximately 1000 acres at the Navajo mine which have been mined and are not needed for ash disposal.

The timetable for reclamation should be accompanied by a statement of the authority of the United States to compel reclamation work at the Navajo and Black Mesa mines under the Secretary's present legal authority and under the terms of the leases.

2. The Secretary of Agriculture should be authorized and directed to undertake a research and demonstration program for the revegetation of strip mined areas in the Southwest, both to develop information on the environmental impact of proposed operations and to assist in the reclamation of those areas already being mined.

3. A research program should be initiated, under the direction and existing authority of the Secretary of the Interior, to determine the chemical characteristics of the coal, spoil piles, and fly ash and to evaluate the actual and potential water pollution effects caused by drainage and dispersed airborne contaminants originating in the strip mining, coal processing, and fly ash disposal operations.

4. The Department of Interior should reinforce the program of inspection and enforcement to ensure compliance with all provisions of Indian and Federal contracts and leases and approved mining plans for the Southwest mines, and with other applicable Federal laws and regulation. The Secretary of the Interior should submit to the Congress his recommendations concerning any additional funding and personnel necessary to provide for an inspection and reporting system concerned with environmental considerations of strip mine operations.

5. Appropriate legislation establishing criteria for the operation and reclamation of surface mines should be expeditiously enacted to provide adequate controls over future surface mines on non-Federal lands which will be required to serve energy requirements in the Southwest and in other regions, and which would not be susceptible to regulation under existing Federal laws or through the provisions of contracts with the Federal Government.

E. INDIAN INTERESTS

*1. Findings*

1. The development of the power generating complex on the Indian reservations of the Southwest represents a most significant departure from the traditional cultural and economic patterns of Indian life. It is not unexpected that a change of such magnitude should be accompanied by considerable controversy. The conflict between the desires for economic and material benefits as opposed to concerns for nonmaterial values is similar to conflicts currently reflected in American society as a whole.

2. The incentives to commit the land, water, and mineral resources of the Navajo and Hopi reservations to the development of thermal electric powerplants have principally rested upon the need of the region for an alternative source of electricity. The decisions of the Indian tribes were apparently predicated on their desire to capitalize upon

an opportunity to enhance economic development on the reservations.

No long-range evaluation of the comprehensive resource management options for the reservations were available, and the long-range impacts of powerplant development apparently were not thoroughly evaluated by either the Indian tribes or the Department of the Interior.

3. The Tribal governing bodies of the Navajo and Hopi Tribes are the only democratic mechanisms available to determine and represent the collective interests of the tribes in business dealings involving contractual arrangements. The Secretary of the Interior and the Federal Government in general must look to the Tribal governing bodies, which have the benefit of independent legal counsel, for the principal expression of the desires of the Indian people they represent.

4. As any democratic institution, the Tribal governing bodies can function best when they enjoy the full participation of the people they represent and when the people are adequately informed on the issues so that they can responsibly participate. There is evidence that substantial improvements could be made both in communication and participation in the operation of the Navajo and Hopi Tribal governing bodies. Some Navajo and Hopi Tribal members, for deep-seated cultural reasons, do not accept the role of their Tribal governments, and therefore do not believe their views are being adequately considered. Other Tribal members deny that they have been fully advised of the decisions by the governing bodies.

5. The equity of payments being made under contracts for the land, water, and minerals by the Indians has been questioned by Tribal members and others.

*2. Recommendations*

1. The Secretary of the Interior should be authorized and directed to undertake a comprehensive assessment of the potential for natural resource development on Indian lands. A comprehensive resource development plan, considering the broadest range of alternatives and the long-range social, economic, and environmental implications of each alternative, should be prepared and maintained for each reservation. The plan should be developed with full participation of the representative tribal leaders and should serve as a guide for future decisions regarding the commitment of resources.

2. The Secretary of the Interior, acting in accord with his responsibilities for public information under the Administrative Procedure Act, the National Environmental Policy Act, and other provisions of general law and in his trustee relationship to the Indian people, should take every possible opportunity to develop and disseminate information on the implications of Federal decisions which have impacts on Indian Reservations. The Secretary shares with the representative Tribal leaders a responsibility to fully inform the Indian people of decisions regarding Indian reservations and to facilitate their informed participation in their Tribal government.

3. The Comptroller General should be requested to review the provisions of contracts entered into by the Navajo and Hopi Tribes with utilities and coal companies regarding development of coal mines and powerplants and to report to the Congress on his analysis of the comparison of royalties and other payments to the Indians with payments received on the public lands and elsewhere for similar types of contracts.

F. WATER RESOURCES

*1. Findings*

1. The existing and proposed thermal powerplants are and will be significant consumers of the scarce remaining uncommitted water supplies of the Southwest. The decisions to preempt this water for powerplant development to the exclusion of alternative potential uses are important public decisions and should be viewed as such by Federal, State, and local governments involved.

2. The consumption of relatively high-quality surface water by the powerplants will contribute to the concentration of salinity of downstream flows. The impacts of the powerplants are not significantly different in this regard from any alternative consumptive use of equivalent amounts of water under the existing legal entitlements of the several basin States. The overall salinity problem on the Colorado River, however, is becoming critical and may ultimately curtail further beneficial consumption of water. It must be considered a factor in any decision regarding new commitments of water.

3. Point source pollution of surface waters by effluents from mining and powerplant operations have occurred. The existing body of water quality law and existing enforcement mechanisms, however, appear adequate to correct these problems.

4. Insufficient research and monitoring are being done to evaluate effectively the occurrence and impact on the quality of surface and ground waters as a result of diffused drainage and secondary effects of airborne contaminants originating in mining and powerplant operations.

5. The evidence concerning the long-range effect of groundwater depletions at Black Mesa to provide slurry water for the pipeline to the Mohave plant is inconclusive.

*2. Recommendations*

1. Where Indian and Federal resources are involved, the Secretary of the Interior should consider the full range of alternative uses of water prior to making further commitments to powerplants. To the extent possible, contracts for water supplies should incorporate options for their termination after economically feasible terms of service to permit flexibility in long-range resource management.

2. The Secretary of the Interior should expedite work on the salinity control studies currently being carried on by the Bureau of Reclamation and should recommend to the Congress any additional legislation necessary to provide for an optimum program of salinity control for the Colorado River Basin.

3. Notwithstanding the responsibilities of State and local jurisdiction and other Federal agencies to enforce laws and regulations regarding water quality control, the Secretary of the Interior should carry out continuing and independent monitoring of the powerplant and mining operations to insure compliance with the provisions of contracts, permits, and leases to which the Secretary and the Indian tribes are parties. Wherever infringements are found to exist, the Secretary should take whatever action is indicated to insure compliance, through existing water quality enforcement procedures or if necessary through legal action under the contract provision.

4. The Congress should authorize and direct the Secretary of the Interior, in cooperation with the Administrator of the EPA, to initiate a program of research and monitoring to determine the impacts of mining and powerplant operations on water quality as a result of dispersed drainage and seepage, and as the result of the secondary effects of airborne contaminants from the operations and the operating areas. The program should provide for measurements and evaluation of actual effects of existing operations, projections of potential effects of operations under construction and proposed, and extension of the information and analyses to similar mining or industrial applications elsewhere in the United States. As information is gained, the program should be extended to encourage and assist industry in developing methods of mitigating adverse impacts of such operations upon water quality.

5. As a part of his regular inspection and monitoring of the mining operation at Black Mesa, the Secretary of the Interior should monitor and evaluate the impact of groundwater depletions upon the wells used by the Navajo and Hopi Indians. In the event that any indications of impairment of the groundwater supply are found, the Secretary should take immediate steps under the provisions of the contract with the Peabody Coal Company to remedy the situation.

## INTERNMENT IN ULSTER—A TRAGIC FIRST ANNIVERSARY

Mr. KENNEDY. Mr. President, today, the people of Northern Ireland, caught amid the new bloodshed and destruction that have shocked the world in recent weeks, mark the unhappy first anniversary of Great Britain's cruel and repressive policy of internment.

Perhaps there is no step that can be taken now in Northern Ireland that is capable of stemming the ferocious tide of violence threatening to consume the people of Ulster, Protestant and Catholic alike. But I believe that an end of the unconscionable policy of internment must rank at the top of the list of available steps that can and should be taken if there is to be any hope at all of bringing an early and peaceful end to the killing and violence.

No nation that calls itself a democracy can justify a policy of internment for its citizens. In the case of Northern Ireland, the shame of internment has been twice compounded—first by the evidence of torture in the internment camps, the facts of which were established beyond dispute in the recent Compton report; and second, by the incredibly unfair manner in which internment has been applied—"For Catholics Only" has been Britain's internment policy, and it has been overwhelmingly applied in practice.

What about the UDA? What about the Protestant gunmen? What about the Protestant assassination squads who have been so active in recent weeks? I hold no brief for the IRA, or for the violence and destruction so wantonly inflicted by members of the Catholic minority in Ulster. But surely, British justice is a farce in Northern Ireland today, when only Catholics are interned and Protestant gunmen roam free.

Today, when passions in all the Catholic communities in Ulster are rising high against Great Britain, because of the British invasion of the "no-go" areas and the British occupation of Catholic districts, and when the obvious absence of comparable steps against Protestant violence is making a mockery of Britain's claim to even-handed justice, it is long past time to confront the issue of internment.

And so on this tragic first anniversary, I renew the appeal I have made so often in the past. I urge Prime Minister Heath and Secretary Whitelaw to act now to end internment, and to restore the reputation of justice and decency and fairness for which Britain has always been renowned.

## NONPAYMENT OF INCOME TAXES BY CERTAIN INDIVIDUALS

Mr. SCOTT. Mr. President, allegations have been raised in certain quarters that because 100 individuals with adjusted

gross incomes over $200,000 paid no tax during 1970, the tax deductions which benefit several million other taxpayers should be summarily thrown out.

I believe that those who advocate such a move should take note of the actual income situation of these 100 individuals, which was recently discussed by Edwin S. Cohen, Assistant Secretary of the Treasury.

I ask unanimous consent that excerpts from Mr. Cohen's remarks, which were made before the Federal Tax Institute of New England, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PERSONS WITH HIGH ADJUSTED GROSS INCOME

Much has been said recently about the fact that about 100 individuals in the United States in 1970 had "adjusted gross incomes" above $200,000 without paying any tax. Some have argued that this handful of cases shows that the system is unfair and that the rich do not pay taxes. I shall talk further about those few cases in a moment.

But I do not think we should let that small group of individuals obscure the fact that, according to our preliminary data, there were in 1970 a total of some 15,300 persons in the country with adjusted gross incomes above $200,000, and that some 15,200 of them paid an average federal individual income tax of $177,000 each—a total of some $2.7 billion. This is an effective rate of 44.1 percent of their adjusted gross income and 59.5 percent of their taxable income.

From this it is perfectly clear that in general the rich are paying federal income taxes in large amounts. And they are paying more than they were in 1968 while other taxpayers are paying less.

Let me now refer to the cases of the few nontaxable persons with adjusted gross income above $200,000. The statistical data now show that there were 106 such persons. The number of these nontaxable persons was down from 300 in 1969. The adjusted gross income on these 106 returns was less than 17 percent of that on the 300 returns in 1969.

We have now done some further analysis on these returns and have classified them according to the five principal causes of nontaxability: foreign tax credit, deductions for taxes paid, deductions for charitable contributions, deductions for interest payments, and miscellaneous deductions.

As to the seven cases in which nontaxability was due primarily to the foreign tax credit, it is interesting to note that these seven taxpayers paid income tax to foreign countries of about $1.5 million, an average of more than $200,000 tax per taxpayer. This represented an effective foreign income tax rate of 62 percent of their adjusted gross income and 70 percent of their taxable income. It is clear that while these individuals were not required to pay U.S. income tax, they were subjected to heavy income taxes abroad.

Another group of 12 individuals whose adjusted gross income aggregated $4.1 million, paid no 1970 federal income tax because their deductions for state and local taxes exceeded $4.1 million. Substantially all these deductions were for state income taxes. A review of these returns suggested that these individuals had large amounts of nonrecurring income in 1969 on which they paid substantial state income taxes in the spring of 1970, which were deductible on their 1970 federal income tax returns. To check out this hypothesis, we have now obtained data as to the 1969 federal income tax returns of 11 of these 12 individuals and have found that the 11 persons paid 1969 federal income tax totalling about $18 million, an average of more than $1.6 million of tax per individual. The fact that they paid no federal tax for 1970 after paying huge taxes for 1969 is simply a result of the cash basis of accounting which is used by most individuals, and the fact that the state taxes on their large 1969 income were paid in the spring of 1970. To change the tax laws to overcome this result for these dozen individuals would produce undue complexities and require additional expense for many thousands or millions of other taxpayers. This would not be worth the effort. No tax system can achieve perfection, certainly not without incredible complexities and expense.

Another 12 cases involved individuals with adjusted gross income of $8.5 million whose principal deductions consisted of charitable contributions aggregating $4.2 million. The 1969 Act terminated the "unlimited charitable contributions deduction" provision of prior law and set the contribution deduction limit at 50 percent of adjusted gross income. It was recognized that if charitably inclined individuals can deduct their contributions up to one-half of their adjusted gross income, there will necessarily be a few cases in which other deductions for interest, taxes, medical expense, etc., will exceed the other half of adjusted gross income and result in nontaxability.

In 55 of the cases interest paid was the principal deduction, aggregating $17.3 million. But in these returns dividends and interest received aggregated $16.5 million. In general, when interest is paid to borrow money needed to make investments on which dividends and interest income is received, the interest paid should be charged against the interest and dividends received and only the net profit goes into adjusted gross income. But for simplicity sake, the tax law for many years has said that where this occurs in an investment situation, the gross dividend and interest income is reflected in his adjusted gross income—and makes him appear on the surface to be in a high income category—while the offsetting interest expense that he incurs is classed as a personal deduction along with taxes, charitable contributions, casualty losses, alimony, etc. Possibly we should change the definition of "adjusted gross income" so that net investment income is treated like net business income.

There are, however, some cases in this group in which the interest paid exceeds the investment income by substantial amounts. In these cases, as well as some others, there are indications that the minimum tax may be due for 1970 and may be assessed on audit. For 1972 and subsequent years, investment interest paid that exceeds by more than $25,000 the taxpayer's investment income may be disallowed as a deduction under the 1969 Tax Reform Act.

The final category consists of 20 cases in which the principal deduction was miscellaneous deductions, aggregating $10.5 million. Of this total, more than $5.5 million represents items described in the returns generally as loss of securities pledged to secure loans, losses on guarantees of loans, and payments in settlements of litigation. Another $2.2 million of miscellaneous deductions represents an aggregate of accounting, bookkeeping and professional fees, and investment counsel and management fees. If these items are properly deductible—and this can only be determined after audit—it is because they represent expenses of earning business or investment income and may indicate that we should change the definition of "adjusted gross income" to drop these people out of the high income category.

To illustrate, consider one of the returns that reported as the only income more than $400,000 of gambling gains and reported an equal amount as gambling losses under miscellaneous deductions, for a net income of zero. This return, too, will be audited; but if the return stands up under audit, we might consider levying an amusement tax, but the income tax is supposed to apply only to the successful gamblers.

Now, I do not mean to imply from this review of the 106 cases that there is not a constant need for vigilance and improvement in the tax laws. Most assuredly there is a definite need. I mean only to indicate that there is relatively little guidance to be gained from these particular returns in relation to major issues of tax policy, and the attention that has been devoted to them is unwarranted and unwise.

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## PROPOSED COUNCIL ON ENERGY POLICY

Mr. McGEE. Mr. President, there is a growing awareness in this country that we are facing an energy crisis.

As our energy needs are growing at an alarming rate, our sources of energy are decreasing at an equally alarming rate. To further complicate the picture, the production of energy has, in many cases, had very serious environmental consequences. In spite of this set of circumstances, we have yet to draw upon the best minds in our country to formulate an energy policy for the United States.

As a result, I have joined in sponsoring legislation introduced by the distinguished Senate from South Carolina (Mr. HOLLINGS) which would establish a Council on Energy Policy in the Executive Office of the President.

The Washington Sunday Star and Daily News of August 6 contains an article written by Mr. S. Fred Singer. Mr. Singer presents some thought-provoking ideas regarding the need for a national energy policy and what should be taken into consideration in formulating that policy.

I ask unanimous consent that Mr. Singer's article be printed in the RECORD.

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

THE NEED FOR AN ENERGY POLICY

(By S. Fred Singer)

To most of us energy represents a double-faced coin. On the one hand it has produced the highest level of material well-being for about one-fifth of the world's population. On the other hand, it produces most of the world's pollution and is in the final analysis responsible for the world's population explosion.

Paradoxically, our very progress may destroy our ecosystem, or cause cataclysmic international upheavals, or both.

Yet, if we manage our social institutions wisely, and if we apply technology in the right, way, we can avoid these dual catastrophes and achieve a generally high level of welfare for the human race as a whole. The key to this Utopia is a continuing supply of abundant and low-cost energy.

Abundance and cost are, of course, related by the laws of economics, but through technology they are in some sense independent. If fuels become scarce, then their cost will certainly rise rapidly. On the other hand, if fossil fuels are largely replaced, e.g. by nuclear energy in the form of breeder reactors or fusion reactors, then we will have abundant energy; but its cost may be high enough to become a substantial factor in the cost of finished products, or when measured as a fraction of the Gross National Product.

Right now we spend about 3 percent of the

GNP on various energy fuels; if this fraction were to rise appreciably, the cost of all goods would go up in turn. Such a development would make it more difficult to advance the living standards of the poor and could trigger social upheavals.

An increase in fuel costs reflects itself very directly as an increase in the cost of living, in the costs of food and other necessities, transportation, heating and electricity.

But the worst crisis of all would be created if alternate energy sources were not to become available and energy itself became scarce.

ENERGY FACTS

It is useful to review a few basic facts about energy. First of all, energy is transformed; starting with primary sources like a chemical source or solar or nuclear sources, energy must end up ultimately in the form of heat.

In the intermediate stage the energy may do useful things: as mechanical energy in the running of machines or as electrical energy in producing light.

The second fact is that the value of energy depends on its temperature; the higher the temperature the larger the fraction of energy available for transformation. For example, there is a great deal of heat energy in the ocean, or in the cooling water from power plants; but its temperature is too low, and it is not available for producing useful work. According to its availability, we speak of high-grade and degraded forms of energy.

In every energy conversion process we should aim to lose as little as possible of the energy as waste heat; i.e., we should strive for efficiency and we should not degrade it unnecessarily.

In electrical systems we have devices, such as electric motors and transformers, which have efficiencies that are of the order of 80 or 90 percent. But, on the other hand, one of our largest energy users, the internal combustion engine, converts the chemical energy of gasoline into mechanical energy with an efficiency of about 20 percent.

Keep in mind that doubling efficiency means reducing by two the amount of fuel required. Efficiency also means conservation. If houses were better insulated so that the amount of energy escaping was reduced by a factor of two, then the amount of fuel would be reduced correspondingly.

When I state that our aim must be to provide and ensure a continuing supply of abundant low-cost energy, there are two major constraints: one is environmental, and the other has to do with national security.

Before turning to these, and to the many so-called practical political constraints, let me discuss the situation of an ideal free market and speak about efficiency in an economic sense. Economic efficiency is obtained by what the economist calls efficient pricing. The cost of energy should be that arrived at in a free and competitive marketplace.

If energy is too cheap it is wasted. If energy is artificially overpriced, then other inefficiencies are produced. In general, every institutional restraint, every artificial regulation, will distort the market and will result in a lower economic efficiency.

There is, of course, another point to watch for. Whenever restraints or regulations or subsidies are introduced in order to achieve a desired effect, we have to ask ourselves periodically, say every few years, whether they are still serving that purpose. Unfortunately, the tendency is towards persistence of laws, unless an automatic review feature is introduced in the enabling legislation.

THE INFORMED CONSUMER

How do we achieve this ideal situation of highest economic efficiency? Our aim should be to do this with a minimum of regulation, using market forces as much as possible.

But to get a truly free market we need, first of all, what I call the "perfectly informed consumer," that is a consumer who understands what is best for him.

This consumer will always purchase the lowest-cost package. This consumer not only looks at the initial cost of a house, but also asks about the cost of upkeep and thereby forces the builder to provide better insulation. This consumer looks not only at the price tag of an air-conditioner unit, but also asks about its efficiency and electricity consumption.

In practice, we may have difficulty developing such a consumer. The average consumer does not even look at the price tag; he only looks at the down-payment.

The environmental constraints are well understood, and are in any case economic rather than absolute and fundamental. By this I mean that if we are willing to pay the costs of pollution control and add them to the other costs which make up the cost of energy, then we have arrived at a rational way for the efficient pricing of energy which includes all of the social costs.

There seems to be little dispute among all the parties concerned that this is the way to proceed. I have estimated that the additional costs of electricity production will be on the order of 0.2 percent of the GNP—not an exorbitant increase.

National security considerations distort the energy picture in a different way. The emphasis here must be on reasonable self-sufficiency, and the question is: how can we achieve this at the lowest over-all cost, not only in the short term but also in the long term.

I believe that we need a credible scheme of conservation. Perhaps we even need a credible rationing scheme; otherwise we will surely be "held up" by foreign suppliers of fuels, or at least we will be restricted and restrained in the way we apply foreign policies to benefit the security of the United States.

Incidentally, I would charge all of the costs that are incurred on behalf of national security to the Defense Department. It is very important to have a proper form of bookkeeping. If, as is generally claimed, depletion allowances are supposed to develop domestic supplies for the sake of national security, then I submit that the cost of the depletion allowances should be billed to the defense budget.

It is often argued that we must restrict oil imports for the sake of national security, because foreign supplies are not as dependable as domestic supplies. This is such an important question for the national welfare, both now and in the future, that it must be carefully re-examined.

We should be able to find a way which does several things at the same time: (1) allows us to import lower cost fuels, (2) provides an incentive for exploration of domestic supplies to increase the size of domestic reserves; but (3) conserves domestic supplies by not limiting imports; yet (4) is fair to domestic producers who have invested a great deal in exploration and production facilities.

I believe that once it is accepted that price appreciation of fuels is a fact of life, then this price appreciation will protect domestic supplies from early over-exploitation. Since the bulk of the reserves are likely to be in public lands offshore, the government has a vested interest and incentive to develop an optimum policy.

There are many other public-policy issues which have to be examined and re-examined in the development of a national production, the depletion allowance with respect to oil and gas, price regulation of natural gas, the proper assignment of environmental costs of fuel extraction (particularly for strip mining) and of energy production.

PROPER ROLE

I see a proper role for government investments in research and development to develop better ways of producing, transforming and conserving energy: from nuclear fusion power and nuclear breeder reactors to MHD—magnetohydrodynamics to produce electricity more efficiently; high efficiency transmission lines; coal desulfurization, gasification and liquefication; and also all the ways of capturing solar power.

There is little incentive for private industry or for public utilities to undertake any of these very expensive and risky developments.

But if the job is to be done by government, then where and by whom? Unfortunately, the institutional picture is a patchy one.

There is no single agency in the government which can deal with energy research in an overall balanced manner, not to mention the problems of energy supply, use, regulation, or the environmental and security aspects.

As a result, no agency "pushes" such things as research in solar power or geothermal power, in the same way in which the AEC "pushes" nuclear power, or the Department of Interior coal.

And frequently, agencies pursuing their major missions will be at cross purposes with each other. One of the important priorities of any national energy policy is to create immediately a focal point, preferably in the White House, to coordinate the scattered efforts of the many government agencies now involved in various aspects of the energy business.

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## THOUGHTS ON THE YOUNG

Mr. BUCKLEY. Mr. President, I commend to the Senate a thoughtful article entitled "Thoughts on the Young," written by William V. Shannon, and published in last Sunday's New York Times.

It is one of the best defenses I have read of the need, in his words, for "holding students to rigorous standards of exact knowledge, of inculcating in them a respect for the past and a knowledge of its wisdom, and requiring of them civility and discipline."

I ask unanimous consent that Mr. Shannon's article be printed in the RECORD.

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

THOUGHTS ON THE YOUNG

(By William V. Shannon)

WASHINGTON, August 5.—Throughout history, the old and the middle-aged have tried to reach across the generations and share the benefits of their hard-won experience with the young. It is an effort which can never entirely succeed. Not all of yesterday's wisdom exactly fits today's problems. Each of us has to make some mistakes on his own. Yet not all of the mistakes of the past have to be repeated. Indeed, human progress, if it is possible at all, is possible only because we benefit from the incremental wisdom of the past.

In that belief, I recently attacked the unhealthy trend toward the intellectual devitalization of higher education. I argued that if the trend is not reversed, colleges may be producing not educated men and women but a swelling tribe of new barbarians.

The column evoked emphatic agreement from many professors across the country who feel themselves beleaguered by colleagues, administrators and students, all clamoring for what is seemingly new, innovative and relevant. But some younger readers took particular exception to any statement that college students "rarely know what is in their own intellectual best interest for the whole of their lives."

Determining what should be taught in

college requires perspective and a measure of wisdom. The opinions and desires of undergraduates should be taken into account, but they cannot be decisive. As philosopher Ralph Barton Perry used to say when he was arguing against the unrestricted elective system at Harvard, "Students do not know what it is that they do not know."

My defense of required courses in a range of different fields is based in part on my own experience. When I was an undergraduate, my dominant interests were literature and history. If I had been asked to vote on abolishing two years of laboratory sciences as a requirement, I would have been first in line to vote "yes." How was I to know at 17 that nuclear scientists were then harnessing atomic energy? Insofar as I understand nuclear power, radar, television and other technical forces which shape our world, I owe much today to that year spent studying physics.

How was I to know that as I grew older I would develop an interest in conservation? Much of what I know about the physical environment I learned in a year studying geology, another course I thought tedious at the time. Now, in my 25th reunion year, my regret is not that I was required to take two years of science by a faculty which knew more about what was good for me intellectually than I did. Instead, I regret that I did not also study biology to gain a better understanding of the biosphere.

Yet one academic writes that "forcing students to learn things has been shown to have a stultifying effect on their individual growth and development." When professors make intellectually irresponsible statements of this kind, no one can blame young students for wanting to do what is fun and avoiding courses which are difficult or not immediately appealing.

One could as well argue that it is "stultifying" to earn one's living or to fulfill one's family responsibilities or to care for the sick and the aged. Each of these human necessities involves doing much that is not "relevant" to what a person might really like to be doing.

This destructive educational trend is part of a more widespread and corrosive hedonism. Through most of history, only the idle rich could devote themselves to seeking pleasure. Now in this richest of nations with its private swimming pools, its two-car and three-car families and its rising standard of living, millions of people can envisage lives given over wholly or in large part to pleasure.

Moral philosophers have always observed the emptiness and ultimate frustration of lives which are lived according to the hedonistic principle. Work which taxes one's highest intellectual or physical powers, sacrifice for one's ideals and sharing with others, these are much more likely routes to personal fulfillment than the direct pursuit of pleasure.

The young with their instinctive and admirable idealism know that best of all. In their best moments, they can do prodigious amounts of work, sacrifice themselves and share unreservedly. But they also have the freedom to be hedonists.

Thus, it is all the more tragic when colleges are afraid of holding students to rigorous standards of exact knowledge, of inculcating in them a respect for the past and a knowledge of its wisdom and requiring of them civility and discipline. If colleges become a fun-filled fantasy world where students only study what interests them, where grades disappear and standards go slack, then colleges are conforming to the worst of the larger society rather than preserving and encouraging the best. The young who should be challenged and tempered are the losers.

## COURT TEST OF PRESIDENT'S POCKET VETO POWER

Mr. KENNEDY. Mr. President, I have today filed a complaint in the Federal district court in Washington, D.C., in an effort to seek a judicial determination of the important legal and constitutional issues surrounding the President's pocket veto power.

As Members of the Senate and House are aware, the issue was clearly raised by President Nixon's use of the pocket veto during a brief Christmas recess in 1970 to disapprove an important health bill passed by Congress—the Family Practice of Medicine Act. The bill had been approved overwhelmingly by both Houses of Congress, and the pocket veto was used in an effort to prevent a vote in Congress to override the veto. I believe that the President's use of the pocket veto in these circumstances was unconstitutional, and I am hopeful that the case I have initiated in court today will settle the issue.

Mr. President, I ask unanimous consent, that a statement describing the issue in more detail and the text of the complaint I have filed in the case be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR KENNEDY ANNOUNCING COURT ACTION CHALLENGING PRESIDENT'S USE OF POCKET VETO POWER

Senator Edward M. Kennedy today filed a court action against two officials of the Nixon Administration, challenging the constitutionality of the President's attempt to pocket veto a Federal health bill in December 1970.

The complaint in the case, called an action in the nature of mandamus, was filed by Kennedy in the Federal District Court in Washington, D.C. The defendants are Arthur F. Sampson, head of the General Services Administration, and Thomas M. Jones, Chief of Records in the White House. Kennedy's complaint asks the Court to declare the President's pocket veto invalid, and to order the defendants to carry out their responsibility to publish the bill as part of the official laws of the United States.

The bill in question, the Family Practice of Medicine Act, was passed by Congress to deal with certain aspects of the nation-wide shortage of physicians. It authorized a three-year, $225 million program of Federal grants to hospitals and medical schools for the purpose of training family doctors. The bill was approved in the Senate by a vote of 64–1, and in the House of Representatives by a vote of 346–2, and was sent to the President in mid-December that year.

Under Article I, Section 7, Clause 2 of the Constitution, the President must either sign or veto a bill within ten days after he receives it from Congress:

If the President signs the bill, it becomes law.

If he vetoes the bill, it is returned to Congress, where votes may be taken to override the veto.

If he fails to sign the bill, but does not veto it, the bill becomes law without his signature. However, if the ten-day period expires while Congress is adjourned, and the President has not signed the bill, the bill does not become law—in this case, the President can veto a bill simply by "putting it in his pocket," hence the term "pocket veto."

In the case of the Family Practice of Medicine Act involved in Senator Kennedy's lawsuit, the ten-day period expired on December 25, 1970, at a time when Congress was on a brief four-day recess for the Christmas holidays. The Senate returned to session on December 28, and the House of Representatives returned on December 29, so that Congress would have had the opportunity to consider the President's action if he had used the regular veto procedure to disapprove the bill. Instead, President Nixon used a pocket veto to reject the bill, thereby preventing Congress from acting against the veto. Kennedy's complaint asks the Court to declare that the use of the pocket veto was improper in these circumstances, and to hold that the bill became law on December 25, 1970, without the President's signature.

In filing the complaint, Kennedy cited the need for the Family Practice of Medicine legislation in order to help meet the nation's health care crisis, especially the shortage of health manpower.

Kennedy also emphasized that the President's use of the pocket veto "raised a separate and extremely serious question, a question that goes to the very heart of the constitutional relationship between Congress and the President with respect to the enactment of Federal legislation." Kennedy called the President's action a "promiscuous use of the pocket veto power, a transparent but unconstitutional attempt to prevent an embarrassing vote by Congress to override a regular veto, and another example in the long line of actions by the Administration in derogation of the powers of Congress under the Constitution."

In defending the use of the pocket veto power in the present case, the Department of Justice relies on broad language in a 1929 Supreme Court decision. The Department also cites a historical practice of previous Administrations in using the pocket veto during relatively brief adjournments of Congress, but recognizes that the issue has been a bone of contention between Congress and the President over the years.

Kennedy noted that the 1929 decision, as well as a 1938 decision by the Supreme Court, had not ruled on the specific issue involved in the present case. Kennedy said those precedents could easily be read as supporting his view that the pocket veto provision of the Constitution was intended to apply only in circumstances involving a final adjournment at the end of a Congress or at the end of a session of Congress, and was not intended to apply to brief recesses of Congress within a session, such as the Christmas holiday recess involved in the pocket veto of the Family Practice of Medicine Act. Otherwise, said Kennedy, Congress could not even recess for a weekend without risking a pocket veto of important legislation awaiting the President's signature.

Kennedy also said that the sporadic historical practice of pocket vetos by prior Administrations was more a tribute to the difficulty of challenging the validity of a pocket veto in the courts, rather than a legitimate justification for the Administration's position. Kennedy said that other avenues to challenge the validity of the pocket veto of the Family Practice of Medicine Act had been pursued by Congress and other interested groups without success, and that he was filing the present court action in order to obtain a definitive judicial determination of the issue.

After the pocket veto in 1970, Congress appropriated $100,000 to fund the Family Practice of Medicine program, but the Department of Health, Education and Welfare declined to make the funds available. Also, in a case involving a private claim bill which was pocket vetoed on the same day as the Family Practice of Medicine Act, the Foreign Claims Settlement Commission avoided the issue of the pocket veto by deciding on an-

other ground to accept the claim of the beneficiary under the private bill. Therefore, Kennedy said, the court action he was filing was the best remaining approach to resolve the important constitutional issue at stake.

A copy of the complaint filed by Senator Kennedy is attached.

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[In the U.S. District Court for the District of Columbia]

EDWARD M. KENNEDY, PLAINTIFF, AGAINST ARTHUR F. SAMPSON, ACTING ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION, WASHINGTON, D.C., AND THOMAS M. JONES, CHIEF, WHITE HOUSE RECORDS, THE WHITE HOUSE, WASHINGTON, D.C., DEFENDANTS

COMPLAINT FOR MANDAMUS, INJUNCTIVE AND DECLARATORY RELIEF

I

*Statement as to jurisdiction*

1. This is an action in the nature of mandamus, or in the alternative for a permanent injunction, to require the defendants, who are the Acting Administrator of the General Services Administration of the United States and the Chief of White House Records, to publish S. 3418 (91st Congress, 2d Session), the Family Practice of Medicine Act, as a validly enacted law of the United States, in accord with their ministerial, non-discretionary duty under 1 U.S.C. 106a, 1 U.S.C. 112, and 1 U.S.C. 113. This action also seeks a declaratory judgment that the action of the President of the United States in disapproving the bill under the Pocket Veto provision of Article I, Section 7, Clause 2 of the Constitution was not in accord with the requirements of that provision, and that therefore the bill became a law of the United States without the signature of the President, in accord with other provisions of that Clause.

2. This action arises under the Constitution and the Laws of the United States. The matter in controversy exceeds $10,000.00, exclusive of interest and costs. The jurisdiction of this Court rests upon 28 U.S.C. 1331, 28 U.S.C. 1361, and 28 U.S.C. 2201.

II

*Parties*

3. Plaintiff Edward M. Kennedy is a citizen of the United States and a taxpayer of the United States. Plaintiff is also the senior United States Senator from the Commonwealth of Massachusetts and is the Chairman of the Subcommittee on Health of the Committee on Labor and Public Welfare of the United States Senate.

4. Defendant Arthur F. Sampson is an officer or employee of the United States. He is sued in his official capacity as Acting Administrator of the General Services Administration of the United States. It is his duty, pursuant to 1 U.S.C. 106a, 1 U.S.C. 112, and 1 U.S.C. 113, to receive bills that have become laws of the United States and to publish them in slip form and in the United States Statutes at Large.

5. Defendant Thomas M. Jones is an officer or employee of the United States. He is sued in his official capacity as Chief of White House Records. It is his duty to receive enrolled bills from the Congress and, pursuant to 1 U.S.C. 106a, to deliver bills that have become laws of the United States to the Administrator of General Services for publication in slip form and in the United States Statutes at Large.

III

*Statement of the claim*

6. On Thursday, December 10, 1970, the Congress of the United States cleared for the President of the United States S. 3418 (91st Congress, 2d Session), the Family Practice of Medicine Act. The bill had been approved by the Senate by a vote of 64 to 1 and by the House of Representatives by a vote of 346 to 2. It authorized the Congress to appropriate $225 million for the fiscal years 1971, 1972, and 1973 for grants to public and private non-profit hospitals and medical schools, in order to assist them in establishing special departments and programs in the field of family practice of medicine, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine. A copy of Report No. 91-1668 (91st Congress, 2d Session) of the House of Representatives, containing the text of the bill as approved by the Congress, is attached as Appendix A.

7. On Monday, December 14, 1970, the Clerk of Enrolled Bills in the Office of the Secretary of the Senate delivered the enrolled bill S. 3418 to the defendant at the White House, and the Secretary of the Senate reported to the Senate that he had presented S. 3418 to the President of the United States.

8. On Tuesday, December 22, 1970, the Congress recessed for the Christmas holidays. The Senate, in which S. 3418 originated, was in recess until Monday, December 28, 1970, and the House of Representatives was in recess until Tuesday, December 29, 1970. During the recess of the Senate, the Secretary of the Senate was specifically authorized to receive messages from the President of the United States. The Second Session of the 91st Congress adjourned sine die on Saturday, January 2, 1971.

9. On Thursday, December 24, 1970, the President of the United States issued a Memorandum of Disapproval announcing that he was withholding his signature from S. 3418. The bill was not returned by the President to the Senate with his objections. In effect, the President sought to disapprove the bill by reliance on the Pocket Veto provision of Article I, Section 7, Clause 2 of the Constitution. A copy of the President's Memorandum of Disapproval is attached as Appendix B.

10. On Friday, December 25, 1970, S. 3418 not having been returned to the Senate by the President with his objections within ten days (Sundays excepted) after it had been presented to him, and the Congress not having prevented its return by their adjournment, the bill became a Law of the United States, in like manner as if the President had signed the bill, in accord with Article I, Section 7, Clause 2 of the Constitution and notwithstanding the Memorandum of Disapproval issued by the President on December 24 1970.

11. By letter of June 5 1972 the plaintiff requested the defendant Thomas M. Jones to deliver S. 3418 to the Administrator of General Services for publication as a law in slip form and in the United States Statutes at Large. By letter of June 12 1972, Mr. John W. Dean III, acting as Counsel to the President, refused to honor the plaintiff's request, stating that S. 3418 was never enacted into law, since it had been disapproved by the President through the exercise of the President's pocket veto power under Article I, Section 7, Clause 2 of the Constitution. Copies of the request and refusal are attached as Appendices C and D.

12. By letter of June 5, 1972, the plaintiff requested the defendant Arthur F. Sampson to receive S. 3418, and to publish it as a law in slip form and in the United States Statutes at Large. By letter of July 17, 1972, the defendant Arthur F. Sampson refused the request on the basis of his understanding that S. 3418 had been vetoed by the President in accordance with the President's interpretation of the Constitution, and that he was unable to honor the request until such time as the bill becomes a validly enacted law of the United States. Copies of the request and refusal are attached as Appendices E and F.

13. The acts of the defendants have injured the plaintiff as a United States citizen in that they have deprived him of his rights as a citizen to have the Executive Branch of the Federal Government treat as law the valid enactments of his elected representatives in the Congress.

14. The acts of the defendants have injured the plaintiff as a United States taxpayer in that they have deprived him of his right as a taxpayer to have tax monies received by the Federal Government allocated and expended as the Congress authorizes by validly enacted laws.

15. The acts of the defendants have injured the plaintiff as a United States Senator by denying him the effectiveness of his vote as a member of the United States Senate. The plaintiff, who was among the 64 Senators voting in favor of S. 3418, has a plain, direct, and adequate interest in maintaining the effectiveness of his vote and in the acceptance of S. 3418 as a validly enacted law of the United States.

16. The acts of the defendants have injured the plaintiff as Chairman of the Subcommittee on Health of the Committee on Labor and Public Welfare of the United States Senate, in that the plaintiff has the responsibility to initiate and preside over the passage through the Congress of legislation in the area of health care, including legislation in the area of the family practice of medicine which is new before the Congress and whose development is specifically impeded by the refusal of defendants to treat S. 3418 as a validly enacted law.

Wherefore plaintiff prays:

A. That this Court declare and adjudge that S. 3418 (91st Congress, 2d Session) became a validly enacted law of the United States on December 25, 1970, without the signature of the President, in accord with Article I, Section 7, Clause 2 of the Constitution.

B. That this Court issue an order in the nature of mandamus, or in the alternative a permanent injunction, requiring defendants to publish S. 3418 as a validly enacted law of the United States, in accord with their ministerial, nondiscretionary duty under 1 U.S.C. 106a, 1 U.S.C. 112, and 1 U.S.C. 113.

C. That the reasonable costs incurred by the plaintiff in this action be ascertained and the defendants ordered to pay the same to the plaintiff forthwith.

D. That this Court award the plaintiff such other and further relief as may be just and equitable under the circumstances.

Respectfully submitted,

EDWARD M. KENNEDY,
*Pro Se.*

Date: August 9, 1972.

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APPENDIX A

TRAINING OF FAMILY PHYSICIANS

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, 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 disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—FAMILY MEDICINE

SEC. 101. Part D of title VII of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS TO PROVIDE PROFESSIONAL AND TECHNICAL TRAINING IN THE FIELD OF FAMILY MEDICINE

"DECLARATION OF PURPOSE

"SEC. 761. It is the purpose of this part to provide for the making of grants to assist—

"(1) public and private nonprofit medical schools—

"(A) to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction (including continuing education) in all phases of family practice;

"(B) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a medical school or as separate outpatient or similar facility;

"(C) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine; and

"(D) to operate, or participate in, special training programs to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools; and

"(2) public and private nonprofit hospitals which provide training programs for medical students, interns, or residents—

"(A) to operate, as an integral part of their medical training programs, special professional training programs (including continuing education) in the field of family medicine for medical students, interns, residents, or practicing physicians;

"(B) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility;

"(C) to provide financial assistance (in the form of scholarships, fellowships, or stipends) to interns, residents or other medical personnel who are in need thereof, who are participants in a program of such hospital which provides special training (accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education) in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(D) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 762. (a) For the purpose of making grants to carry out the purposes of this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1971, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973.

"(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for the purpose for which appropriated until the close of the fiscal year which immediately follows such year.

"GRANTS BY SECRETARY

"SEC. 763. (a) From the sums appropriated pursuant to section 762, the Secretary is authorized to make grants, in accordance with the provisions of this part, to carry out the purposes of section 761.

"(b) No grant shall be made under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall have prescribed by regulations which have been promulgated by him and published in the Federal Register not later than six months after the date of enactment of this part.

"(c) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

"(d) In the case of any application for a grant any part of which is to be used for major construction or remodeling of any facility, the Secretary shall not approve the part of the grant which is to be so used unless the recipient of such grant enters into appropriate arrangements with the Secretary which will equitably protect the financial interests of the United States in the event such facility ceases to be used for the purpose for which such grant or part thereof was made prior to the expiration of the twenty-year period which commences on the date such construction or remodeling is completed.

"(e) Grants made under this part shall be used only for the purpose for which made and may be paid in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"ELIGIBILITY FOR GRANTS

"SEC. 764. (a) In order for any medical school to be eligible for a grant under this part, such school—

"(1) must be a public or other nonprofit school of medicine; and

"(2) must be accredited as a school of medicine by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirements of this clause shall be deemed to be satisfied, if (A) in the case of a school of medicine which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(b) In order for any hospital to be eligible for a grant under this part, such hospital—

"(1) must be a public or private nonprofit hospital; and

"(2) must conduct or be prepared to conduct in connection with its other activities (whether or not as an affiliate of a school of medicine) one or more programs of medical training for medical students, interns, or residents, which is accredited by a recognized body or bodies, approved for such purpose by the Commissioner of Education.

"APPROVAL OF GRANTS

"SEC. 765. (a) The Secretary, upon the recommendation of the Advisory Council on Family Medicine, is authorized to make grants under this part upon the determination that—

"(1) the applicant meets the eligibility requirements set forth in section 764;

"(2) the applicant has complied with the requirements of section 763;

"(3) the grant is to be used for one or more of the purposes set forth in section 761;

"(4) it contains such information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this part;

"(5) it provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require (pursuant to regulations which shall have been promulgated by him and published in the Federal Register) to assure proper disbursement of and accounting for all Federal funds paid to the applicant under this part; and

"(6) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 65 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines; and

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recognized body approved by the Commissioner of Education; or

"(2) a hospital to establish or operate a special program for medical students, interns, or residents in the field of family medicines unless the Secretary is satisfied that such program will, in terms of the type of training provided, be designed to prepare participants therein to meet the standards established for specialists in the field of family medicine by a recognized body approved by the Commissioner of Education.

"(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"PLANNING AND DEVELOPMENTAL GRANTS

"SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan or develop programs or projects for the purpose of carrying out one or more of the purposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1973) to make planning and developmental grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

"(b) From the amounts appropriated in any fiscal year (prior to the fiscal year ending June 30, 1973) pursuant to section 762 (a), the Secretary may utilize such amounts as he deems necessary (but not in excess of $8,000,000 for any fiscal year) to make the planning and developmental grants authorized by subsection (a).

"ADVISORY COUNCIL ON FAMILY MEDICINE

"SEC. 767. (a) The Secretary shall appoint an Advisory Council on Family Medicine (hereinafter in this section referred to as the 'Council'). The Council shall consist of twelve members, four of whom shall be physicians engaged in the practice of family medicine,

four of whom shall be physicians engaged in the teaching of family medicine, three of whom shall be representatives of the general public, and one of whom shall, at the time of his appointment, be an intern in family medicine. Members of the Council shall be individuals who are not otherwise in the regular full-time employ of the United States.

"(b)(1) Except as provided in paragraph (2), each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment.

"(2) The member of the Council appointed as an intern in family medicine shall serve for one year.

"(3) A member of the Council shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service, employed intermittently.

"(d) The Council shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this part. The Council shall consider all applications for grants under this part and shall make recommendations to the Secretary with respect to approval of applications for, and of the amount of, grants under this part.

"DEFINITIONS

"SEC. 768. For purposes of this part—

"(1) the term 'nonprofit' as applied to any hospital or school of medicine means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(2) the term 'family medicine' means those certain principles and techniques and that certain body of medical, scientific, administrative, and other knowledge and training, which especially equip and prepare a physician to engage in the practice of family medicine;

"(3) the term 'practice of family medicine' and the term 'practice', when used in connection with the term 'family medicine', mean the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance; and

"(4) the term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings and initial equipment of any such buildings, including architects' fees, but excluding the cost of acquisition of lands or offsite improvements."

TITLE II—MALNUTRITION

SEC. 201. (a) The Secretary of Health, Education, and Welfare shall conduct a study, in cooperation with schools training health professional manpower, of the feasibility and desirability of establishing at such schools courses dealing with nutrition and problems related to malnutrition, and of establishing research programs and pilot projects in the field of nutrition and problems of malnutrition.

(b) The Secretary is authorized to make grants to health professional schools, in connection with the study provided for by subsection (a), for the planning of programs at such schools, and for the conduct of pilot projects at such schools, to assist such schools in the establishment of courses dealing with nutrition and problems related to malnutrition.

(c) The Secretary shall report to the President and to Congress by July 1, 1972, the results of such study, together with such recommendations as he deems advisable.

(d) There is authorized to be appropriated $5,000,000 to carry out the purposes of this section.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows: Amend the title so as to read: An Act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine and to provide for a study relating to causes and treatment of malnutrition. And the House agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
TIM LEE CARTER,
JAMES F. HASTINGS,
*Managers on the Part of the House.*

RALPH W. YARBOROUGH,
HARRISON A. WILLIAMS,
EDWARD M. KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
JACOB K. JAVITS,
GEORGE MURPHY,
WINSTON PROUTY,
WILLIAM SAXBE,
*Managers on the Part of the Senate.*

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all after the enacting clause of the Senate bill and substituted a new text. The conference agreement is a substitute for both the text of the Senate bill and the House amendment.

Except for technical, clerical, clarifying, and conforming changes, the differences between the House amendment and the conference substitute are as follows:

The Senate bill provided specific authority for programs of continuing education in the field of family medicine, and the conference substitute is the same in this regard as the text of the Senate bill.

The Senate bill authorized a five-year program, at total authorizations of $425,000,000, and the House amendment was limited to three years, at a total authorization of $225,000,000. The conference substitute is the same in this regard as the House amendment.

The Senate bill authorized not to exceed $10,000,000 for any fiscal year for planning and developmental grants for the purpose of assisting medical schools and hospitals to plan or develop programs or projects for the purposes of carrying out training in the field of family medicine. The House amendment limited the sums to $5,000,000 a year, and did not specifically cover developmental grants.

The conference substitute authorizes $8,000,000 for planning and developmental grants. The purpose of these grants is to assist medical schools and hospitals in actually getting programs and projects underway, and is intended to expedite the development of programs at schools and hospitals for the training of family physicians.

The Senate bill contained a provision authorizing grants and contracts to universities, medical schools, graduate schools, hospitals, laboratories, and other public or private institutions, and individuals for research into malnutrition. This provision also authorized the establishment of courses at medical schools, graduate schools, and nursing schools in malnutrition, and would have authorized fellowships and other financial assistance to students in this area.

The House amendment contained no comparable provision. The conference substitute authorizes the Secretary of Health, Education, and Welfare to conduct a study, in cooperation with health professional manpower schools of the feasibility and desirability of establishing courses at such schools in the fields of nutrition and problems relating to malnutrition. $5,000,000 is authorized for such grants, and for planning of programs and pilot projects, with a report being required to the President and to the Congress before July 1, 1972, together with such recommendations as the Secretary deems advisable.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
TIM LEE CARTER,
JAMES F. HASTINGS,
*Managers on the Part of the House.*

APPENDIX B

MEMORANDUM OF DISAPPROVAL OF A BILL TO PROMOTE TRAINING IN FAMILY MEDICINE, DECEMBER 26, 1970

I am withholding my signature from S. 3418, a bill designed to promote training in family medicine. The authority provided in this bill is unnecessary and represents the wrong approach to the solution of the nation's health problems.

In my press conference on December 10, I stated that a health program will be one of the highest priority proposals I will submit to the Congress next year. We will propose a broad pattern of reforms to deal with the nation's health problems and needs on a systematic and comprehensive basis. In contrast, the piecemeal bill I am rejecting today simply continues the traditional approach of adding more programs to the almost unmanageable current structure of Federal Government health efforts.

The Federal Government already has at

least four programs on the books that provide funds which can be used to promote the training of family medicine practitioners. Moreover, the entire concept of American medicine is in an evolutionary stage. There are differing opinions on how best to organize and train personnel to provide comprehensive and continuing care to individuals and families.

Under these circumstances, I do not believe it wise to place heavy emphasis on the establishment of separate departments of family medicine in medical schools, as S. 3418 would do. This is only one—and not necessarily the most efficient—method of achieving our national health care objectives, and should not be fixed in law.

RICHARD NIXON.

THE WHITE HOUSE, *December 24, 1970.*

(NOTE: The memorandum was dated December 24, 1970, and released December 26, 1970.)

APPENDIX C

U.S. SENATE,
*Washington, D.C., June 7, 1972.*

Hon. THOMAS M. JONES,
*Chief, White House Records,*
*The White House,*
*Washington, D.C.*

DEAR MR. JONES: It is the purpose of this letter to request you to deliver S. 3418 (91st Cong., 2d Sess.) to the Administrator of General Services, so that, in accord with his statutory duties under 1 U.S.C. 106a, 1 U.S.C. 112, and 1 U.S.C. 113, he may publish the bill in slip form as a law of the United States, and include it in the United States Statutes at Large as a validly enacted law of the United States. I am also sending a letter to the Administrator of General Services on this subject.

Final action in the Congress on S. 3418 was completed by the Senate and the House of Representatives in December 1970. The bill, the so-called "Family Practice of Medicine Act," authorized a three-year $225 million program of Federal financial assistance for the field of the family practice of medicine, as well as a one-year $5 million program for the study of certain aspects of nutrition.

On December 14, 1970, Congress presented the enrolled bill to the President for his signature. Subsequently, Presiednt Nixon sought to disapprove the bill through the exercise of the "pocket veto" power under Article I, Section 7, Clause 2 of the Constitution, which permits such a veto during certain types of "Adjournment" by Congress.

The "Adjournment" in question in this case was the four-day Christmas holiday recess taken by Congress in December 1970. It is my view, which is shared by a number of experts in constitutional law, the pocket veto power is not applicable to such a brief recess of Congress, that the power was not validly exercised in the case of S. 3418, and that, therefore, in accord with the Constitution, the bill has become law without the signature of the President. For your information, I am enclosing a copy of a hearing held on the pocket veto issue in January, 1971, by the Senate Subcommittee on Separation of Powers, which contains a number of useful legal materials on the subject.

As Chairman of the Senate Subcommittee on Health, I am directly involved in the initiation and development of legislation in the area of health, including the family practice of medicine. It is essential to me, therefore, in the course of my official duties in the Senate, to have a clear determination of the validity of S. 3418, in order that I may formulate appropriate plans for additional legislation that may be needed in the important area of the family practice of medicine. I look forward to your reply, and to your prompt favorable action on the delivery of S. 3418 to the Administrator of General Services.

Respectfully,

EDWARD M. KENNEDY.

APPENDIX D

THE WHITE HOUSE,
*Washington, D.C., June 12, 1972.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: This will acknowledge receipt and thank you for your letter of June 5, 1972 requesting that S. 3418 (91st Congress, 2nd Session) be delivered to the Administrator of General Services for publication as a law of the United States.

The subject bill was disapproved by the President through the exercise of his "pocket veto" power, and pursuant to Article 1, section 7, clause 2 of the Constitution it was never enacted into law. Since S. 3418 was vetoed by the President and never enacted into law, we must respectfully decline to honor your request.

Sincerely,

JOHN W. DEAN III,
*Counsel to the President.*

APPENDIX E

U.S. SENATE,
*Washington, D.C. June 7, 1972.*

Hon. ARTHUR F. SAMPSON,
*Acting Administrator,*
*General Services Administration,*
*Washington, D.C.*

DEAR MR. SAMPSON: It is the purpose of this letter to request you, in accord with your statutory duties under 1 U.S.C. 106a, 1 U.S.C. 112, and 1 U.S.C. 113, to receive Senate Bill 3418 (91st Cong., 2d Sess.), to publish the bill in slip form as a law of the United States, and to include and publish the bill in the United States Statutes at Large, as a validly enacted law of the United States. I am also sending a letter on this subject to the Chief of the White House Records Office.

Final action in the Congress on S. 3418 was completed by the Senate and House of Representatives in December 1970. The bill, the so-called "Family Practice of Medicine Act," authorized a three-year, $225 million program of Federal financial assistance for the field of the family practice of medicine, as well as a one-year $5 million program for the study of certain aspects of nutrition.

On December 14, 1970, Congress presented the enrolled bill to the President for his signature. Subsequently, President Nixon sought to disapprove the bill through the exercise of the "pocket veto" power under Article I, Section 7, Clause 2 of the Constitution, which permits such a veto during certain types of "Adjournment" by Congress.

The "Adjournment" in question in this case was the four-day Christmas holiday recess taken by Congress in December 1970. It is my view, which is shared by a number of experts in constitutional law, that the pocket veto power is not applicable to such a brief recess of Congress, that the power was not validly exercised in the case of S. 3418, and that, therefore, in accord with the Constitution, the bill has become law without the signature of the President. For your information, I am enclosing a copy of a hearing held on the pocket veto issue in January, 1971, by the Senate Subcommittee on Separation of Powers, which contains a number of useful legal materials on the subject.

As Chairman of the Senate Subcommittee on Health, I am directly involved in the initiation and development of legislation in the area of health, including the family practice of medicine. It is essential to me, therefore, in the course of my official duties in the Senate, to have a clear determination of the validity of S. 3418, in order that I may formulate appropriate plans for additional legislation that may be needed in the important area of the family practice of medicine. I look forward to your reply, and to your prompt favorable action on the publication of S. 3418 as a slip law and its inclusion in the Statutes at Large.

Respectfully,

EDWARD M. KENNEDY.

APPENDIX F

GENERAL SERVICES ADMINISTRATION,
*Washington, D.C., July 17, 1972.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: This is in response to your June 7, 1972, letter, requesting me to receive Senate Bill 3418 (91st Cong., 2d Sess.), and publish the bill in slip form as a law of the United States, and to include and publish the bill in the United States Statutes at Large as a validly enacted law of the United States.

Receiving and publishing bills which are validly enacted laws of the United States is a statutory function of the Administrator of General Services under 1 U.S.C. 106a, 1 U.S.C. 112, and 1 U.S.C. 113.

This function is merely a ministerial duty placed on the Administrator of General Services by Congress. As such, it is beyond my responsibility to decide constitutional issues of the type here present. It is my understanding that S. 3418 has been vetoed by the President in accordance with his interpretation of the Constitution and, therefore, is not a validly enacted law of the United States.

As soon as this or any other bill becomes a validly enacted law of the United States, I will carry out my aforementioned statutory responsibilities and cause the bill to be published.

Sincerely,

ARTHUR F. SAMPSON,
*Acting Administrator.*

## CREDIT UNION INSURANCE PROGRESS REPORT

Mr. BENNETT. Mr. President, I have just received a letter from Gen. Herman Nickerson, Jr., the Administrator of the National Credit Union Administration, in which he reports on the status of the 2-year provisionally insured credit unions. In December of last year, we enacted legislation requiring the National Credit Union Administration to issue insurance certificates insuring member accounts for a period of 2 years in all Federal credit unions which could not qualify for permanent insurance. In January of this year, 1,078 Federal credit unions were issued temporary insurance certificates. General Nickerson reports that 228 of those have now met the standards necessary to obtain permanent insurance. Others have either merged with another credit union or have entered voluntary liquidation so that there are now 771 remaining Federal credit unions which have not qualified for permanent share insurance. He also reports that 284 of these have reserve deficits totaling $1,340,754 and shares of $35,253,360.

I commend General Nickerson and the staff of the National Credit Union Administration for their untiring efforts to assist Federal credit unions to meet insurance standards so that they will be able to obtain permanent insurance. I also commend those credit union organizations and individual credit unions

which have pledged and are using some of their resources to assist in the effort of upgrading credit unions which need assistance. This is a demonstration of the self-help approach which is basic to the credit union philosophy, General Nickerson states, that National Credit Union Administration personnel will continue to work with credit union organizations and encourage their participation in providing financial and technical assistance as well as management training and counseling.

Despite the commendable progress that has been made, the task ahead will require even greater efforts and to the greatest of cooperation and willingness on the part of strong credit unions and credit union organizations to assist the National Credit Union Administration to improve the operations of the remaining 771 Federal credit unions before the end of next year so that liquidations will be held to a minimum and credit union services continued for members of these credit unions.

Mr. President, I ask unanimous consent that General Nickerson's letter be printed in the RECORD.

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

NATIONAL CREDIT UNION ADMINISTRATION,
*Washington, D.C., August 4, 1972.*

Hon. WALLACE F. BENNETT,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR BENNETT: This letter will be longer than my normal "monthly" report since I believe you will be interested in having a detailed analysis of the status of the two-year provisionally insured credit unions.

Public Law 92-221, December 23, 1971, directed me to grant temporary insurance certificates (which are valid for a period up to two years) to insure member accounts in all Federal credit unions that could not qualify for permanent insurance. The Act also provided that I offer technical assistance, management counseling and training to such groups so as to enable the maximum number of them to up-grade their financial condition to the point where they qualify for permanent insurance.

I am pleased to report that 228 of the 1,078 Federal credit unions which were issued temporary insurance certificates on January 3, 1972 have met insurance standards and now have permanent insurance. The boards of directors of 71 of these Federal credit unions voted on their own accord either to merge with another credit union or to enter voluntary liquidation. They decided not to continue operations primarily because of poor financial condition and inability to obtain officials. The additional decrease of 8 results from the following three factors: Federal credit unions recorded as eligible for two-year insurance entered into liquidation prior to the certificates being issued; Federal credit unions in liquidation as of January 3, 1972, subsequently were able to resume operations and receive two-year certificates; and Federal credit unions converted to state charters. Of the 771 remaining two-year insured Federal credit unions, 284 have share impairments (reserve deficits) totaling $1,340,754, and shares of $35,253,360.

During the six months' period ending June 30, 1972, National Credit Union Administration examiners made 928 examinations and 640 supervisory contacts with the credit unions holding temporary insurance certificates. It required more than 28,000 hours to complete the examinations and 5,100 hours to perform the supervision contacts. The supervision contacts were made at a cost to NCUA of approximately $82,000. In addition, many mandays of time have been spent in this program by regional and Washington office personnel.

Leaders of state leagues and trade associations pledged the use of their resources in testimony before Congressional committees which were considering PL 92-221. Therefore, Regional Directors of the National Credit Union Administration have met with representatives of the leagues, other trade associations, and individual credit union officials in an effort to gain their support and assistance. During these meetings, 46 leagues pledged technical, managerial, and/or training assistance. Twenty-two leagues have indicated a willingness to commit funds for financial assistance, and nine other leagues reported the possibility of providing such help.

Information subsequently received from leagues discloses that, thus far, the following assistance has been rendered to the two-year insured Federal credit unions: record-keeping problems—62 cases; supervisory committee audit work—52 cases; loan delinquency problems—72 cases, and general managerial type assistance—110 cases. Financial assistance was provided to five FCUs which received pledges or grants totaling $52,000. In addition, league dues were waived for two FCUs, and one received assistance in paying salaries, and one league and pledged to provide financial assistance to a liquidating FCU. Three leagues have held nine training sessions for officials of these FCUs.

The National Association of Federal Credit Unions (NAFCU) has also pledged assistance to help the two-year insured Federal credit unions. On June 13, 1972, I furnished a listing of 17 selected two-year insured Federal credit unions to NAFCU. I have reeceived indications that assistance programs are underway.

The Alaska Credit Union Association has pledged its assistance to the five two-year insured Federal credit unions in Alaska.

Navy Federal Credit Union, the world's largest, has held training classes for officials of the two-year insured credit unions. I have been informed that these classes will be continued.

NCUA personnel will continue to work with credit union organizations and encourage their participation in providing financial and technical assistance as well as management training and counseling.

The assistance given by NCUA is costly. Our program is self-supporting from fees paid by Federal credit unions. Nevertheless, we plan to continue our efforts to assist the remaining two-year insured Federal credit unions.

On July 28, 1972, we insured our 1,141st State-chartered credit union.

Sincerely,

HERMAN NICKERSON, Jr.,
*Administrator.*

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## REVENUE SHARING

Mr. CRANSTON. Mr. President, I am pleased to announce my cosponsorship of S. 3651, the general revenue sharing bill. The State and Local Fiscal Assistance Act of 1972 passed the House on June 22. It is a badly needed and long-overdue effort to ease the financial burdens of local governments through revenue sharing with the Federal Government.

S. 3651, a bill identical to that passed by the House last month, provides $29.575 billion in aid to State, county, city, and township governments over a 5-year period. Under a carefully worked out distribution formula, $3.5 billion would be allocated each year directly to local governments. These funds are available for certain limited categories of expenditures; that is, maintenance and operating costs for public safety, environmental protection, and public transportation, and for capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation.

The distribution formula for the first 1½ years of the plan gives equal weight to three determinants: Population, extent of urbanization, and financial need based on income levels of residents of the area. During the latter part of the 5-year period, the State legislatures are given the opportunity and authority to modify somewhat the distribution formulas, thereby retaining the basic responsibility for meeting the problems of their localities.

The $1.8 billion allocated to the State governments in completely unrestricted aid, is distributed on an incentive basis. The distributions are based one-half on a comparison of State and local tax collections relative to personal income levels, and one-half on the collection of personal income taxes, in States where this measurement is applicable. Minimum and maximum percentages are set, however, so that Federal aid will not constitute more than 50 percent of a locality's total revenues from other sources.

A final feature of the bill provides for Federal collection of State-imposed individual income taxes, if the various States so desire. Eligible States would be those whose individual income taxes closely conform to Federal individual income taxes. The service, to be performed by the Secretary of the Treasury, would be available if at least five States, comprising at least 5 percent of the tax returns, wish to make such an arrangement. This would free the States involved from having to make annual collections.

The concept of revenue sharing is new. It represents a new approach to meeting the financial needs of local governments. It seeks to replace the old concept of separation of governmental functions—Federal and State-local—with a form of cooperative federalism. It seeks to achieve basic reform in the manner in which the Central Government provides aid to the States and localities.

On all the above points, the idea has been attacked by its critics. I would like, Mr. President, to review the objections along with the benefits.

On meeting the financial needs of local governments, some critics would prefer to see local units increase their taxes and raise additional funds through existing revenue sources. They say that funds needed to pay for serivces provided at the State and local level should be raised at those levels.

This approach to financing has brought us to our current plight. City, county, and municipal governments throughout the Nation are caught in a hopeless bind, between spiraling costs of essential services and tax rates already too high and often discriminatory.

Expenditures by State and local governments increased by 138.7 percent during the decade of the 1960's. This compares with an 84.9 percent increase in expenditures of the Federal Government during the same period. The main

contributing factors to this increase—growing population, urbanization, and inflationary costs—are not likely to show signs of slackening in the foreseeable future.

The local revenue sources which are supposed to meet these needs are primarily property and sales taxes. The property tax is, in my opinion, a highly discriminatory and regressive mode of revenue collecting. It places an equally heavy burden on the homeowner living on a fixed income and on the real estate investor. It fails to distinguish between the elderly homeowner whose life savings are invested in his property and the wealthy real estate investor who has numerous other sources of income. Seventy percent of our Nation's elderly own their own homes and are forced to pay increasing assessments on their property to help offset the high costs of schooling, youth and neighborhood centers, and other services for which they do not benefit.

Apart from these objections, property and sales taxes as a source of increased revenue have been exhausted. Nationwide, property taxes have increased 14.3 percent since January 1971. There are few, if any, localities where taxpayers would tolerate further increases. The taxpayers' revolt extends more and more to the voting booths, where bond issues and other means of raising funds for such essential services as education, highway construction, police and fire protection, are regularly voted down. Local tax structures have reached the saturation point.

A further weakness of relying on locally raised revenues is the resulting inequity. Some governmental bodies are more efficient than others in making use of available revenue sources. At best, the primary revenue sources of State and local governments—property and sales taxes—are less efficient and more difficult to collect than Federal income taxes. These taxes combined tend to provide less revenues per increase in gross national product than does the Federal individual income tax. The job of collecting revenues left to local units will be better performed by some than by others. As a result, either the amount or the quality of services provided by poor governments will suffer. The people served by such governments are the losers in the end.

The revenue sharing proposal, while easing the burden of revenue collection by the States and localities, provides incentives to local governments to improve their own tax collection. This is accomplished through the formula devised to determine the amounts distributed to the various States. Allocation of the $1.8 billion each year to State governments is made half on the basis of total State and local taxes and half on the basis of individual income tax collections. I would prefer, in fact, to see this formula revised so that localities are not encouraged to make maximum use of presently existing property taxes.

On the subject of revenue sharing representing a new form of cooperative federalism, some critics are reluctant to break down the tradition of separation of governmental functions. For decades we have assigned certain functions and services to the Central Government and others to State and local governments. Some of these lines of responsibility have become archaic, causing on the one hand local governments to be saddled with problems that have grown much too big to be handled by these jurisdictions—for example, welfare—and on the other hand causing the Federal Government to get involved in areas where it is too far removed from the people and their needs to be fully effective.

The structure of our federal system has become top heavy. The trend has been toward seeking solutions to difficult problems at the Federal level. More and more, Federal programs have proliferated on the theory that if we throw enough Federal dollars and Federal bureaucracy at a problem it will be resolved. The end result of this activity, in addition to its having created an unwieldly, inefficient bureaucracy, is that the people and agencies responsible for dealing with critical human problems have become increasingly removed from those people who are affected. The generation of new programs has too often not produced the hoped-for solutions. In fact, it may have caused them to worsen, along with our ability to solve them effectively at the local level.

Finally, the revenue-sharing plan before the Senate draws criticism from some sources for attempting to reform the method by which the Central Government aids State and local governments. An elaborate array of grants-in-aid has been the primary means of assistance by the Federal Government to the States and localities in recent years. In the 10-year period between 1960 and 1970, direct grants to State and local governments more than tripled, reaching a total annual value of $24 billion. This amount is expected to increase to $38.3 billion for the current year, 1972.

There are numerous shortcomings in these programs. As discussed before, they have contributed to the proliferation of Federal bureaucracy with its resulting high cost, inefficiency, and lack of responsiveness to the needs of the people the programs are intended to serve.

Revenue sharing will enable Federal funds to be distributed more equitably among States and localities. With the present grants-in-aid programs, it is difficult for some of the poorer States to take advantage of the available aid, due to stringent matching requirements. Often, if they are able to meet the requirements, it is at the expense of other vital services. Simply stated, poorer States cannot afford to provide levels of service equal to these of richer States.

The amount of assistance provided to each State and locality under the revenue-sharing plan is determined by a complex set of formulas. The end result is to emphasize assistance to poorer areas, particularly at the local level, where the $3.5 billion annual allocation is made one-third on the basis of population weighted inversely by per capita income.

Mr. President, in my opinion the proposed legislation is among the most important issues remaining before the 92d Congress. Federal sharing of revenues with States and local municipalities is an absolute necessity if we are to save these governmental institutions from financial chaos and, perhaps, complete breakdown. The increasing costs of local government, particularly in education, welfare, and law enforcement, have reached the breaking point in many cities and counties.

The answer does not lie in more and higher local taxes. The local taxpayer is already overburdened. The only realistic solution to the impasse of spiraling costs and saturated tax structures is for the Federal Government to assist in meeting expenses.

It is my urgent hope that revenue sharing will become a reality in this session of Congress.

## ORDER OF AHEPA

Mr. PELL. Mr. President, the Order of Ahepa, the American Hellenic Educational Progressive Association, recently observed the golden anniversary of its founding.

During its 50 years, this civic and fraternal organization has made oustanding contributions—charitable, educational, and patriotic—to our society, and has in addition added substantially to a general appreciation of the great debt all of Western civilization owes to Hellenic culture.

As a member of AHEPA, I have a particular appreciation of the worthy goals and the broad range of its public-spirited activities. In my own State of Rhode Island, there are three chapters of AHEPA and its members rank among the most valued and respected of our citizens.

I am most happy to extend to the members of AHEPA my congratulations on the 50th anniversary of their organization and my best wishes for continuation of their fine work.

## NEW YORK CITY BAR REPORT ON ANTIBUSING LEGISLATION

Mr. JAVITS. Mr. President, the Committee on Education and Labor of the House of Representatives yesterday reported H.R. 13915, a revised version of the so-called Equal Educational Opportunities Act, transmitted by the President to the Congress on March 18. Besides being unwise policy it will halt any significant further school desegregation required to correct unlawful segregation. Also, I believe this legislation is likely to prove to be unconstitutional.

The Association of the Bar of the City of New York represents as outstanding a collection of legal talent as can be found anywhere in the Nation. I have received from the association a report titled "The Administration's 'Antibusing' Legislation," compiled by its committees on Federal Legislation and civil rights. This report concludes, after careful and thorough analyses, that the proposed legislation is indeed unconstitutional. I ask unanimous consent that the report together with the names of the members

of the committees be printed in the RECORD.

There being no objection, the report was ordered printed in the RECORD as follows:

THE ADMINISTRATION'S PROPOSED "ANTIBUSING" LEGISLATION BY THE COMMITTEE ON FEDERAL LEGISLATION, THE COMMITTEE ON CIVIL RIGHTS

The Administration has introduced two bills—the "Student Transportation Moratorium Act (STMA), and the "Equal Educational Opportunities Act" (EEOA)—which would severely restrict and in a number of cases eliminate entirely the use of busing by Federal courts as a means of alleviating racial separation in the schools. They would be applicable whether that separation constitutes *"de jure"* segregation deliberately imposed by governmental authority or *"de facto"* segregation arising out of other factors, such as segregated housing patterns. We believe that the proposals are unconstitutional as well as most unwise.*

I. PRELIMINARY ANALYSIS

Set forth below is a summary of the principal provisions of the proposed legislation together with a preliminary discussion of the Constitutional and policy problems raised thereby.

The Administration's two bills purport to rest on certain legislative findings as to students' rights to desegreation, the current status of school desegregation, and the asserted excesses of pupil transportation ("busing") for the purpose of desegregation. The STMA seeks to halt implementation of all new orders for desegregatory pupil busing until the enactment of the EEOA or until July 1, 1973.

Both bills purport to find that educational agencies have been required to implement excessive pupil busing, thereby diverting funds from use in improving educational quality (STMA § 2, EEOA § 3). The EEOA contains legislative findings to the effect that the elimination of dual school systems has been "virtually completed", they assert that great progress has been made toward elimination of the vestiges of those systems, and that excessive busing causes disruption and substantial hardship to school systems and creates serious risks to students health and safety. (§ 3(a)). Neither bill directly defines excessive pupil transportation but both suggest that Fourteenth Amendment requirements have been exceeded.

EEOA § 403(a) prohibits an order for the busing of pupils in the sixth grade or below which exceeds the average daily distance or the average daily time of travel or the average daily number of such students transported in the preceding school year. In computing these averages, however, the Court is directed to disregard busing resulting from the student's change in residence, his or her advancement to a higher level of education, or his or her attendance in a new school. To the extent that this section serves to define excessive busing to mean only busing directed pursuant to an order requiring racial desegregation, it is plainly discriminatory and in violation of Constitutional guarantees.

It should be noted that the prohibitions of § 403(a) apply regardless of how short the distance or time involved, or how small the number transported, so long as any one of these is greater than in the preceding year. Moreover, this section would operate to prohibit or restrict most other desegregation remedies, such as pairing, rezoning or education parks, since these usually indirectly involve some increased busing.

EEOA § 403(b) has similar provisions for students in the seventh grade or higher but provides that such transportation cannot be ordered in the absence of clear and convincing evidence that no other method set out in § 402 will provide adequate remedies. Moreover, busing orders for students in the seventh grade or higher are explicitly made subject to § 407 which provides that all such orders expire after five years. In addition, such orders must be part of a long-term plan involving the other remedies provided in § 402, and all transportation orders are to be stayed upon timely application to a court of appeals. EEOA § 403(c) contains additional language that pupil transportation shall not be ordered if it poses a risk to the health of students or constitutes a significant impingement on the educational process. This merely repeats current judicial doctrine.[1]

The assertion in the bills that transportation funds are diverted from other educational uses (STMA § 2(a)(6); EEOA § 3(a)(5)), neglects the consideration that desegregation is itself a goal of education. Moreover, it is far from clear that funds used for transportation would be used for other purposes. In varying degrees, the states reimburse local school districts for providing school transportation and, given the relatively small number of students transported because of desegregation, it is unlikely that the amount of funds "diverted" is significant.

In any event, the claim of excessiveness in desegregation of transportation does not withstand scrutiny. The Department of Transportation recently reported that the annual increase in desegregation of transportation accounts for less than 1% of the total number of students comprising the annual increase.[2] The Department of Health, Education and Welfare has estimated for the eleven southern states during 1967–1970 a 3% increase in busing for all purposes, including desegregation.[3] By any comparison, therefore, desegregation accounts for a statistically insignificant amount of transportation for the 43.5% of the total public school enrollment, or 18,975,939 pupils, transported daily.[4] Part of the reason for this minimal increase has been the reluctance of Federal courts to order busing except where it has been constitutionally required. Furthermore, desegregation often rationalizes a transportation system by eliminating segregated busing.

By asserting that transportation "impinges" on the educational process (STMA § 2(a)(2); EEOA § 3(a)(5)), the bills ignore the fact that bus transportation may enhance education by making available larger facilities for use by a greater number of students and by reducing the danger that walking may pose to younger children. A recent report of the National Safety Council indicates that the accident rate for boys transported by school bus is .03 per 100,000 student days compared with .09 for walking. For girl students, the accident rate is .03 when riding a bus and .07 when walking.[5]

EEOA §§ 101–102 permit the Department of Health, Education and Welfare to provide funds for compensatory education for disadvantaged students. These provisions clearly seek to make attractive the segregated schools perpetuated by the bill's impediments to busing. Implicit in this is a rejection of the holding of *Brown* v. *Board of Education*[6] that a segregated education is inherently unequal as a constitutional matter. Moreover, there are no reliable data which demonstrate that compensatory education is sufficient to overcome defects in educational background or to compensate for the denial of constitutional rights to desegregation.

EEOA § 202, which provides that the failure to achieve racial balance in the schools is not a denial of equal protection or equal educational opportunity, exceeds the provisions of the 1964 Civil Rights Act which merely defined "desegregation" as not meaning pupil assignment to overcome racial imbalance.[7] The bill fails to explain the distinction between a denial of "equal educational opportunity" and a denial of "equal protection". The term "balance" is also not defined.

EEOA § 203 supplements § 202 by providing that the assignment of students to neighborhood schools is not a denial of equal opportunity unless such assignment is "for the purpose of segregating students on the basis of race, color, or national origin . . ." or the school to which children are assigned was located "for the purpose of segregating students." This language appears to be at odds with constitutional requirements as outlined by the 4th Circuit Court of Appeals in *Brewer* v. *School Board of the City of Norfolk, Va.*[8]

"If residential racial discrimination exists, it is immaterial that it results from private action. The school board cannot build its exclusionary attendance areas upon private racial discrimination. Assignment of pupils to neighborhood schools is a sound concept, but it cannot be approved if residence in a neighbrhood is denied to Negro pupils solely on the ground of color." (footnotes omitted)

EEOA § 404 purports to validate lines drawn by a state, dividing its territory into separate school districts except where it is established that the lines were drawn for the purpose and have the effect of segregating children.

Only when a test requiring both wrongful purpose and effect is met can remedies under § 401 or § 402 be permitted. This would appear to mark a backward step in applying the Fourteenth Amendment. Courts have held that a consistent course of conduct resulting in segregation supports an inference of discriminary intention; in short, from the effect of segregation the Fourteenth Amendment supports an inference of wrongful purpose.[9]

It is a cornerstone of our constitutional system that Congress may not impose its interpretation of the Constitution upon the courts.[10] But just as "Congress may not authorize the States to violate the Equal Protection Clause."[11] Congress may not impose its view of a constitutional violation upon the court where that view restricts the full measure of a constitutional guarantee.

EEOA § 402 directs that in formulating a remedy "for denial of equal educational opportunity or denial of equal protection of the law", a federal court or agency may no longer simply adopt the necessary remedy but must weigh and "make specific findings on the efficacy in correcting such denial" pursuant to a descending order of preferability of various remedies, the last and least of which is pupil transportation. The vice here is that needed flexibility of the courts' traditional equity powers would be severely hampered where most or all of the specified remedies in a given case would be necessary to achieve maximum school desegregation. Plainly the severe restriction on the use of busing, without its outright prohibition, is an attempt to deal with the unanimous decision upholding busing in *North Carolina State Board of Education* v. *Swann*.[12]

In lieu of a direct ban on busing, EEOA seeks to make its utilization difficult by requiring the exhaustion of all other remedies prior to any busing. This, too, does not accord with constitutional doctrine. A unanimous court held in *Swann* v. *Charlotte-Mecklenberg Board of Education:*[13]

"Desegregation plans cannot be limited to the walk-in school. . . .

"District courts must weigh the soundness of any transportation plan in light of what is said in [this opinion] above. It hardly needs stating that the limits on time of travel will vary with many factors, but probably with none more than the age of the students. The reconciliation of competing values in a desegregation case is, of course, a difficult task with many sensitive facets but fundamentally no more so than remedial measures

Footnotes at end of article.

courts of equity have traditionally employed."

Equity's traditional powers to fashion an appropriate remedy are constitutionally compelled where the questions in issue relate to fundamental rights. A unanimous court so held in *Davis* v. *Board of School Commissioners of Mobile County:* [14]

"Having once found a violation, the district judge or school authorities should make every effort to achieve the greatest possible degree of actual desegregation, taking into account the practicalities of the situation. A district court may and should consider the use of all available techniques including restructuring of attendance zones and both contiguous and noncontiguous attendance zones . . . The measure of any desegregation plan is its effectiveness . . .

The scheme proposed by EEOA § 402 would impose virtually insuperable barriers before complete school desegregation could be achieved. To achieve an appropriate remedy, plaintiffs would be obliged to prove the efficacy of a host of other remedies with all attendant expenses and without necessarily yielding any definitive answer. This negative feature of the EEOA is reinforced by § 305 which provides that attorneys' fees may be collected by the prevailing party other than the United States and that the United States shall be liable for costs to the same extent as a private person. Section 305 is clearly aimed at civil rights plaintiffs because § 406 provides that educational agencies may reopen a court order or desegregation plan to achieve compliance with the EEOA.

To permit the recovery of attorneys' fees against civil rights plaintiffs is to reject the rationale of Title II of the 1964 Civil Rights Act as interpreted by *Newman* v. *Piggie Park Enterprises, Inc.*[15] where the court stated that a plaintiff under Title II of that act obtains an injunction not for himself alone but also as a "private attorney general." In fact the 1964 Civil Rights Act and the 1968 Fair Housing Act provides that attorneys' fees are recoverable by plaintiffs under certain circumstances in accord with the public-interest nature of such litigation.[16]

The prospect that a plaintiff may lose a civil rights action and therefore be required to pay substantial attorneys' fees would have an "in terrorem" effect on attempts to vindicate civil rights. The problem is highlighted by other provisions of EEOA which make it likely that decrees heretofore obtained by civil rights plaintiffs will be reopened.

Moreover, to allow a court to charge attorneys' fees to an unsuccessful plaintiff is quite contrary to the spirit of American justice which has not allowed the taxation of costs so high as to discourage plaintiffs from commencing litigation to obtain what they deem to be their rights.[17]

EEOA §405 permits voluntary adoption of remedies going beyond those provided in the Act, a permission not likely to be availed of in the absence of vigorous enforcement, which this bill makes virtually impossible.

EEOA § 406 permits the reopening of court-ordered desegregation plans to conform them with the provisions of the bill. While this is arguably permissible under the usual doctrine that equity decrees are always subject to review because of change of circumstances, this is in fact an invitation to reverse the school desegregation of the past eighteen years, particularly in school districts where desegregation has long been achieved. Presumably in such districts, the alleged disadvantages of pupil transportation have long since been overcome. It is cynical in the extreme, therefore, to permit new rounds of litigation where successful adjustment to constitutional order exists.

Footnotes at end of article.



II. CONSTITUTIONALITY OF LEGISLATION IN LIGHT OF ITS EXPLICITLY RACIAL BASIS

Recent Supreme Court decisions have made it clear beyond doubt that "compensatory" discrimination in a variety of respects (pupil assignment, faculty assignment, site-selection, etc.) is not only permitted but *required* where necessary to correct the effects of past unlawful segregation.[18] Among the remedies specifically so sanctioned by the Supreme Court in its most recent opinion, in the *Swann* case, is the use of a pupil-transportation plan to achieve integration where this is not otherwise attainable.[19] As the preceding analysis of the bills indicates, there are very serious Constitutional objections to legislation of the type proposed, in the following specific respects:

*A. Denial of any increased busing in certain cases*

It is clear from decisions of the Supreme Court that operation by any state (or its local subdivisions) of dual educational systems for the races is a violation of the Fourteenth Amendment and that the Federal Courts are obliged to grant plaintiffs who succeed in establishing such violations remedies which effectively remove the burden of such practices from the plaintiffs and those similarly situated.[20]

It is also clear that in some cases it may be impossible to effectuate such relief without the issuance of an order which among other things calls for some modifications of and/or additions to the presently obtaining patterns of pupil transportation within the school district(s) affected.[21] Although Section 5 of the Fourteenth Amendment invests Congress with the power to implement its guarantees with appropriate legislation,[22] it cannot be seriously contended that the prohibition of busing by the proposed legislation is authorized by Section 5: the Supreme Court has stated that that Section does not include the power to *contract* the scope of the Amendment.[23] If a school system is in violation of the Fourteenth Amendment with respect to its students in the sixth grade and under, and if a judicial decree ordering a certain amount of busing (within the limits set by Chief Justice Burger for the Court in *Swann*) [24] is the appropriate remedy for such violation, it is difficult to see how any Act of Congress can validly destroy the plaintiffs' right to such a remedy. The Supreme Court has in one of the *Swann* cases held that a state may not by act of its legislature forbid the assignment of pupils on a racial basis or the transportation of pupils so assigned.[25] Chief Justice Burger, speaking for a unanimous Court, made the following statement about the need for busing as a remedy in such cases:

". . . [A]n absolute prohibition against transportation of students assigned on the basis of race, "or for the purpose of creating a balance or ratio," will . . . hamper the ability of local authorities to effectively remedy constitutional violations . . . [B]us transportation has long been an integral part of all public educational systems, and it is unlikely that a truly effective remedy could be devised without continued reliance on it." [26]

The Supreme Court also has recently affirmed without opinion a three judge Federal District Court opinion to the same effect where the racial imbalance complained of was considered by the lower court to be *de facto* rather than *de jure*.[27] The Supreme Court declared in one of the original *School Desegregation Cases* [28] that the Federal government is by virtue of the due process clause of the Fifth Amendment bound equally with the states to refrain from segregation in public education. Accordingly, it seems clear that any Act of Congress with purports to deprive the Federal courts of the power to remedy Constitutional violations of the type complained of in *Swann* must be a violation of that Amendment, and therefore invalid.

*B. Definition of the Scope of Equal Protection*

The reasons discussed above which prevent Congress from denying to the Federal courts power to remedy particular violations of the equal protection clause appear sufficient also to render ineffective any attempt by Congress to narrow the definition of what constitutes such a violation. There are some Federal court decisions to the effect that racial imbalance within schools does constitute a violation of equal protection, whether produced by or merely passively acquiesced in by the local school authorities;[29] there are also numerous decisions holding that the assignment of students on a "neighborhood" basis does not necessarily insulate school authorities from successful attack on the ground of improper discrimination.[30] If Congress cannot limit the scope and effect of the Fourteenth Amendment in general, it certainly cannot do so by a mere declaration that certain acts do not constitute violations of that Amendment's guarantees, if the acts in question would—in the absence of such legislation—be held improper as violations of equal protection.

*C. Limitations Upon, and Delay of, Court Orders of Pupil Transportation to Implement Racial Desegregation*

As noted above, the Supreme Court has held that a state may not constitutionally prohibit any attempt to implement racial integration by means of pupil transportation.[31] As the Federal government is subject equally with the states to the requirement that it refrain from invidious racial distinctions in the field of education,[32] the principle of such decisions should apply equally to Acts of Congress. It might be argued that those provisions of the proposed legislation which merely stay the effectiveness of integration orders and require the courts to utilize busing only as a remedy of last resort are not the functional equivalent of such "anti-busing" statutes, because they merely impose certain procedural burdens upon the employment of such a remedy without actually prohibiting it. However, this argument is answered by another recent series of Supreme Court opinions involving racial discrimination.

In *Reitman* v. *Mulkey*,[33] the California Supreme Court had invalidated a newly-adopted provision of that state's constitution prohibiting any interference with the individual's right to dispose of his property to whomever he should in his discretion see fit, on the ground that in the context of an existing State Fair Housing Law such an amendment was designed to permit and even foster the practice of racial discrimination in the sale of property within the state. The Supreme Court upheld the California court's judgment, on the ground that it could not say that the California court had erred in finding that the state had by adopting this constitutional provision involved itself to a significant degree in private discrimination.

By itself, *Reitman* could perhaps be explained away as judicial deference to the fact-finding of a lower court. In *Hunter* v. *Erickson*,[34] however, the Court in order to reach a similar result had to reverse the Supreme Court of Ohio. The city of Akron, Ohio, had previously adopted a fair housing ordinance, generally forbidding discrimination on the ground of race or color in the scale of private housing. Later, by a majority of the voters in a general election, the city adopted a charter provision requiring that any ordinance (including the one already on the books) regulating the sale or lease of property on the basis of race or color be

approved by a majority of the voters at a general election before taking effect.

Striking down this charter provision, the Court stated plainly that the "explicitly racial classification" was the defect. The Court conceded that Akron could simply have repealed its fair housing ordinance, and that it could also validly have chosen to subject city ordinances in general to such a requirement of voter approval. What the city (which unquestionably wielded "state power," the Court noted) could *not* do was to place "special burdens" on racial minorities in securing the benefits of law under the political process. The majoritarian character of the provision did not render it immune, since as the Court pointed out "the majority needs no protection against discrimination." [35]

Although both *Reitman* and *Hunter* involved discriminatory burdens on the minority's resort to the legislature, not the courts, it appears that the time principle should apply to the proposed busing legislation. To the extent that this legislation would impose an arbitrary stay on the implementation of court orders, or require plaintiffs to bear a burden of proof not borne by plaintiffs in analogous suits not involving racial discrimination, it would appear to put members of the affected minority at a distinct disadvantage in securing their rights by the litigation process. Such a racial classification bears a "far heavier burden of justification" than is normally borne by legislation;[36] whether this burden could be met is extremely doubtful. Particularly in light of the provision which would permit the reopening of past integration orders and require their modification to comply with the proposed legislation (Section 406), the apparent intent of the proposed Equal Educational Opportunities Act—and its likely effect, whatever the intent—would appear to be the undoing of much of the remedial action taken during the last 18 years [37] and a definite impairment of future plaintiffs' ability to secure the remedies to which, under the original *School Desegregation Cases* and succeeding opinions, they may be entitled. As this would constitute a substantial intervention by the Federal government against the interests of members of racial minorities, we believe it would amount to a denial of due process of law, under the Fifth Amendment to the Constitution.

III. CONGRESSIONAL CONTROL OVER JURISDICTION OF FEDERAL COURTS

Proponents of the proposed legislation have argued that it merely restricts the jurisdiction of Federal courts, denying or limiting the use in these courts of a particular remedy, and that Congress has clear power to do this under Article III of the Constitution as well as existing case law.

Article III of the Constitution vests the judicial power of the United States in the Supreme Court "and in such inferior Courts as the Congress may from time to time ordain and establish." It provides among other things that the judicial power shall extend to "all Cases . . . arising under this Constitution." It gives the Supreme Court original jurisdiction in certain specified cases and provides that that Court shall have appellate jurisdiction "with such Exceptions and under such Regulations as the Congress shall make." The few cases arising under this Article have made it clear that the Congess has substantial power to restrict the jurisdiction of the Federal Courts, including the appellate jurisdiction of the Supreme Court. *Ex Parte McCardle*.[38] In *McCardle*, Congress had enacted a statute withdrawing jurisdiction from the Supreme Court to hear appeals in habeas corpus cases. The statute was passed during the pendency of a particular appeal, with the deliberate intent to prevent Supreme Court review of the case. The Supreme Court upheld the power of Congress to do so, and dismissed the case, citing the provisions of Article III of the Constitution, giving Congress the power to make exceptions to the Appellate jurisdiction.

But the *McCardle* case, assuming *arguendo* that it is still good law,[39] does not stand for the proposition that Congress has unlimited power to prevent the Supreme Court from considering Constitutional claims. The Supreme Court retained the power to issue writs of habeas corpus in the exercise of its original jurisdiction. The withdrawal of appellate jurisdiction therefore merely closed one avenue and did not prevent access to the Court. Indeed, within months after the *McCardle* decision the Court held that it had the power in the exercise of its original jurisdiction to resolve the substantive issues raised by the *McCardle* case. *Ex Parte Yerger*.[40]

Aside from the *McCardle* case, there appears to be little authority to support Congressional interference with the courts in enforcing the Constitution.

While the Emergency Price Control Act of 1942 prohibited the Federal District Courts from reviewing the validity of regulations made pursuant to the Act, the legislation also established a special court, the Emergency Court of Appeals, to adjudicate these controversies. Its decisions were made reviewable by the Supreme Court. That legislation was upheld because it preserved a full remedy in the Federal Courts. See *Yakus* v. *United States* [41] and *Lockerty* v. *Phillips*.[42]

The line of cases under the Norris-LaGuardia Act,[43] which declares that the Federal Courts have no "jurisdiction" to issue injunctions in certain labor disputes, do not involve Constitutional matters. That Act therefore does not purport to deny the right to an injunction to vindicate Constitutional rights.

In the present situation it is apparent that in many cases, as a practical matter, no effective alternative to busing exists in carrying out the mandate of *Brown v. Bd. of Education* [44] to desegregate schools where segregated residential patterns exist. In many such situations, the denial of busing as a remedy will constitute the denial of any effective remedy in redressing the unconstitutional condition of segregated schools. Thus, while purporting only to prohibit or restrict a particular remedy, Congress would in fact be requiring the courts to reach a particular result at odds with previous court decisions as to what is constitutionally required.

Article III has to be read with the rest of the Constitution, and, as shown above, we believe that the proposed legislation clearly violates the Fifth Amendment. Leaving aside the question of whether or not Congress may take away from an individual the opportunity to obtain a judicial determination in a Federal court of constitutional rights, it can scarcely be seriously contended that, under the guise of limiting the jurisdiction of the Federal courts, Congress may do indirectly what it may not do directly, that is, restrict the scope of the Fourteenth Amendment.

In short, as stated by Professor Bickel, the proposed legislation is "plainly aimed not at regulating jurisdiction, but at mandating a desired result. The power of Congress to regulate judicial jurisdiction has never been held to enable Congress to change specific Constitutional results. It should not be, and cannot be—not consistently with *Marbury v. Madison*." [45] It seems abundantly clear that Article III is not to be interpreted to allow such a result.

IV. POLICY CONSIDERATIONS

As is evident from the preceding analysis, the effect of the proposed bills would be not merely to "chill" the impetus towards desegregation generated by court decisions since *Brown*, but, by reopening past decrees, actually to roll back much of the progress already made. Regardless of constitutional considerations, we think that this is indefensible as a matter of public policy. The net result of such legislation could only be further to divide our nation, to encourage racial strife, and to interfere with the realization of what are generally recognized to be desirable educational goals.

While it is recognized that such is not the intention of all of the proponents of the proposed legislation, we think that this would be its essential effect. Moreover, as pointed out above, statistics show that the evil sought to be remedied—allegedly excessive busing—is more apparent than real. We think the problems which concededly may exist in particular instances with long distance or massive busing are better dealt with in individual cases than by any attempt to establish general legislative restrictions on the use thereof.

Moreover, even assuming that Congress had the constitutional power thus to constrict the jurisdiction of the Federal courts, we think such interference with the role of the judiciary is both unwarranted and unwise. It would tend to place the legislative and judicial branches in conflict, and to impair the Supreme Court's historical role as the final arbiter of constitutional matters.

CONCLUSION

We strongly oppose this legislation. Regardless of intent, it would have the effect of condoning and indeed fostering continued segregation in schools. There is no doubt that it would, in many instances, remove the only effective remedy for the violation of an individual student's constitutional rights. We think that the proposals are in violation of the Fifth Amendment to the Constitution. Moreover, we think that, even if free of constitutional infirmities, such legislation should have no place on the national agenda. Accordingly, for all of the foregoing reasons, we urge that the proposed legislation be rejected.

Dated: New York, N.Y., June 30, 1972.

Respectfully submitted,

Association of the Bar of the City of New York

Committee on Federal Legislation, Sheldon H. Elsen, *Chairman*, Mark H. Alcott, Michael F. Armstrong, Stephen E. Banner, Donald J. Cohn, Peter M. Fishbein, Peter E. Fleming, Jr., Robert L. Friedman, Richard A. Givens, George J. Grumach, Jr., Arthur M. Handler, Conrad K. Harper, Thomas V. Heyman.

Charles L. Knapp, Arthur H. Kroll, David M. Levitan, Standish F. Medina, Jr., Eugene H. Nickerson, William B. Pennell Bruce Rabb, Martin F. Richman, Benno C. Schmidt, Jr., Thomas J. Schwarz, Beatrice Shainswit (Hon.), Brenda Soloff.

Committee on Civil Rights, Robert M. Kaufman, Chairman, Charles R. Bergoffen, Michael Cardozo, Jack David Raymond S. Calamoro, Simeon Golar, William S. Greenwalt, Eastman Birkett, Porter R. Chandler, John R. Fernback.

Stephen J. Friedman, Murray A. Gordon, Alan U. Schwartz, Paul L. Trachtenberg, Eric L. Hirschhorn, Maria L. Marcus, Donald S. Shack, Donald J. Sullivan, Alfred J. Law, John J. Kirby, Jr., Susan F. Teich, Milton L. Williams.

FOOTNOTES

* On June 8, 1972, Congress completed action upon, and sent to the President for approval, and on June , 1972 the President approved an education bill into which there has been interpolated, in the final stages of Congressional action on the bill, certain provisions relating to busing. Among other things, these provisions would delay, until all appeals were exhausted or until July 1, 1974, the effectiveness of district court orders requiring the "transportation or transfer" of students for the "purpose of achieving a balance among students with respect to

race, sex, religion or socioeconomic status." While these provisions appear to be less restrictive than the totality of the Administration's antibusing proposals, we believe that similar Constitutional and policy objectives apply to both.

[1] Swann v. Charlotte—Mecklenburg Bd. of Educ., 402 U.S. 1, 30–31 (1971).

[2] U.S. Dept. of Transportation, Report on School Busing 1 (March 24, 1972).

[3] HEW Memorandum from Constantine Menges to Christopher Cross 3 (March 30, 1972).

[4] Id. at 1.

[5] National Safety Council, Accident Facts 90–91 (1971 ed.).

[6] 347 U.S. 483 (1954).

[7] 42 U.S.C. § 2000c(b) (1964).

[8] 397 F. 2d 37, 41–42 (4th Cir. 1968) (en banc).

[9] Brewer v. School Board of City of Norfolk note 8, *supra;* Spangler v. Pasadena City Board of Education, 311 F. Supp. 501, 522 (C.D. Calif. 1970); Davis v. School District of City of Pontiac, 443 F. 2d 573 (6th Cir.), cert. denied, 404 U.S. 913 (1971).

[10] Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803).

[11] Shapiro v. Thompson, 394 U.S. 618, 641 (1969).

[12] 402 U.S. 43, 46 (1971).

[13] Note 1, supra.

[14] 402 U.S. 33, 37 (1971).

[15] 390 U.S. 400, 402 (1968).

[16] 42 U.S.C. §§ 2000a–3(b) and 2000e–5(k) (1964): 41 U.S.C. § 3612(c) (Supp. 1970).

[17] Farmer v. Arabian American Oil Co., 379 U.S. 227, 235 (1964).

[18] United States v. Montgomery County Bd. of Educ., 395 U.S. 225 (1969); Swann v. Charlotte-Mecklenburg Bd. of Educ., Note 1, supra; Davis v. Board of School Comm'rs of Mobile County, Note 13, supra (1971); McDaniel v. Barresi, 402 U.S. 39 (1971).

[19] Swann v. Charlotte-Mecklenburg Bd. of Educ., Note 1, supra.

[20] Note 8, supra.

[21] Note 9, supra.

[22] This section was applied in Katzenbach v. Morgan, 384 U.S. 641 (1966), to uphold The Voting Rights Act of 1965.

[23] Id. at 651, n. 10 (Brennan, J., for the Court); Oregon v. Mitchell, 400 U.S. 112, 128–29 (1970) (Black, J., for the Court).

[24] Swann v. Charlotte-Mecklenburg Bd. of Educ., Note 1, supra at 29–31 (1971).

[25] North Carolina State Bd. of Educ. v. Swann, Note 12, supra (1971).

[26] Id at 46.

[27] Lee v. Nyquist, 318 F. Supp. 710 (W.D. N.Y. 1970), was affirmed by the Court without opinion, 402 U.S. 935 (1971); three Justices (Burger, C. J., Black and Harlan) voted to note probable jurisdiction and set the case for argument.

[28] Bolling v. Sharpe, 347 U.S. 497, 500 (1953):

"In view of our decision that the Constitution prohibited the states from maintaining racially segregated public schools, it would impose a lesser duty on the Federal Government." (Warren, C.J., for the Court.)

[29] Holland v. Board of Pub. Instruction of Palm Beach County, 258 F. 2d 730 (5th Cir. 1958); Barksdale v. Springfield School Comm., 237 F. Supp. 543 (D. Mass. 1965), vacated and remanded for dismissal, 348 F. 2d 261 (1st Cir. 1965); Blocker v. Board of Educ. of Manhasset, 226 F. Supp. 208 (E.D.N.Y. 1964); Branche v. Board of Educ. of the Town of Hempstead, School Dist. No. 1, 204 F. Supp. 150 (E.D.N.Y. 1962). The Supreme Court has not yet passed on this question of the Constitutionality of racial imbalance not resulting from *de jure* segregation.

[30] Davis v. School Comm'rs of Mobile County, 402 U.S. 33 (1971) (previous *de jure* segregation); an example from the lower Federal courts is Dowell v. School Bd. of Okla. City, Pub. Schools, 244 F. Supp. 971 (W.D. Okla. 1965).

[31] Notes 25, 26 and 27, supra.

[32] Note 28, supra.

[33] 387 U.S. 369 (1967).

[34] 393 U.S. 385 (1969).

[35] Id. at 391. The importance of the racial factor in Reitman and Hunter is emphasized by the Court's decision in James v. Valtierra, 402 U.S. 137 (1971), where no violation of equal protection was found in a referendum provision designed to discourage low-income public housing; the Court in its opinion in James stressed the absence of the racial factor, and declined to extend Hunter to nonracial discrimination. Id. at 141. Justices Marshall, Brennan and Blackmun dissented.

[36] McLaughlin v. Florida, 379 U.S. 184, 194 (1964).

[37] Acting Attorney General Kleindienst testified before the Senate Judiciary Committee on April 12, 1971, that the proposed legislation would "permit the reopening of every school desegregation case in the country," according to The New York Times New York Times, April 13, 1972, at 1, col. 1.

[38] 74 U.S. (7 Wall.) 506 (1869).

[39] The *McCardle* case has been criticized in recent years. See *Glidden Company* v. *Zdanok*, 370 U.S. 530, 605 n. 11 (1962) (Douglas, J. dissenting).

[40] 8 Wall. 85 (1869).

[41] 321 U.S. 414 (1944).

[42] 319 U.S. 182 (1943).

[43] 29 U.S.C. §§ 101–115.

[44] 347 U.S. 483 (1954).

[45] Bickel, What's Wrong with Nixon's Busing Bills?, The New Republic, April 22, 1972, at 21.

## COMMENTS ON LABOR-HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS BILL

Mr. PROXMIRE. Mr. President, so that my colleagues may see exactly how the Labor-Health, Education, and Welfare appropriation bill would help libraries in their States I ask unanimous consent to insert in the RECORD at this point a summary of what each State would receive under the various library programs if this bill is enacted into law:

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

OFFICE OF EDUCATION, LIBRARY RESOURCES

TITLE I.—LIBRARY SERVICES AND CONSTRUCTION ACT GRANTS FOR LIBRARY SERVICES

| | 1972 appropriation [1] | 1973 estimate [1] | Conference report [1] |
|---|---|---|---|
| Total | $46,568,500 | $30,000,000 | $62,000,000 |
| Alabama | 810,520 | 524,744 | 1,059,361 |
| Alaska | 252,774 | 228,491 | 275,396 |
| Arizona | 509,562 | 367,124 | 642,256 |
| Arkansas | 535,902 | 381,344 | 679,885 |
| California | 3,684,797 | 2,081,346 | 5,178,548 |
| Colorado | 585,796 | 408,119 | 750,738 |
| Connecticut | 729,574 | 485,902 | 956,575 |
| Delaware | 295,726 | 251,680 | 336,759 |
| Florida | 1,385,770 | 840,165 | 1,894,048 |
| Georgia | 1,001,565 | 632,743 | 1,345,154 |
| Hawaii | 334,465 | 272,594 | 392,103 |
| Idaho | 324,526 | 267,228 | 377,904 |
| Illinois | 2,141,046 | 1,247,917 | 2,973,071 |
| Indiana | 1,107,070 | 689,702 | 1,495,883 |
| Iowa | 693,391 | 466,368 | 904,882 |
| Kansas | 592,798 | 412,061 | 761,170 |
| Kentucky | 762,250 | 503,543 | 1,003,257 |
| Louisiana | 836,278 | 543,509 | 1,109,017 |
| Maine | 373,542 | 293,691 | 447,931 |
| Maryland | 885,043 | 569,836 | 1,178,686 |
| Massachusetts | 1,193,608 | 736,422 | 1,619,517 |
| Michigan | 1,750,025 | 1,036,816 | 2,414,440 |
| Minnesota | 864,552 | 558,773 | 1,149,411 |
| Mississippi | 587,182 | 409,029 | 753,146 |
| Missouri | 1,016,903 | 641,024 | 1,367,068 |
| Montana | 321,278 | 265,475 | 373,263 |
| Nebraska | 459,143 | 339,904 | 570,224 |
| Nevada | $285,358 | $246,082 | $321,946 |
| New Hampshire | 328,835 | 269,555 | 384,060 |
| New Jersey | 1,451,913 | 875,874 | 1,988,543 |
| New Mexico | 377,443 | 295,797 | 453,504 |
| New York | 3,376,997 | 1,915,172 | 4,738,809 |
| North Carolina | 1,087,577 | 679,178 | 1,468,035 |
| North Dakota | 307,891 | 258,248 | 354,139 |
| Ohio | 2,060,365 | 1,204,360 | 2,857,807 |
| Oklahoma | 646,971 | 441,307 | 838,565 |
| Oregon | 565,258 | 397,193 | 721,826 |
| Pennsylvania | 2,259,795 | 1,312,027 | 3,142,723 |
| Rhode Island | 365,868 | 289,548 | 436,967 |
| South Carolina | 652,431 | 444,255 | 846,365 |
| South Dakota | 316,361 | 262,820 | 366,239 |
| Tennessee | 885,352 | 570,003 | 1,179,126 |
| Texas | 2,155,499 | 1,255,720 | 2,993,719 |
| Utah | 385,001 | 299,877 | 464,301 |
| Vermont | 277,672 | 241,933 | 310,966 |
| Virginia | 1,011,855 | 638,298 | 1,359,855 |
| Washington | 795,408 | 521,445 | 1,050,629 |
| West Virginia | 504,629 | 364,461 | 635,208 |
| Wisconsin | 971,588 | 616,559 | 1,302,328 |
| Wyoming | 258,056 | 231,343 | 282,942 |
| District of Columbia | 332,124 | 271,330 | 388,758 |
| American Samoa | 44,850 | 42,618 | 46,776 |
| Guam | 55,182 | 48,196 | 61,208 |
| Puerto Rico | 673,654 | 455,713 | 876,685 |
| Trust Territory | 57,743 | 49,579 | 62,691 |
| Virgin Islands | 51,038 | 45,959 | 55,587 |

[1] Estimated distribution of funds with a minimum allotment of $200,000 to the 50 States, District of Columbia, and Puerto Rico, and $40,000 to the other outlying areas; the remainder distributed on the basis of total resident population, April 1, 1970. Required matching expenditures computed on the basis of fiscal year 1972–73 "Federal Share" percentages.

OFFICE OF EDUCATION, LIBRARY RESOURCES

TITLE II.—LIBRARY SERVICES AND CONSTRUCTION ACT CONSTRUCTION OF PUBLIC LIBRARIES

| | 1972 appropriation [1] | 1973 estimate | Conference report [2] |
|---|---|---|---|
| Total | $9,500,000 | | $15,000,000 |
| Alabama | 170,495 | | 262,383 |
| Alaska | 106,185 | | 114,247 |
| Arizona | 136,279 | | 183,568 |
| Arkansas | 139,366 | | 190,678 |
| California | 508,399 | | 1,040,735 |
| Colorado | 145,178 | | 204,066 |
| Connecticut | 162,063 | | 242,961 |
| Delaware | 111,219 | | 125,842 |
| Florida | 238,966 | | 420,104 |
| Georgia | 193,939 | | 316,386 |
| Hawaii | 115,759 | | 136,299 |
| Idaho | 114,594 | | 133,616 |
| Illinois | 327,480 | | 623,994 |
| Indiana | 206,304 | | 344,867 |
| Iowa | 157,823 | | 233,193 |
| Kansas | 146,034 | | 206,038 |
| Kentucky | 165,893 | | 251,782 |
| Louisiana | 174,568 | | 271,766 |
| Maine | 120,338 | | 146,849 |
| Maryland | 180,283 | | 284,931 |
| Massachusetts | 216,445 | | 368,229 |
| Michigan | 281,654 | | 518,436 |
| Minnesota | 177,882 | | 279,399 |
| Mississippi | 145,376 | | 204,521 |
| Missouri | 195,737 | | 320,527 |
| Montana | 114,213 | | 132,740 |
| Nebraska | 130,370 | | 169,957 |
| Nevada | $110,003 | | $123,043 |
| New Hampshire | 115,099 | | 134,780 |
| New Jersey | 246,717 | | 437,960 |
| New Mexico | 120,795 | | 147,902 |
| New York | 472,327 | | 957,643 |
| North Carolina | 204,019 | | 339,605 |
| North Dakota | 112,644 | | 129,126 |
| Ohio | 318,025 | | 602,214 |
| Oklahoma | 152,383 | | 220,662 |
| Oregon | 142,806 | | 198,603 |
| Pennsylvania | 341,396 | | 656,051 |
| Rhode Island | 119,439 | | 144,777 |
| South Carolina | 153,022 | | 222,136 |
| South Dakota | 113,637 | | 131,412 |
| Tennessee | 180,319 | | 285,014 |
| Texas | 329,174 | | 627,896 |
| Utah | 121,681 | | 149,942 |
| Vermont | 109,103 | | 120,968 |
| Virginia | 195,145 | | 319,164 |
| Washington | 169,779 | | 260,733 |
| West Virginia | 135,701 | | 182,236 |
| Wisconsin | 190,426 | | 308,294 |
| Wyoming | 106,804 | | 115,673 |
| District of Columbia | 115,484 | | 135,667 |
| American Somoa | 20,568 | | 21,280 |
| Guam | 21,779 | | 24,007 |
| Puerto Rico | 155,510 | | 227,865 |
| Trust Territory | 21,294 | | 24,288 |
| Virgin Islands | 22,079 | | 22,945 |

[1] Distribution of $9,500,000 with a minimum allotment of $100,000 to the 50 States, District of Columbia, and Puerto Rico, and $20,000 to the outlying areas; the remainder distributed on the basis of the total population, Apr. 1, 1970 (preliminary).

[2] Distribution of $15,000,000 with a minimum allotment of $100,000 to the 50 States, District of Columbia, and Puerto Rico, and $20,000 to the outlying areas; the remainder distributed on the basis of the total population, Apr. 1, 1970 (revised).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION, LIBRARY RESOURCES

TITLE III.—LIBRARY SERVICES AND CONSTRUCTION ACT—INTERLIBRARY COOPERATION

| State and outlying areas | 1972 appropriation [1] | 1973 estimate [1] | Conference report [1] |
|---|---|---|---|
| Total | $2,640,500 | $2,730,000 | $7,500,000 |
| Alabama | 48,695 | 50,190 | 129,879 |
| Alaska | 40,763 | 40,894 | 47,885 |
| Arizona | 44,475 | 45,244 | 86,255 |
| Arkansas | 44,855 | 45,690 | 90,190 |
| California | 90,372 | 99,034 | 560,695 |
| Colorado | 45,572 | 46,530 | 97,600 |
| Connecticut | 47,655 | 48,971 | 119,129 |
| Delaware | 41,384 | 41,622 | 54,303 |
| Florida | 57,140 | 60,087 | 217,177 |
| Georgia | 51,587 | 53,579 | 159,769 |
| Hawaii | 41,944 | 42,278 | 60,092 |
| Idaho | 41,800 | 42,110 | 58,607 |
| Illinois | 68,058 | 72,882 | 330,030 |
| Indiana | 53,112 | 55,366 | 175,534 |
| Iowa | 47,132 | 48,358 | 113,722 |
| Kansas | 45,678 | 46,654 | 98,692 |
| Kentucky | 48,127 | 49,525 | 124,011 |
| Louisiana | 49,197 | 50,779 | 135,072 |
| Maine | 42,509 | 42,940 | 65,931 |
| Maryland | 49,902 | 51,605 | 142,359 |
| Massachusetts | 54,363 | 56,832 | 188,464 |
| Michigan | 62,405 | 66,258 | 271,604 |
| Minnesota | 49,606 | 51,258 | 193,297 |
| Mississippi | 45,597 | 46,559 | 97,852 |
| Missouri | 51,808 | 53,839 | 162,061 |
| Montana | 41,753 | 42,055 | 58,121 |
| Nebraska | 43,746 | 44,390 | 78,721 |
| Nevada | $41,234 | $41,446 | $52,754 |
| New Hampshire | 41,862 | 42,183 | 59,250 |
| New Jersey | 58,096 | 61,208 | 227,060 |
| New Mexico | 42,565 | 43,006 | 66,513 |
| New York | 85,923 | 93,820 | 514,704 |
| North Carolina | 52,830 | 55,036 | 172,621 |
| North Dakota | 41,560 | 41,828 | 56,121 |
| Ohio | 66,891 | 71,515 | 317,974 |
| Oklahoma | 46,461 | 47,572 | 106,786 |
| Oregon | 45,280 | 46,188 | 94,577 |
| Pennsylvania | 69,774 | 74,894 | 347,773 |
| Rhode Island | 42,398 | 42,180 | 64,784 |
| South Carolina | 46,540 | 47,664 | 107,602 |
| South Dakota | 41,682 | 41,971 | 57,387 |
| Tennessee | 49,907 | 51,610 | 142,405 |
| Texas | 68,266 | 73,127 | 332,189 |
| Utah | 42,674 | 43,134 | 67,643 |
| Vermont | 41,123 | 41,316 | 51,606 |
| Virginia | 51,735 | 53,753 | 161,307 |
| Washington | 48,607 | 50,086 | 128,965 |
| West Virginia | 44,403 | 45,161 | 85,517 |
| Wisconsin | 51,153 | 53,071 | 155,290 |
| Wyoming | 40,839 | 40,983 | 48,675 |
| District of Columbia | 41,910 | 42,238 | 59,742 |
| American Samoa | 10,070 | 10,082 | 10,709 |
| Guam | 10,219 | 10,257 | 12,218 |
| Puerto Rico | 46,847 | 48,024 | 110,773 |
| Trust Territory | 10,256 | 10,301 | 12,373 |
| Virgin Islands | 10,160 | 10,187 | 11,630 |

[1] Estimated distribution of funds with a minimum allottment of $40,000 to the 50 States, District of Columbia, and Puerto Rico, and the $10,000 to the other outlying areas; the remainder distributed on the basis of total resident population, Apr. 1, 1970. The Federal shares is 100 percent.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION, LIBRARY RESOURCES

TITLE II.—ELEMENTARY AND SECONDARY EDUCATION ACT SCHOOL LIBRARY RESOURCES

| State and outlying areas | 1972 appropriation [1] | 1973 estimate [2] | Conference report [2] |
|---|---|---|---|
| Total | $90,000,000 | $90,000,000 | $100,000,000 |
| Alabama | 1,460,724 | 1,418,801 | 1,576,446 |
| Alaska | 135,215 | 139,291 | 154,768 |
| Arizona | 768,689 | 792,454 | 880,504 |
| Arkansas | 807,949 | 809,699 | 899,666 |
| California | 8,564,292 | 8,600,381 | 9,555,979 |
| Colorado | 990,955 | 1,003,301 | 1,114,779 |
| Connecticut | 1,300,672 | 1,327,073 | 1,474,526 |
| Delaware | 255,228 | 256,300 | 284,778 |
| Florida | 2,554,308 | 2,622,351 | 2,913,723 |
| Georgia | 1,949,172 | 1,924,921 | 2,138,801 |
| Hawaii | 352,543 | 355,708 | 395,231 |
| Idaho | 321,960 | 323,922 | 359,913 |
| Illinois | 4,830,114 | 4,834,821 | 5,372,023 |
| Indiana | 2,311,952 | 2,310,548 | 2,567,276 |
| Iowa | 1,285,267 | 1,268,482 | 1,409,424 |
| Kansas | 966,108 | 947,185 | 1,052,428 |
| Kentucky | $1,348,968 | $1,352,354 | $1,502,616 |
| Louisiana | 1,681,489 | 1,655,142 | 1,839,047 |
| Maine | 460,371 | 460,638 | 511,820 |
| Maryland | 1,740,544 | 1,778,776 | 1,976,418 |
| Massachusetts | 2,364,332 | 2,388,192 | 2,653,547 |
| Michigan | 4,252,744 | 4,146,542 | 4,607,269 |
| Minnesota | 1,814,858 | 1,790,212 | 1,989,124 |
| Mississippi | 1,017,833 | 946,480 | 1,051,644 |
| Missouri | 2,115,431 | 2,049,233 | 2,276,926 |
| Montana | 328,651 | 325,253 | 361,392 |
| Nebraska | 658,196 | 638,354 | 709,282 |
| Nevada | 218,942 | 226,416 | 251,573 |
| New Hampshire | 316,168 | 326,695 | 362,994 |
| New Jersey | 2,993,829 | 3,057,083 | 3,396,759 |
| New Mexico | 510,703 | 511,032 | 567,813 |
| New York | 7,408,582 | 7,343,552 | 8,159,503 |
| North Carolina | 2,063,424 | 2,069,406 | 2,299,340 |
| North Dakota | 282,965 | 275,377 | 305,974 |

| State and outlying areas | 1972 appropriation [1] | 1973 estimate [2] | Conference report [2] |
|---|---|---|---|
| Ohio | $4,737,404 | $4,754,550 | $5,282,833 |
| Oklahoma | 1,076,331 | 1,091,264 | 1,212,516 |
| Oregon | 874,006 | 875,475 | 972,750 |
| Pennsylvania | 4,896,472 | 4,975,170 | 5,527,967 |
| Rhode Island | 386,997 | 396,958 | 441,064 |
| South Carolina | 1,134,518 | 1,125,332 | 1,250,369 |
| South Dakota | 313,952 | 305,768 | 339,742 |
| Tennessee | 1,580,795 | 1,594,892 | 1,772,102 |
| Texas | 4,960,462 | 5,037,176 | 5,596,863 |
| Utah | 527,142 | 526,457 | 584,952 |
| Vermont | 197,886 | 202,468 | 224,964 |
| Virginia | 1,940,673 | 1,939,360 | 2,154,844 |
| Washington | $1,495,705 | $1,485,090 | $1,650,100 |
| West Virginia | 709,655 | 705,179 | 783,532 |
| Wisconsin | 2,094,174 | 2,074,956 | 2,305,507 |
| Wyoming | 154,056 | 153,539 | 170,599 |
| District of Columbia | 291,472 | 285,269 | 316,966 |
| American Samoa | 30,000 | 30,000 | 30,000 |
| Guam | 67,596 | 73,459 | 81,342 |
| Puerto Rico | 1,841,850 | 1,847,346 | 2,045,600 |
| Trust Territories | 83,812 | 86,754 | 96,064 |
| Virgin Islands | 38,850 | 30,000 | 43,693 |
| Bureau of Indian Affairs | 133,014 | 127,563 | 142,325 |

[1] Estimated distribution of funds to the 50 States and District of Columbia on the basis of total estimated public and nonpublic elementary and secondary school enrollment, fall 1969; 2.5 percent of the 50 States and District of Columbia amount distributed to the outlying areas on the basis of total public and nonpublic elementary and secondary school enrollment, fall 1969, with a minimum of $30,000.

[2] Estimated distribution of funds to the 50 States and District of Columbia on the basis of total estimated public and nonpublic elementary and secondary school enrollment, fall 1970, 2.5 percent of the 50 States and District of Columbia amount distributed to the outlying areas on the basis of total estimated public and nonpublic elementary and secondary school enrollment, fall 1970 except American Samoa, public school, fall 1969; B.I.A., fiscal year 1970; Trust Territory, nonpublic school enrollment, fiscal year 1969. Outlying areas each receive a minimum of $30,000.

## SUPPORT FOR NATIONAL PARK SERVICE DIRECTOR HARTZOG

Mr. HANSEN. Mr. President, the Director of the National Park Service has been accused of degrading the Park Service. I would like to express my support for George Hartzog and the work he has done as Park Service Director. The position of Park Service Director is primarily that of a manager, and I believe George Hartzog has emphatically shown his managerial expertise.

A park service director must tread the delicate balance between increasing the use of the parks for the pleasure of the public, and at the same time be flexible enough to have a viable response to environmental problems. George Hartzog has demonstrated that he is equal to the challenges a park director must face.

George Alderson, who is legislative director of the "Friends of the Earth," recently released to the press a letter that he had written to Secretary Rogers C. B. Morton taking issue with the handling of the National Park Service by Director Hartzog.

Mr. President, so that Senators can be apprised of the response to the points that Mr. Alderson made in his letter, I ask unanimous consent that both Mr. Alderson's original letter and Secretary Morton's response be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FRIENDS OF THE EARTH,
*Washington, D.C., June 6, 1972.*

Hon. ROGERS C. B. MORTON,
*Secretary of the Interior,*
*Washington, D.C.*

DEAR MR. SECRETARY: The National Park Service is going downhill fast, and taking the national parks with it. Ever since George Hartzog was appointed Director, there has been a trend away from protection of the parks. Instead of working with us, Mr. Hartzog is constantly working against us, and against the public interest in the national parks. We will cite some examples:

1. Instead of actively seeking protection of the national parks under the Wilderness Act, Mr. Hartzog has tried every trick to sabotage the Wilderness Act and keep the parks out of the Wilderness System. Even now, after being overruled by the Nixon Administration on his ill-advised "wilderness enclaves" policy, Mr. Hartzog has let his top assistants agitate against the new policy. The Hartzog policy would leave areas of 3 acres to 400 acres unprotected in the middle of the wilderness.

2. In one of the newest national parks, the North Cascades (Washington State), Mr. Hartzog seeks to intrude upon the wilderness with two tramways—of which there are none in existing national parks—and with mountain hotels to be operated by private concessioners.

3. In Mammoth Cave National Park (Kentucky), Mr. Hartzog favors no wilderness protection at all, and he has allowed the concessioner there to stir up local opposition to the wilderness proposals of citizen conservation groups and to agitate for more developments inside this small national park.

4. In many national parks, Mr. Hartzog wants to open "motor nature trails," which would only establish auto traffic in wild areas where there are no cars now, despoiling the wilderness that the National Park Service should be protecting.

5. Mr. Hartzog has allowed the concessioners—private businesses operating tourist facilities in the parks—to keep their business affairs a secret from the public. Requests by us to see the financial reports filed with the National Park Service have been turned down, despite the fact that these are businesses operating under contract with the U.S. government.

6. Mr. Hartzog has made political deals involving the giveaway of lands in the National Park System for totally incompatible purposes—such as the Alexandria waterfront high-rise development, the use of national memorial grounds in Washington, D.C., for freeways, and the deletion of Dry Mesa from Arches National Monument (Utah).

7. Mr. Hartzog is seeking to abolish park rangers, and turn the management of the parks over to mere administrators. Mr. Hartzog, himself never a ranger, is prime evidence that this will hurt the parks. The National Park Service should be staffed and run by professionals who understand ecology, and who will put their love for the land above political wheeling and dealing.

8. The Hartzog personnel policy has resulted in such rapid transfer of rangers and park superintendents that most parks are being run by people who have no more than a passing acquaintance with their areas. Superintendents often are being transferred after only one to three years at a park. The rapid-transfer policy prevents rangers and superintendents from learning about the lands in their charge, and discourages them from caring about those lands.

9. The use of transfers as a reprisal technique also discourages park employees from trying to save the parks. If a park naturalist, like one at Glacier National Park earlier this spring, warns against practices and developments that will hurt the park, he can be transferred to Omaha the next day. The reprisal technique is hurting the parks, and it is also breaking down the esprit de corps that has always made the National Park Service a great agency.

Mr. Secretary, it is time for a change of leadership in the National Park Service. Mr. Hartzog is intentionally letting the national parks be destroyed through piecemeal development. In contrast, the employees down the line care about the parks and want to save them for public use. Please give them, and the public, a new Director drawn from the ranks of the National Park Service, who will defend the parks, and not let them be frittered away for political expediency.

Sincerely,

GEORGE ALDERSON,
*Legislative Director.*

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DEPARTMENT OF THE INTERIOR,
*Washington, D.C., July 27, 1972.*

Mr. GEORGE ALDERSON,
*Legislative Director, Friends of the Earth,*
*Washington, D.C.*

DEAR MR. ALDERSON: I reject your belief that the Director of the National Park Service has been working "against the public interest." The National Park System has experienced a great period of expansion under Director Hartzog's determined leadership. Throughout this period the goals of the National Park Service have been met.

I would like to address your complaints in the order that you present them in your recent letter.

1. Recent changes in our guidelines for preparing wilderness proposals will result in changes in our maps and the deletion of most management zones but the basic management practice for which the management zones were originally established will not be changed. Those areas not designated wilderness will not be unprotected as you stated but will continue to be protected by the National Park Service as they have in the past.

2. The National Park Service is charged with interpreting the natural areas in our parks as well as protecting them. Tramways are one method of enabling large numbers of our citizens to enter this unique area and experience its natural wonders without seriously degrading the area. This certainly fits in with the recommendation from conservation groups asking that we restrict the use of cars in the National Parks and utilize other transit systems.

I assume you do not want to prevent all who do not backpack from seeing the North Cascades National Park. The location of any tramway would necessitate a careful site plan, the preparation of a 102 statement and Congressional approval.

3. There is no area in Mammoth Cave National Park that does not show evidences of human habitation. Perhaps, if it continues to receive the protection the National Park Service has given it in the past, it will regain its primitive nature, as Shenandoah has, and

could qualify as wilderness. Until this occurs we will recommend against wilderness designation for Mammoth Cave National Park.

4. Motor Nature Trails can be an effective way of enabling park visitors to see our national parks. There is reason to reject their use in many areas but they have their place and will not be rejected categorically.

5. Regarding paragraph 5, upon the advice of the Solicitor's Office, the National Park Service has consistently refused to divulge annual financial reports submitted by concessioners who provide visitor services and facilities in National Park Service areas pursuant to contractual arrangements. The Solicitor's Office has informed us that, in its opinion, the disclosure of such financial data is forbidden by the provisions of 18 U.S.C., Section 1905, and the reports containing the data come within the third and fourth exemptions of Subsection (b) of Section 552, United States Code (commonly referred to as the Freedom of Information Act). As you may be aware, this matter is presently being litigated in the United States District Court for the District of Columbia in the case *National Park and Conservator Association v. Morton, et al.*, and we will, of course, be guided in the future by the Court's determination on this question.

6. The Congress requested the National Park Service to study the Alexandria Waterfront. I have personally been involved with every state of the Alexandria Waterfront dispute and vehemently object to the inference that a "political deal" on Alexandria Waterfront has been made. The Congress will clearly spell out its intent and I will follow that intent to the letter of the law.

7. Mr. Hartzog is not abolishing the Ranger Force. The Park System requires more than ecological knowledge; it demands managerial expertise. Obviously, what is needed is a balanced mixture of employees throughout the Park System.

8. The transfers of rangers and park superintendents were necessitated by expansion and normal retirement. Director Hartzog assures me that this situation is stabilizing and that I can anticipate less rapid shifts of personnel. I favor shifts to avoid the "home park syndrome" but look forward to a period of longer service at the various sites of the System.

9. The Glacier situation has been blown totally out of perspective by highly inaccurate and inflammatory articles.

A superintendent deserves and must count on the support of his fellow Park Service employees. This is the backbone for all effective organizations. Appeals of decisions can be made through legal and well understood channels. Loyalty to the System does not mean accepting abuses, but there is no excuse for willfully disregarding accepted standards of conduct.

Your unsupported allegation that Mr. Hartzog is intentionally destroying the National Parks is totally and absolutely rejected by this office. We recognize that National Park management must undergo change in response to the environmentally degrading forces of our growing population. I believe the present National Park Service administration has the expertise and desire to solve the problems caused by these forces and accomplish the goals as set forth by Congress.

Sincerely yours,

ROGERS C. B. MORTON,
*Secretary of the Interior.*

## CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be concluded.

The PRESIDING OFFICER. If there is no further business, morning business is concluded.

## HANDGUN CONTROL ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate S. 2507, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 953 (S. 2507) a bill to amend the Gun Control Act of 1968.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is on amendment No. 1418, offered by the Senator from Arizona, on which there shall be 2 hours of debate, to be equally divided and controlled between the Senator from Arizona (Mr. FANNIN) and the manager of the bill.

Mr. ROBERT C. BYRD. Mr. President, if the Senator from Arizona will yield, I ask unanimous consent that the time on amendment No. 1418, offered by the Senator from Arizona, be reduced from 2 hours to 1 hour, to be equally divided and controlled as previously ordered.

I might state that this request has been cleared.

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

Mr. FANNIN. Mr. President, my amendment would strike paragraph 3 of section 4 of S. 2507. This paragraph gives the Secretary of the Treasury the authority to promulgate new regulations in addition to the ones that are provided in this bill. Paragraph 3 reads as follows:

(3) the handgun model also meets such additional standards as the Secretary may by regulation promulgate, after consultation with the Chief of Army Ordnance and the Secretary of Commerce, if the Secretary has determined that changes in the technology or manufacture of handguns, or actions tending to circumvent the intent of this subsection (which is to allow the approval of only those handgun models which are generally recognized as particularly suitable for sporting purposes), have rendered inadequate the standards set forth in paragraphs (1) and (2) of this subsection: *Provided*, That under no circumstances may any such regulation be promulgated which would permit the approval for sale or delivery of any handgun model which could not have been approved in the absence of such regulation.

Let me state emphatically that I share the concern of most Members of this Congress who want to stop the manufacture and sale of guns known as Saturday night specials. These guns have been very appropriately described as "small, lightweight, easily concealable, dangerous, and cheap handguns which have no legitimate sporting purpose."

Five pages of this bill are devoted to setting elaborate standards which would make it illegal to manufacture or sell "small, lightweight, easily concealable, dangerous, and cheap handguns." These standards are not only adequate to eliminate the Saturday night specials, but they go much further and most likely eliminate some legitimate, safe guns which have a legitimate sporting purpose.

The standards set forth in this bill are more than adequate without giving the Secretary of the Treasury carte blanche to promulgate additional regulations.

Section 4(n) of the proposed bill would establish the standards a handgun must meet before the Secretary of Treasury could approve its sale. Section 4(n)1 sets forth an elaborate point system for pistols, the purpose of which is to weed out cheap and readily concealable handguns that are loosely referred to as "Saturday night specials." Section 4(n)2 is a similar type point system for revolvers and includes the so-called drop test.

Despite these complex and elaborate statutory standards to determine the suitability of handguns, section 4(n)3 would grant to the Secretary of the Treasury the power to promulgate by regulation any additional standards he may deem necessary or desirable "if the Secretary has determined that changes in the technology or manufacture of handguns, or actions tending to circumvent the intent of this subsection * * * have rendered inadequate the standards set forth in paragraphs (1) and (2)."

The only check on this discretionary, carte blanche power is that the Secretary must consult with the Chief of Army Ordnance and the Secretary of Commerce.

This carte blanche provision should be deleted from the bill because:

First. The legitimate manufacturers of quality handguns, who have large investments in plant and equipment and who employ thousands of skilled employees, would not know from day to day whether already complex standards will be changed arbitrarily in a fashion that technically disqualifies a legitimate product. Section 4(n)3 would create an intolerable uncertainty that would discourage investment and production. There is no provision for legitimate manufacturers to have any voice in the promulgation of these unknown additional standards and review of such standards even if that possibility existed, would be expensive and time consuming during which time their product would be banned from commerce.

Second. Congress would in effect surrender its control if, having established technical standards in the law, these could be changed or eliminated by discretionary promulgation of new and different standards by the Secretary of the Treasury.

Thus section 4(n)3 which appears at page 8, lines 16–25 and page 9, lines 1–4 of the committee print of S. 2507—June 27, 1972, versions—should be deleted.

Paragraph 3 is not only unnecessary but inconsistent with the purposes of this legislation.

We hear a lot of talk about loopholes these days.

This bill was proposed to close an unexpected loophole in the 1968 Gun Control Law. It is intended, we are told, to stop the practice whereby parts for cheap guns are imported and then assembled in the United States to circumvent the intent of the 1968 law.

As I have said, I am in sympathy with this intent.

But I believe subparagraph 3n takes us much, much further down the road.

We are, in effect, giving the Secretary of the Treasury virtual power to outlaw the manufacture of all handguns. He could conceivably change the regulations we have set forth in the bill so that it would be impossible to manufacture a legal handgun within the United States.

Even if we assume that no Secretary of the Treasury would ever go that far, we still have problems created by this paragraph of the bill.

What about the uncertainty that is inevitable as a result of this paragraph?

No legitimate manufacturer could be certain that the guns he plans to put on the market in coming years would meet any additional standards set by the Secretary.

It also seems to me that we owe our citizens who are buying handguns for legitimate purposes some assurance that what they buy today would not be illegal tomorrow.

Passage of my amendment would remove uncertainty, it would give some consistency to the legislation, and it would ease the mind of law-abiding sportsmen who fear that there is a "hooker" in this bill—a provision that will go much, much further than sponsors of this bill have advertised.

Mr. President, the argument has been put forward that the Secretary of the Treasury should have the authority to change the regulations because of possible advances in technology. I reject this argument. There have not been any major changes in technology in several decades which would have any impact on the legislation before us. If there are changes in technology, I would have to say they are much more likely to be of a nature that would call for a reduction of some of the standards that we have set rather than a stiffening of the regulations. So paragraph 3n, of course, gives the Secretary the power to promulgate more stringent regulations—not reduce the specifications.

Furthermore, what if there should be some great new strides in handgun technology? There is nothing that precludes the Congress from updating the regulations next month, next year, or at any other time. I am certain that we do not intend to pass this law, then turn our backs and walk away from the issue of firearms use once and for all. It is my experience that each year there are new proposals for gun control legislation, so I do not believe this will be our final consideration of the matter.

Mr. President, I believe we should agree to this amendment to remove an inconsistent paragraph from the bill. I feel the adoption of the amendment would be very beneficial.

Mr. President, I reserve the remainder of my time.

Mr. BAYH. Mr. President, I will use some of my time to enter into a colloquy with the distinguished Senator, my friend and colleague from Arizona.

Mr. FANNIN. If the Senator so desires I would be very pleased to do so.

Mr. BAYH. I know the Senator from Arizona is very sincere in expressing the concern that he has expressed. These concerns are not new to the Senator from Indiana and I think it is important that they be discussed.

But I suggest to my friend from Arizona that if one would read the language in the light of the intent of the authors of the bill, and the committee that reported the bill, perhaps the concerns of the Senator at this moment might be somewhat relieved.

The specific language is as the Senator read, with only slight additions which I think indicate what the standards to be applied by the Secretary are going to be. The words are:

> If the Secretary has determined that changes in the technology or manufacture of handguns, or actions tending to circumvent the intent of this subsection (which is to allow the approval of only those handgun models which are generally recognized as particularly suitable for sporting purposes), have rendered inadequate the standards set forth in paragraphs (1) and (2) of this subsection.

It would seem to me that that language, first of all, specifically states that the Secretary can only consult with the Chief of Army Ordnance and the Secretary of Commerce if he has determined that there is either a change in technology or actions tending to circumvent the intent of the subsection, the sporting purposes test.

In order to relieve the concern of legitimate firearm manufacturers and citizens that we are slipping something over on them, we go back to paragraphs (1) and (2) which enumerate in detail the criteria of the sporting purpose test.

Mr. FANNIN. I say to the Senator from Indiana that I know of his sincerity and I agree with him in part but let us go to the point the Senator from Indiana makes. It still gives the Secretary the power to promulgate regulations. This is a tremendus power that is unchecked.

Congress is asked to abdicate its responsibility. The Secretary would obtain legislative prerogatives.

Mr. BAYH. The Secretary "may" revise the criteria if those criteria are not useful as a result of advanced changes in technology. I do not know what that means because I cannot envision what would happen—perhaps, if there is some action taken which is specifically designed to contravene the clear intent of the bill. The best example I can find is one which is not specifically on the point, I admit, but it is something that is going on that has been of clear concern to me and to my friend from Nebraska, and he is on the opposite side of this measure by the Senator from Indiana. But we are both deeply concerned about one particular foreign manufacturer. That foreign manufacturer today is shipping into this country a weapon which under the 1968 act was clearly prohibited as a Saturday night special under the criteria laid down by the Secretary. This ingenious foreign exporter ships the same doggone weapon, but he has changed it by a couple of inches on the barrel. He shipped it into Florida where they have a hacksaw operation. When the gun comes in, the barrel is zipped off, and when it goes on the market it is the same type weapon that was prohibited under the 1968 act. That is a clear violation of the intent of Congress.

We dealt with that, thanks to the cooperation and assistance of the Senator from Nebraska. We made it a violation of Federal law to saw off the barrel of a pistol, just as we had earlier made it a violation to saw off the barrels of shotguns.

But it is that kind of ingenious attempt to get around the obvious intent of the law that we are concerned with.

Mr. FANNIN. I would say to the Senator that he has just given the reasons why this is unnecessary. We have made the changes necessary to correct that situation. Congress can certainly do that in the future. There is no reason why we should delegate our responsibility to the Secretary of the Treasury. We certainly have the power to change the law. I do not see that there is any argument because the Senator agrees we have already made that change that was necessary in the law.

Mr. BAYH. But let me point out that in using that as an example, it is not an example specifically on point, and we are trying to suggest that if something like that happens we should not have to come back here and change the law, but we give the Secretary an opportunity to change those criteria himself. That is our effort. It is tied clearly to the fact that any change which the Secretary makes must be authorized by the specific wording of the amendment that the Senator seeks to delete, directed to those changes which go to the characteristics of the firearm in a gun which may be particularly suitable for sporting purposes. That is the whole sporting purpose test.

Also, we strictly limit the Secretary's authority to changes which meet the criteria in sections 1 and 2. That is precisely why we put that in there, so the Secretary cannot go out on a toot of his own and consider anything he wants. No changes can be made unless technology has rendered inadequate the specific language in sections 1 and 2.

Mr. FANNIN. The Secretary may be very sincere in interpreting what is included in this particular paragraph. He may be sincere, but his interpretation may be entirely different from what many of the citizens of our country feel should be done.

I know that in the West we have an entirely different situation than in the East. So if the Secretary were basing his interpretation on what was proper to take care of some situation in New York, it would not necessarily apply in Arizona.

Mr. BAYH. I would suggest that point is not really relevant to what the Secretary has authority to do under this section. The Secretary's authority is limited very specifically.

Mr. FANNIN. It is the Secretary's interpretation of the law that would control.

Mr. BAYH. But the interpretation of the Secretary is limited to the intention of the bill we are discussing right now on the floor.

Mr. FANNIN. Nonetheless, I would say

the Secretary would have great latitude in his interpretation of this section.

Mr. HRUSKA. Mr. President, will the Senator yield me 3 or 4 minutes?

Mr. FANNIN. I am pleased to yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I am in support of the amendment of the Senator from Arizona. I hope it will be adopted. It should be approved. Briefly stated, here is the reason: The bill spends four printed pages saying what will be prohibited by way of Saturday night specials for importation or manufacture with respect to handguns. Then it says, "Just in case we leave anything out, just in case somebody will invent a way to circumvent those four pages of specifications, we will let the Secretary of the Treasury legislate on our behalf."

It is an utter abdication of legislative responsibility on our part, and it vests the Secretary of the Treasury with that legislative power.

It is said that he has to stay within the intentions of the bill, he has to stay within "sporting purposes," and if he strays from that, he cannot do it. The fact is, the gate is wide open. The Secretary can say, "We object to the manufacture or importation of Model 2-X because it is not designed for a sporting purpose," and having said that, there it is.

Mr. BAYH. The Senator is wrong, if I may interrupt.

Mr. HRUSKA. No; let me finish my argument.

There is nothing in that section that limits him except if he determines that there are actions tending to circumvent the intention of this subsection, which is to allow the approval of only those handguns particularly suitable for sporting purposes. All he has to do is to say, "A particular gun is not designed for sporting purposes; therefore I will not allow its importation or manufacture." That is all he has to say.

Mr. BAYH. If the Senator will permit me to read the rest of that sentence——

Mr. HRUSKA. Go ahead and read it.

Mr. BAYH. "Have rendered inadequate the standards set forth in paragraphs (1) and (2)."

Mr. HRUSKA. That is right. All he has to say is model 2-X is not for a sporting purpose, and the four printed pages of legislation have been rendered inadequate.

Mr. BAYH. He has to be specific as to why they are inadequate.

Mr. HRUSKA. It simply says the purpose is to limit it to guns for sporting purpose.

Mr. BAYH. If I may say to my dear friend from Nebraska, if it were not for the language which he accidentally omitted, I would say he would have a good point, but the Secretary cannot sit down and say "Model 55-X no longer meets the sporting purpose."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. I yield myself time, and I apologize to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. He and I have discussed this matter rather extensively.

The PRESIDING OFFICER. How much time does the Senator from Indiana desire to yield to himself?

Mr. BAYH. Five minutes. In fact, I must say—and I am sure the Senator from Nebraska does not want to claim credit for this—that he suggested there might be a new change in technology that might render the specifics inadequate. Now we find objection to putting them in. I do not want to open Pandora's box.

If the Senator will read the language, it is not enough for the Secretary to say that model X no longer meets the sporting purpose, but he has to show why. The Administrative Procedure Act's protections would be available to any aggrieved manufacturer. So the Secretary would have to show, under the provisions of the Administrative Procedure Act, that some change in technology had rendered some of the specific criteria inadequate and caused him to issue new regulations banning a gun.

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

Mr. BAYH. I yield.

Mr. HRUSKA. The Senator from Nebraska contended that "sporting purpose" is such a vague and subjective term that we could spend another four printed pages trying to qualify a gun for that purpose, and we would still be right back where we were to begin with, if subsection (3) is retained.

The basis of the objection was—and it was turned down by the committee; they thought they had greater wisdom than I have—that "Your idea of basing this turns on reliability and safety, which is no good. We are going to go back to sporting purpose." I say, on the basis of findings by H. P. White Laboratories, if it were put on the basis of safety and reliability, they could fasten down the specifics and we would not have to let the Secretary of the Treasury legislate on our behalf. I do not think any Cabinet officer or any other executive official of the Government should go into the legislative business. I think it is for the Senate and the House to do that and for the President to sign bills into law. We are the ones who ought to legislate. If he is going to say, "This is being circumvented and I am going to invent a new rule, and I am going to change this," he would be legislating. I do not think he should.

Mr. BAYH. I do not want him to legislate, if I may say so to my friends from Nebraska and Arizona. The Senator and I have decided differences as to whether we should make the gun safe for the user or whether somebody on the other end of the weapon should be safe. But we are both trying to stop the sale of Saturday night specials. The Senator from Nebraska wants to make them safe. But we do not have a real difference of opinion as far as concerns the desire to give the Secretary omnipotent power to go out and impose factors that are not involved. That has been resolved. I accept the Senator's desire to enumerate as specifically as possible in the bill the criteria which he can apply.

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

Mr. BAYH. I am glad to yield.

Mr. HRUSKA. It is suggested that the desires and suggestions of the Senator from Nebraska were complied with. I respectfully submit that they were not complied with, because the specifications contained in these four pages of print are based upon sporting tests. The suggestions I had, which were turned down by the committee, were that the specifications should be based upon safety and reliability. Such specifications can be spelled out precisely and in adequate fashion. That has been discarded, and we are back to the conditions we have in the statute now; namely, sporting purposes.

And what are they? Even a 3-inch barrel can have sporting purposes, because, as the Senator knows, many deer hunters go out and wound a deer with a .30-.30, and they follow him and use that little target gun to dispatch him.

That is a different criterion than safety and reliability. Safety and reliability are readily defineable and determineable, and they can be set up, insofar as a sporting purpose is concerned, in the mind of the Secretary of the Treasury, to permit or prohibit almost anything.

Mr. BAYH. Mr. President, if I may suggest, to go back over a lot of these arguments——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAYH. I yield myself 5 more minutes.

The Senator talks about safety versus sporting purposes. The H. P. White Laboratory test, which is the only test the Federal Government has run on these weapons, indicated that they were unable to reach a determination as to what is and what is not safe. That is point 1.

Point 2 is, I think Congress has to decide whether to make a legitimate effort to get these belly guns, these mankillers, these Saturday night specials, whatever you want to call them, out of the marketplace. If not, let us admit it. If we want to make it safer for a guy to stick up a corner grocery store, all right, but I think that has no proper place in public policy.

Let me go back, if I may, to the concern my two friends have expressed about what authority the Secretary is given, because I concur with them as far as our goals are concerned. I want to mention some specifics that might, indeed, occur to the ingenuity of a few unscrupulous gun manufacturers. Most gun manufacturers make a good, sound weapon. They are honest, legitimate manufacturers. Unfortunately, there are always a few characters who resort to making a fast buck, and we have to come along and legislate to get them instead of being able to rely on all the members in a community to meet the high standards set by the reputable majority of its members.

Before the Secretary can make a change, he has to find that—

> Changes in the technology or manufacture of handguns, or actions tending to circumvent the intent of this subsection . . . .

have rendered inadequate the standards set forth in paragraphs (1) and (2) of this subsection.

Now, what are those standards? He cannot make a change unless something comes along, a new change in technology, that renders inadequate the standards set forth in paragraphs (1) and (2). That is the only thing he can do. He cannot go out here and take into consideration just anything that is new. It has to be something that changes and renders inadequate the standards which we have specifically enumerated in the four pages, as my friend from Nebraska points out.

One of those matters that the Secretary may take into consideration is weight. That is specified. It is one of the criteria.

Let us suppose that unscrupulous manufacturer Y finds a way to ingeniously increase the weight of the butt or the handgrip of a rifle by a removable 4-ounce weight, that can be screwed out very readily. Then you could have a weapon which, with that weight screwed in there, is all right, but all you have to do is take a screwdriver and screw it out, and automatically it is disqualified.

The Secretary could take that into consideration and say, "Wait a minute, mister, you can not do that."

Suppose, through some ingenious manner, unscrupulous manufacturer Z is able to develop some new plastic or alloy that puts a different type of safety mechanism or trigger guard on to this weapon. Safety mechanisms, handgrips, and different types of trigger guards get extra points under the criteria. That is specifically enumerated. If you have a certain type of handgrip or trigger guard, you get the extra points.

All right, a fellow may come along who is really not concerned about a safe weapon; all he wants to do is circumvent the act.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAYH. I yield myself another 5 minutes.

We might have these particular safety mechanisms made of some kind of easily meltable plastic, so that when the Secretary tests it, the safety guard is there, and he gets the extra point.

Then the gun is sold to a fellow who wants to use the weapon in an illegal manner. He puts it in a pot of boiling water, the plastic melts off, and the safety guard disappears. Perhaps this is a ridiculous example, but this is the kind of thing the Senator from Indiana is concerned about. Of course, the Secretary could take this into account even without the provision we are debating, but that provision would make it clearer.

Another type of specific criterion that might be circumvented is this: We have allowed extra points for various kinds of sights, click sights and drift adjustable sights, because such sights have a relationship to sporting purpose.

Suppose manufacturer XY comes up with a kind of click sight that can be easily removed; all you have to do is screw it out of there. Thus, with the sight on there, it meets the test, but you want to take the sight off because it might catch on your pocket when you go into the grocery store to hold it up.

This is a kind of thing that the Secretary would be able to take into consideration in making the change, and none other.

I am sure, from the look on the face of my friend from Nebraska, that he is even more pained now that he was when I sought to ease his pain and discomfort over the provision of the bill, but I say with all my heart that is what this section is designed to do, no more and no less, and I think the legislative history is rather clear.

Mr. FANNIN. Has the Senator's time expired?

The PRESIDING OFFICER. The Senator's time has not expired.

Mr. BAYH. I am sorry; I meant my friend from Arizona, not Nebraska, because he does not have a pained look on his face.

Mr. FANNIN. Does the Senator from Indiana yield the floor?

Mr. BAYH. I yield the floor.

The PRESIDING OFFICER. Does he yield back the remainder of his time?

Mr. BAYH. I do not want to prevent my friend——

Mr. FANNIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Arizona has 17 minutes remaining.

Mr. FANNIN. Mr. President, I would just say to the Senator from Indiana that what he has said illustrates the capacity of the formula he is utilizing in this bill to further complicate the problem of the Secretary of the Treasury in making any decision in this regard.

It would seem there is less of an inherent danger in having an unscrupulous manufacturer than an arbitrary decision by the Secretary of the Treasury. The manufacturer to circumvent the law with new technology must incur capital outlays, tooling up expenses, and so on. Furthermore, he must have customers for this new handgun that circumvents the law. The things the Senator from Indiana is talking about would not give a manufacturer any great market. If he were required to have those special little devices on the pistols that would circumvent the intent of the law, it seems to me that the number of guns that could be sold under that interpretation would be very small. Who wants to buy such a gun and pay for it, when he can go out and get a gun—speaking of a criminal getting at, they are readily available to the criminal, along with any other type of gun.

Mr. BAYH. Mr. President, if the Senator will permit me to respond briefly, I think the same argument can apply to the manufacturer producing guns with extra long barrels and shipping them into Florida, who eventually chose to saw them off. To suggest that there is not a ready market for those weapons that are readily concealable is foolish.

If you go down to the District jail or the police department and talk to the police officers, you find that these are the kinds of weapons criminals want to use. Right now they can buy them for $8.98.

Mr. FANNIN. I am in agreement, if the Senator is talking about Saturday night specials, but he is not just talking about Saturday night specials. Under what would be provided, the Secretary could be given the power to outlaw even sporting pistols, so far as that is concerned, if he is of that opinion. Of course, I understand that the standards are set forth but it is his interpretation of those standards that count.

Mr. BAYH. If the Senator runs out of time, I will use mine. Does the Senator from Arizona agree with the Senator from Indiana, as he reads the language, that the Secretary cannot get involved unless he finds something to happen which has rendered inadequate the standards set forth in paragraphs (1) and (2)?

Mr. FANNIN. His interpretation is controlling.

Mr. BAYH. Does it say that or does it not?

Mr. FANNIN. What I am trying to say is this: We have elaborate standards enumerated in section 4 of this bill—why do we need to formulate these standards and in the same bill allow the Secretary to change them at his discretion? After all how long has it been since there has been any real changes in technology with respect to pistols and revolvers?

Mr. BAYH. It all depends on what kind of technology the Senator is talking about.

Mr. FANNIN. The same kind the Senator from Indiana is attempting to have the Secretary make new standards for.

Mr. BAYH. Let me give a pertinent example of that. Yesterday the distinguished Senator from Iowa was telling me about a new rifle he purchased which is smaller than a .22 and has a muzzle velocity of more than 4,000 feet per second. That is a very new development. So technology is coming along. And this would be relevant on testing the guns under this bill's standards.

Mr. FANNIN. We are talking about pistols, are we not—handguns?

Mr. BAYH. That is a change in technology. It could have just as well been a pistol.

Mr. FANNIN. I just asked a simple question as to how long it has been since there has been a change in technology as to handguns, and that is a very simple question to answer.

Mr. BAYH. I do not know with exact precision. Changes occur all the time.

Mr. FANNIN. Ten years, 25 years?

Mr. BAYH. If we are talking about the development of new safety devices, I would say that probably in the last couple of years there have been new types developed to make weapons safer.

Mr. FANNIN. As to major technology, 50 years or 100 years. We can look at a pistol 100 years old and see there has not been much change. The technology argument as an argument to allow the Secretary unbridled authority to change the standards without any review by higher authority is not persuasive.

Mr. BAYH. As I stated earlier, as a legislator, I have to be placed in the position of trying to anticipate what some character out here is going to do contrary to what the general practice of the industry will be.

The Senator from Arizona agreed that the change considered by the Secretary would have to deal with rendering inadequate the standards set forth in paragraphs (1) and (2).

Mr. FANNIN. I said his interpretation of what would be required, and that is certain giving him great latitude.

Mr. BAYH. How can he have any less latitude than the words in this bill give him?

Mr. FANNIN. I say that does give him the great latitude. In fact, he could practically outlaw any type of handgun if he so desired.

Mr. BAYH. How?

Mr. FANNIN. Just by his interpretation of what sections (1) and (2) mean.

Mr. BAYH. Let me suggest that in the 1968 act we have given the Secretary the authority to outlaw the importation of any hand weapons that do not have a sporting purpose, which is a much broader definition than this.

Mr. FANNIN. That is exactly what I am talking about that is wrong with it. That is the effect it would have.

Mr. BAYH. It is not at all the same thing, I say to the Senator; because instead of giving him broad leeway to apply only the sporting purpose test, we say that the only time he can use this authority in subsection 3 is if the change in technology has rendered inadequate the standards set forth in paragraphs 1 and 2. We have taken the very criteria established by the Secretary of the Treasury with a blue ribbon committee comprised of a number of distinguished citizens: Donald Flohr, of H.P. White Laboratories; Harold Johnson, U.S. Army Foreign Science and Technology Center; Daniel Musgrave, Washington representative of the Mauser Works of Germany; John Richards, Potomac Arms Corp.; Jeptha Rogers, International Association of Chiefs of Police; and Lt. Col. Joseph S. Smith, Deputy Director of Civilian Marksmanship. Those are the people with whom the Secretary consulted in establishing these criteria.

Mr. FANNIN. How many sportsmen are involved in that list?

Mr. BAYH. I do not know whether the man who represents the Mauser Works is representing sportsmen or not. He certainly represents gun sellers.

Mr. FANNIN. I do not believe he represents the sportsmen.

Mr. BAYH. The Potomac Arms Corp. represents someone selling weapons. The Senator cannot say that the Deputy Director of Civilian Marksmanship is contrary to hunters and sportsmen, can he? I think sportsmen's interests were therefore taken into account.

Mr. FANNIN. I think the Senator is correct in that one instance. But that committee of advisers is not representative of a cross section of sportsmen.

I am not saying that just because some groups feel differently, we should write the legislation as they desire. From the best available information, it appears that this measure might eliminate from manufacture and sale at least 11 handguns designed and intended purely for sporting use.

Mr. BAYH. It would do what?

Mr. FANNIN. It would outlaw them—in other words, eliminate them from manufacture.

Mr. BAYH. Can the Senator give me the source of the information?

Mr. FANNIN. It is a cross-section that was compiled by the Publications Division of the National Rifle Association.

Mr. BAYH. With all respect is that exactly what one would call an objective publication?

Mr. FANNIN. Is this a correct statement?

Mr. BAYH. If we are concerned about the objectivity of this committee, let me suggest——

Mr. FANNIN. I should like to finish my comments.

It seems to me that this list is available to the Senator. If he wants to dispute it, that certainly is his privilege. It continues:

> This is because the bill prescribes a point system of approval or disapproval based not only on barrel length but also on overall dimensions, weight, and several mechanical features.

It lists the sporting handguns that are definitely banned under S. 2507 and goes on:

> Handguns, often carried as kit guns or sidearms by sportsmen, which also would be banned under S. 2507:

I just say that I am using this illustration because the Senator used another illustration. He said this would be biased. Why should it not be considered from a sportsman's standpoint? I realize that the people whose names the Senator read are respected individuals, but they are not looking at this situation from the standpoint of the sportsmen. I am not here to represent the National Rifle Association—if their statistics are incorrect, then the public is entitled to know the truth.

Mr. BAYH. Let me suggest to the Senator, who was talking about weapons that are going to be outlawed by this proposal, that the list I read includes two manufacturers' representatives.

Mr. FANNIN. I realize that.

Mr. BAYH. That lends objectivity. I do not want to vouch for this list. I do not know these people personally. All I suggest is that I do not see how it is possible for any Secretary of the Treasury—whether it is the Senator from Arizona or the Senator from Indiana or the Senator from Nebraska—to go out on his own and make this determination.

I do not want to beat this subject to death, but let me suggest to the Senator the kinds of concern that may sound ridiculous. If you have a barrel length, for example, where you add a couple of inches to it by some plastic tube and cut it off by a knife later, or the sights can be removed by shearing them off, which is put on there obviously just as a subterfuge, or using a cheap piece of plastic instead of the legitimate sights on a sporting weapon, or increasing the weight that could be put in and is detachable from the barrel, that is what we are talking about. Again, let me make it clear that the Secretary would be expected to refuse to accept such obvious shams under this bill without the provision in question. I am just trying to illustrate my point.

Mr. FANNIN. If anything like that takes place, we are in session and we have the power to go ahead and change the legislation. I cannot see that that is a valid argument now. I do not claim to be a technician in this field but I would ask the Senator if he feels that we are excluding sporting handguns under the standards of this act?

Mr. BAYH. No, I do not.

Mr. FANNIN. The Senator feels that we are not?

Mr. BAYH. No; we may have a different result between us so far as how the words are used. We may define the intent differently, but we may reach the same goal by this means; but I confess I am not trying to take off the market legitimate sporting type weapons. These tests have been used since 1968. There has not been any effort on the part of the firearms industry to use the provisions of this act to get the standards changed. They are available, if they are unreasonable tests or criteria. They have been applied to foreign imports since 1968, and I am suggesting that we apply them to domestic production.

I do not think there is anything further to say but I want the record to show that insofar as the manager of the bill is concerned, I am not after legitimate producers of sporting weapons or trying to give the Secretary carte blanche authority to get involved in legislating. I am suggesting to the Senator from Arizona that it is really naive—well, "naive" is not a good word because the Senator from Arizona is not naive—but I think the word "unrealistic" would be a better assessment. Some say slight modifications can be made easily in Congress. "All we have to do is to come back here and deal with this little old amendment." But, my God, whatever we do, do not touch the firearms bill or the walls will hit the streets. I do not know whether the Senator has read the letter sent out by one of the organizations which imputes motives to me which never entered my mind. Whenever we want to make a change in firearms legislation, right away the membership is told, "The next step is they will confiscate your shotgun or take away your sporting pistol." That is what will happen, if we come back here and make even a minor adjustment. That is the history of the legislation in this area, and I do not believe it will change overnight.

Mr. FANNIN. I do not question the Senator's motives. He is sincere in wanting to accomplish what he feels is for the best interests of the country. But I do not feel that he has taken into consideration the problems existing for the sportsman in this legislation he promulgated, or which he helped to write or to sponsor. So I cannot feel that the answers that have been given will take care of the very serious problem of the question of the Secretary of the Treasury entering this picture. It goes much farther than the Senator intends, or than Congress intends in making a decision in this regard.

I am in favor of controlling those Saturday night specials. But our standards ought to reflect our intent and not outlaw legitimate sporting handguns.

The PRESIDING OFFICER (Mr. STEVENSON). All time of the Senator from Arizona has expired.

Mr. BAYH. Mr. President, let me read from an article from the Gun World——

The PRESIDING OFFICER. The Senator from Indiana has 8 minutes remaining.

Mr. BAYH. I shall not use the 8 minutes unless someone wants to take advantage of it, but I would like to show a specific example by reading from an article in the Gun World of April, 1970, entitled "Gun Test: Walther's—New PPK/S .380 Auto"

It reads in part:

> Then came the Gun Control Act of 1968! Based upon the "point system" set up for the importation of such sidearms—the original PPK did not fall within the measurements-specifications guidelines, as spelled out by the Alcohol, Tax & Firearms branch of the Treasury Department. Strange as it seems, however, this inadvertently has turned out to be a blessing, at least for U.S. shooters, who soon will be able to check-out for themselves a revamped model of this famous auto-loading pistol. Our Eastern editor, Bob Zwirz, feels that revamp is an improvement, in several ways, over the original model. It also is acceptable, measurement-wise, under the rulings governing imported handguns.

Mr. President, I read the excerpt to show the Senate my intentions. I am sure the Senator from Arizona believes them, although there may be some listening here, or in the gallery, who do not.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. HRUSKA. By way of summary, I think this is the situation: We have legislated certain standards for these guns by the sections prior to that which the Senator from Arizona wants to delete. Now in this section we say that if the Secretary considers those standards to be inadequate, he may contrive and put into force additional standards.

When that is done, it means we engaged in the legislative process which we engaged in here by putting in four printed pages of regulations into the form of law for no purpose. If I understand correctly the provision of the Senator from Arizona (Mr. FANNIN), he objects to that legislative assignment to the Secretary of the Treasury.

I do, too. I support the amendment. I hope that it will be agreed to.

Mr. FANNIN. I thank the distinguished Senator from Nebraska. I believe my amendment will materially assist in preventing an abuse of discretion and overall achieve our goal of closing the loophole in the 1968 law as far as Saturday night specials go.

Mr. BAYH. Mr. President, I yield myself 1 minute and that will be all. I have said all this before. The Secretary can get involved in legislating, according to the specific words of this bill, as well as the adequately expressed intention of the principal sponsor, is whether when changes in technology or manufacture tend to circumvent the intent of paragraphs (1) and (2).

He is limited to safety device, length and weight, frame construction, caliber, safety features. These are the things that are specifically covered. These are the things specifically enumerated in the bill.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BAYH. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been used or yielded back. The question is on agreeing to the amendment of the Senator from Arizona. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Arizona (Mr. GOLDWATER) are detained on official business.

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from New Jersey (Mr. CASE). If present and voting, the Senator from Colorado would vote "yea" and the Senator from New Jersey would vote "nay."

The result was announced—yeas 58, nays 33, as follows:

[No. 359 Leg.]

YEAS—58

| | | |
|---|---|---|
| Aiken | Curtis | Montoya |
| Allen | Dole | Moss |
| Allott | Eagleton | Packwood |
| Anderson | Eastland | Pearson |
| Baker | Ervin | Proxmire |
| Beall | Fannin | Saxbe |
| Bellmon | Gravel | Schweiker |
| Bennett | Gurney | Smith |
| Bentsen | Hansen | Spong |
| Bible | Hatfield | Stafford |
| Brock | Hruska | Stennis |
| Buckley | Jackson | Stevens |
| Burdick | Jordan, N.C. | Symington |
| Byrd, Harry F., Jr. | Jordan, Idaho | Taft |
| | Magnuson | Talmadge |
| Cannon | Mansfield | Thurmond |
| Chiles | McClellan | Tower |
| Church | McGee | Weicker |
| Cook | McIntyre | Young |
| Cotton | Metcalf | |

NAYS—33

| | | |
|---|---|---|
| Bayh | Hartke | Muskie |
| Boggs | Hollings | Nelson |
| Brooke | Hughes | Pastore |
| Byrd, Robert C. | Humphrey | Percy |
| Cooper | Inouye | Randolph |
| Cranston | Javits | Ribicoff |
| Edwards | Kennedy | Roth |
| Fong | Long | Scott |
| Fulbright | Mathias | Stevenson |
| Griffin | Miller | Tunney |
| Hart | Mondale | Williams |

NOT VOTING—9

| | | |
|---|---|---|
| Case | Goldwater | Mundt |
| Dominick | Harris | Pell |
| Gambrell | McGovern | Sparkman |

So Mr. FANNIN's amendment (No. 1418) was agreed to.

Mr. HRUSKA. Mr. President I move to reconsider the vote by which the amendment was agreed to.

Mr. FANNIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I have an unprinted amendment at the desk that I call up at this time.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 5, line 21, and page 8, lines 8 and 24, insert the words "or for personal protection" after the phrase "sporting purposes."

Mr. ROBERT C. BYRD. Mr. President, may we have order? We cannot hear the clerk.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. Mr. President, the amendment I proposed would insert the words "or for personal protection" after the words "sporting purposes" where those words appear in three sections of the proposed committee substitute.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

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

Mr. STEVENS. I yield.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Robert Bates may be granted the privilege of the floor.

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

Mr. STEVENS. Mr. President, the purpose of this amendment is to clarify the intention of the proposed act, to make it clear that the act does not prohibit handguns for personal protection.

I have previously discussed with the Senator from Indiana why I feel handguns are a necessity for self-defense in many parts of the Nation, particularly in my State and the more rural areas of the United States, and I pointed out that in the State of Alaska when a person is hunting or fishing, a handgun is a necessity for self-protection.

Furthermore, I think that the RECORD is clear that the legislative intent of the Gun Control Act of 1968 was to include personal protection.

I would like to read the declaration of that section of Public Law 90–618, which specifically states:

> The Congress declares that . . . it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity . . .

As I read the bill—and I pointed this out to the Senator from Indiana in the opening debate on the bill—in three places the bill before us refers to the suitability for sporting purposes of handguns. At one point it states specifically:

> If the Secretary has determined that changes in the technology or manufacture of handguns, or actions tending to circumvent the intent of this subsection (which is to allow the approval of only those handgun

models which are generally recognized as particularly suitable for sporting purposes) . . .

Mr. ROBERT C. BYRD. Mr. President, may we have order? There are too many staff aides at the desk. The Senator should have the courtesy of being heard while he explains his amendment.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. I thank the Senator from West Virginia.

I take it that the language which is in the bill at the present time would in fact be a change in direction from the original Gun Control Act of 1968, in which the Congress specifically stated it was not trying to put unnecessary restrictions or burdens on law-abiding citizens, and particularly with regard to their right to have handguns for self-defense, for personal protection.

We have used in this amendment the specific language of the 1968 declaration. It would permit the Secretary to approve handgun models which are generally suitable for sporting purposes or for personal protection. I think it is absolutely essential to state that in the bill so that there can be no misunderstanding by anyone, particularly in terms of the burdens placed by the bill on the Secretary of the Treasury.

I would hope the Senator from Indiana would join me in this concept, because I do not think we should put people in the position of having to violate the law in order to get a gun for their own self-protection. Under the bill, a person could buy a gun if it was for a sporting purpose, and if the Secretary found it was suitable for sporting purpose, but there is no reason why we should place restrictions on a person who has no intention of hunting, or no intention of using a gun for trapshooting or target practice, or of using the gun for a sporting purpose, when the gun is for self-protection.

We ought not to change the Gun Control Act of 1968 and state, as it does in this bill—and again I want to emphasize that the bill states—that the intention of this subsection is "to allow the approval of only those handgun models which are generally recognized as particularly suitable for sporting purposes." There are handgun models which are not suitable for sporting purposes which are usable for self-protection, and if they meet the tests set out in the bill they ought to be models that would be approved by the Secretary of the Treasury.

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

Mr. STEVENS. I yield.

Mr. HRUSKA. Mr. President, I rise in support of the amendment. After all, self-protection is a lawful activity. There is no logic to limiting guns only for sporting purposes; we need to consider other lawful and legitimate purposes. The Senator from Alaska is correct in saying that this amendment will meet the spirit and the context of the law and make it more thorough and more complete, in view of the language contained in section 101 of the 1968 Gun Control Act, the pertinent part of which reads as follows:

It is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity—

And that—

This title is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes—

Certainly, personal protection being expressly mentioned, and being doubly assured for consideration because it is a lawful purpose, it would be well to include the language of the amendment expressly in the bill.

Mr. PASTORE. Mr. President, will the Senator from Alaska yield so I may ask him a question?

Mr. STEVENS. I yield.

Mr. PASTORE. The suggestion of the Senator from Alaska, that the purpose of the amendment is for personal protection, is very appealing to the Senator from Rhode Island, but who makes the decision—who determines the definition?

Mr. STEVENS. Under this bill, the Secretary of the Treasury can review all handgun models and determine whether they meet the criteria of the bill, and it provides for those that are suitable only for sporting purposes. The amendment would require the Secretary of the Treasury to make a decision as to whether these models met the tests set forth in the bill for either sporting purposes or personal protection.

Mr. PASTORE. Before a person bought a gun for personal protection, would he have to register the gun in any way?

Mr. STEVENS. Yes. We are not changing the 1968 Gun Control Act. If a person wanted to buy a gun for self protection, he would have to give his name, address, and identification. We are not changing those provisions of the law.

Mr. PASTORE. In order to clarify this discussion, in other words, if the gun is bought and permitted for personal protection, society is protected, because the gun has to be registered?

Mr. STEVENS. The purchaser has to be registered under the Gun Control Act of 1968.

Mr. PASTORE. That is what I mean.

Mr. STEVENS. We are talking about new guns. In order to get a new gun, a person would have to give his name, address, and proper identification; but the bill says the Secretary can approve only those handgun models which are particularly suitable for sporting purposes. We believe he should have to approve them if they are for sporting purposes or for personal protection of an individual.

Mr. PASTORE. But if a person proceeds to acquire a gun for personal protection, is he required by some State, local, or Federal authority to hold a license to have that gun?

Mr. STEVENS. At the present time that is determined by State law. In the State of New York, for example, a person would have to have a license. In the State of Alaska, he would not. But in either jurisdiction, under the 1968 gun control law, before he could buy a gun, he would have to give his name, address, and identification and qualify under the 1968 Gun Control Act.

Mr. PASTORE. I would like to get this cleared up. What we are doing here is eliminating certain classifications of guns, that are called Saturday night specials.

Mr. STEVENS. That is right.

Mr. PASTORE. I do not know precisely what a Saturday night special is. As a matter of fact, I am not a gun fancier. I have never possessed a gun and I have never fired a gun. I think I would be a little afraid to do it. But the fact is that certain individuals who are not avowed criminals have acquired guns, and, after they possessed the guns, they have committed criminal acts. What I want to know is, Is there any control over that individual by any State, local, or Federal authority which makes him responsible for the acquisition and the possession of the gun?

Mr. STEVENS. The existing Federal law.

Mr. PASTORE. There is existing Federal law?

Mr. STEVENS. The 1968 Gun Control Act.

Mr. PASTORE. I wish that the Senator from Indiana would explain that, too, in due time.

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

Mr. STEVENS. I yield.

Mr. JACKSON. It seems to me that the heart of the problem here is as follows: How do you distinguish between a handgun that is used for one's defense, the defense of his home and family, and at the same time distinguish it from the handgun that is used by the individual to perpetrate a stickup or an assassination?

Mr. STEVENS. The answer to the question of the Senator from Washington is this: The bill already provides standards in terms of concealability, in terms of length of the gun, in terms of the overall size and the barrel. We are not changing that. We are only saying that if the Secretary finds these guns meet the criteria, then guns for personal protection shall be approved. There are specific criteria in the bill. I have another amendment dealing with that, but there are specific criteria in the bill which the Senator from Indiana brought from the committee setting forth what is an acceptable size of gun, but it also says that the Secretary of the Treasury can only approve that gun if it is suitable for sporting purposes.

There are guns suitable for personal protection that are not necessarily suitable for sporting purposes, but if they meet the tests the Senator from Indiana has already set out for eliminating Saturday night specials, and are intended for personal protection instead of sporting purposes, we believe that the Secretary should be able to approve such a handgun model if it is for personal protection, even though it is not suitable for sporting purposes. That is the purpose of the amendment.

Mr. JACKSON. Mr. President, I am

heartily in accord with the Senator's objective, but I cannot, in my own mind, visualize how one is classified in one case as for personal protection and the other classified as one that could easily be used for a stickup or for a personal assault on another person.

Mr. STEVENS. We have, by virtue of this bill, as I understand the proposal of the Senator from Indiana, proposed that certain handguns are more suitable for the Saturday night special classification by virtue of the size of the barrel—the overall length of the gun——

Mr. JACKSON. Concealment is what we are talking about.

Mr. STEVENS. Concealment is the important thing. We are not changing that. We are saying that guns that meet and go beyond the specifications the Senator from Indiana has laid down, but are not necessarily suitable for sporting purposes, ought not to be eliminated for that reason.

Mr. PASTORE. Mr. President, can the Senator name one gun suitable for personal protection that is not a Saturday night special? What is a Saturday night special; can someone answer me that?

Mr. STEVENS. Let me answer the Senator from Rhode Island this way: All the guns eliminated by the measure of the Senator from Indiana are still eliminated. My amendment deals with the question of guns that could otherwise be approved. We are not changing that. We are saying that if the gun meets all the requirements of the bill that are designed to eliminate Saturday night specials, and that gun is suitable for personal protection though not necessarily for sporting purposes, it should be approved.

Mr. PASTORE. All the Senator from Rhode Island is concerned about is that guns get only into the hands of legitimate people, and that they are responsible to some authority for the possession of that gun.

The PRESIDING OFFICER. All time of the Senator from Alaska has expired.

Mr. BAYH. Mr. President, I think I am prepared to accept the amendment of my friend from Alaska. I have some misgivings, not because of what it says or does, but because of possible misinterpretations of its effect on other parts of the bill. For that reason, let me just ask him a couple of questions.

The amendment of the Senator from Nebraska——

Mr. STEVENS. Alaska.

Mr. BAYH. That is what I said, the Senator from Alaska. It just bounced off the Senator from Nebraska on the way. I apologize to both my colleagues.

Mr. STEVENS. I am honored.

Mr. BAYH. The amendment of my friend from Alaska in no way affects the criteria established on pages 4 and 5 of the bill as far as safety devices are concerned?

Mr. STEVENS. That is correct.

Mr. BAYH. As far as overall length is concerned?

Mr. STEVENS. That is correct.

Mr. BAYH. As far as frame construction is concerned?

Mr. STEVENS. That is also correct.

Mr. BAYH. And as far as pistol weight is concerned?

Mr. STEVENS. Yes. We do not change any of the criteria for determining what is not a Saturday night special.

Mr. BAYH. Fine.

Mr. STEVENS. But we change the concept in that the Secretary need not find that that handgun is useful only for sporting purposes, which we think would be a limitation upon the Senator's criteria.

Mr. BAYH. I am tempted to ask the same question that either the Senator from Rhode Island or the Senator from Washington asked, can the Senator name one weapon that meets these criteria but which would not be in the sporting purpose category?

We are not trying to deny the opportunity for people to defend themselves. We are simply trying to classify Saturday night specials—small weapons, easily concealed, and thus the most acceptable weapons for the criminal—and say to the Secretary "You cannot allow those."

If you want to have a weapon above a particular size, not for hunting rabbits, but for protecting yourself, I have no objection. I am deeply concerned about the other side of the coin, that a small weapon might be excluded from the ban simply because the purchaser wants it for protection. But I gather from the colloquy with the Senator from Alaska that his amendment would not do that.

Mr. STEVENS. That is correct.

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

Mr. BAYH. I yield.

Mr. PASTORE. Just so the RECORD will be clear, I am going to ask again for the RECORD, the regulations under which guns are acquired. This is because this is a very complicated bill as it is a complex problem, all of us know what we are trying to avoid: We are trying to avoid the indiscriminate possession of weapons which might lead to crime. As I said yesterday, guns sometimes get into the hands of very young people. Under the influence of drugs, perhaps, and without any provocation or justification at all, they have killed innocent, unoffending citizens. That has happened several times here in the District of Columbia, I have cited instances and I do not want to get into that again.

The point I am making here now is this: Will someone please clarify for the RECORD just what are the requirements, what is demanded of an individual when he buys this gun, owns this gun, and keeps this gun for self-protection? What is it he has to do? I do not care who states it for the RECORD whether it is the Senator from Alaska, the Senator from Nebraska, or the Senator from Indiana, but will someone please explain to me what are the requirements for anyone to possess any kind of a gun? What does he have to do in order to buy it? What are the restrictions upon him, and what are the restrictions for him to either own it, carry it, or keep it in his home, for whatever purpose?

Mr. HRUSKA. Mr. President, if the Senator will yield, insofar as national legislation is concerned, when one buys a gun from a licensed dealer, he fills out a form in which he gives his name and address, he says that he has not been convicted of a crime within a given number of years, and that he is not a fugitive from justice. I do not know whether the requirement is found there that he is not under indictment. I believe that was stricken because obviously an indictment is an accusation; it is not proof of guilt of crime, or conviction. That he has not been adjudicated mentally incompetent, and that he is over 18, in the case of a rifle or shotgun, and over 21 if it is a handgun.

He must attest to his residency within the State, and that is about all. But that record must be kept by the licensed dealer.

Now, beyond that, if there is a State law, he must comply with that State law. In New York City, the regulations are very stringent for handguns. Only 20,000 permits have been given, to law enforcement officers, guards, and others of that kind, security people who are licensed and recognized. So in a city of 8 million people there are 20,000. The Senator can see how strict the law is.

In other States, there are no restrictions whatever. In my State, in the city of Omaha, we have a registration requirement and have had it for 30 or 35 years. There it is also a matter of residence and age.

Mr. PASTORE. I thank the Senator from Nebraska. I thought that at this juncture the RECORD ought to be clear as to what is required.

Mr. BAYH. Mr. President, one last observation. I am prepared to accept the Senator's amendment. I would like to pose one question.

Is it accurate to say that before the language which is offered by the Senator from Alaska can have any effect, all the other criteria already provided in the bill must have been met by the weapon in question?

Mr. STEVENS. That is not correct. We have not changed the criteria. I have another amendment to do that. Let us be honest about this. I have an amendment with which I seek to follow up on the conversation we had at the opening of this bill, dealing with safety reliability as opposed to these purposes. Assuming that the bill is enacted in its present form, we want to make certain of personal protection.

Mr. BAYH. I am perfectly happy to accept the amendment of the Senator from Alaska.

Mr. STEVENS. Would the Senator permit me to make a statement?

Mr. BAYH. Will the Senator withdraw the request for the yeas and nays?

Mr. STEVENS. I will do so.

The Parliamentarian just pointed out to me that Senator FANNIN's amendment amended the portion on page 8, line 24, that my amendment seeks to modify or amend. Therefore, I ask unanimous consent to delete from my amendment the last reference to sporting purposes on page 8, line 24, because that language is no longer there, in view of the adoption of the Fannin amendment just prior to this amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. With the understand-

ing that the Senator from Indiana will accept the amendment, I ask unanimous consent that the order for the yeas and nays be rescinded.

Mr. BAYH. The Senator from Indiana makes no objection, but in order to be able to make one further explanation and not lose my time, I would wait one moment before accepting the amendment.

I think it is important in building legislative history that the RECORD show clearly that the blanket sporting purpose test—the general authority as it exists in the 1968 act—has been taken out of this bill. It has been replaced by specific criteria originally designed to help the Secretary define sporting purpose. For that reason, it is the judgment of the Senator from Indiana that once the Secretary determines that a gun meets the specific criteria written into the bill, which identify a weapon designed to be used for sporting purposes, he has no alternative but to approve it, regardless of the purpose to which the owner of the weapon desires to put that handgun.

Mr. STEVENS. I might state the converse—that is, if the Secretary of Commerce finds that a handgun meets all the criteria that have been set down and he finds that that gun has no sporting purpose but does have a utility for self-protection, he might approve it.

Mr. BAYH. I think we are playing with words. The Senator from Alaska is free to phrase it in his own inimitable fashion. The Senator from Indiana would prefer his own phrasing. We are really talking about the Secretary of Treasury now, not the Secretary of Commerce.

Mr. STEVENS. That is my error.

Let me state to the Senator, so that we are sure that the intent of what I am saying is clear, that the purpose of this bill is not to change the intent of the 1968 gun control law; and the adoption of this amendment will assure those people throughout the country who have looked at it and have interpreted this as being a narrowing of the intent of Congress in the 1968 gun control law that that is not the case.

Mr. BAYH. I agree that the 1968 Gun Control Act is still in force and effect. We are just applying the same criteria that were originally promulgated by the Secretary under that act. He has applied them to imported models, we are applying the same test to those that are manufactured domestically. If someone wants to use one of these models to defend himself, I have no objection.

Mr. STEVENS. That is the total intent of this amendment, to assure people throughout the country that lawful activity of people who possess handguns includes self-protection as well as the use of handguns for sporting purposes. I think that the way the bill is stated, it could have been interpreted as limiting the original intent of the 1968 Gun Control Act.

I am pleased that the Senator from Indiana is prepared to accept the amendment.

Mr. BAYH. I accept the amendment.

Mr. STEVENS. Mr. President, has the order for the yeas and nays been rescinded?

The PRESIDING OFFICER. Without objection, the order for the yeas and nays is rescinded.

The question is on agreeing to the amendments en bloc, as modified, of the Senator from Alaska.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1414

Mr. HRUSKA. Mr. President, I call up my amendment, No. 1414.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. HRUSKA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

Strike out all of line 17 on page 2, through line 13 on page 4, inclusive, and insert in lieu thereof the following:

"SEC. 3. Section 922 of title 18 of the United States Code is amended by adding at the end thereof the following new subsections:

"'(n) It shall be unlawful for any licensed manufacturer or licensed importer to sell or deliver a handgun manufactured or imported into the United States after the effective date of this Act, if such handgun is of a model which has been disapproved by the Secretary pursuant to section 922(o) of this title.'

"'(o) The Secretary may disapprove for sale or delivery by a licensed manufacturer or licensed importer any handgun model manufactured or imported into the United States after the effective date of this Act, if he has caused to be evaluated and tested representative samples of such handgun model, and has found that such model fails to meet the following criteria:'."

On page 9 letter sections (o), (p), and (q) as sections (p), (q), and (r).

Mr. HRUSKA. Mr. President, referring to section 922(b) of the bill, we find the language as follows which is pertinent to an understanding of my amendment:

It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer or licensed collector to sell or deliver . . .

Then there are several subsections which are not pertinent to my amendment, until we come to subsection (6), which reads as follows:

Any handgun model unless such handgun model has been approved by the Secretary pursuant to section 922(n) of this Title.

The bill as thus drawn including the above quotation, would summarily and instantaneously put an end to all sales and delivery of any and all handguns of whatever model until such a time as the Secretary of Treasury acted to approve gun models in accordance with section 922(a) of the title.

I point out that no time element is specified for the Secretary of the Treasury to issue any such order. If there were any reason why he did not want to do it promptly, he would not have to. In the meantime, all citizens of America would be prohibited from buying and all organizations selling would be prohibited from selling or delivering any and all types of handguns.

Throughout the United States, with its 160,000 dealers and collectors and 150 manufacturers and importers, all sales and deliveries of handguns would come to an abrupt and a complete standstill upon enactment.

Thereupon all would stand by to await the pleasure and convenience of the Secretary of Treasury to make his decisions as to which handguns he would approve and which he would withhold from an accepted list.

The above-numbered amendment, No. 1414, would reverse this process.

It would allow the present arrangement of sales and delivery to continue, subject to such orders as the Secretary would subsequently issue disapproving and disqualifying certain specified gun models. In that way we would have a continuance of the lawful business of sale and delivery of handguns as it is now, subject to those orders issued by the Secretary of the Treasury who would say, pursuant to the provisions of the bill, that models he would specify would no longer qualify and they would be illegal in the stream of commerce.

It should not be the intention or effect of this bill to go as far beyond the field of Saturday night specials as to completely close to all law-abiding citizens the opportunity to buy or sell through licensed dealers the handguns they want for lawful purposes.

Any power granted to the Secretary should be within the scope of the declared objectives of the bill; namely, to deal effectively with Saturday night specials, not against all handguns. The Senate has spoken clearly and emphatically on the issue of abolishing private ownership of handguns, or even of federally registering them or licensing them.

The bill as written brings on a host of difficulties.

One difficulty is enforcement. By including licensed dealers, we encounter the necessity of considering 160,000 licensed dealers and collectors throughout the 50 States. The manpower on the Federal payroll necessary to monitor and check out this volume for the purposes provided in the bill would be formidable, indeed. I do not know how many it would take. I do not know of any computation which has been made on what the number would be, but we would be faced with the alternative of putting the bill in the form of a statute and just having it there, or making some attempt to administer and enforce its provisions.

Another difficulty lies in placing upon those dealers the burden of correctly interpreting and applying the highly technical and complex standards to each transaction in the selling of a handgun.

The chief difficulty would be in determining which handguns are in conformity and which are not.

It is impossible to test them all. The number of models and their variations are legion, almost unlimited.

It is one thing to test and approve current models and prospective ones, as to import or manufacture. But it is virtually impossible to test and even identify those

made in the past and widely distributed in a fashion to determine qualification under the proposed law.

Most dealers are not gun identification experts. Fewer still are engineers or metallurgists.

The point system of the bill requires highly refined and sophisticated determination of identity, measurement, and testing. Models often differ in minor, sometimes internal details, not readily discernible but frequently critical to proper determination.

Individuals who made even honest, good-faith mistakes would be subject to Federal felony criminal prosecution if they guessed wrong. Even if they made a conscientious and honest effort to form a good, sound judgment and say, "Yes, this gun is not prohibited by such and such an order," they would still be subject to Federal prosecution.

It is a truism that rounding up the Saturday night specials at their distribution point in large numbers will be far more effective than trying to obtain them in groups of ones and twos at the thousands of dealerships across the Nation. It would be relatively simple to ban from sale by the manufacturer a projected production run of 100,000 noncomplying handguns of the same model; it is an incredible undertaking to try to enforce a ban from commerce of the same 100,000 after they have been dispersed among the citizenry over 50 States and mixed in with thousands of other models and variations.

This method proposed in the amendment No. 1414 will also be more just and fair in that the penalties will fall on the importer and the manufacturer rather than the one-man dealers who number in the thousands who may have a couple of these guns in a display case and who do not have the resources to absorb such a loss.

In effect, the way the bill is now written, if it were enacted into law, it would mean the confiscation of all stocks in the hands of importers or factories or dealerships in the Nation. It is fair to assess the penalty on the importer and the manufacturer, but insofar as the risk to the dealer is concerned, it is my judgment it would be unfair and is not necessary, in addition to being highly impractical and unenforceable.

Additionally, the proposed amendment would insure that the trading in used firearms would be carried on lawfully and with due regard to the Federal recordkeeping and recording requirements that are an important part of present law. It would be regrettable, but yet it is realistic to expect that the option of S. 2507 without such a safeguard as this pending amendment, will result in the creation of a black market in presently existing guns.

Let me explain why that would happen.

Under the terms of this bill as reported, the owner of a gun prohibited by the terms of the bill will not be able to use the services of a dealer to transfer it. The dealer would be barred by the present language of the bill. He would not be willing to accept a used gun as a trade-in for a new and approved weapon. This is because the dealer will have no way of knowing whether the used gun meets the Secretary's standards; if it does not meet those standards, he will not be able to sell it. He cannot afford to take a chance on jeopardizing his license.

Therefore, it would make no sense for him to accept trade-ins. Thus, for the private citizen with a gun, the only way to dispose of it will be to enter into a private sale with another citizen. Such a sale will be outside the present Federal laws which require adequate recordkeeping and recording on the part of licensed dealers. Thus, the provisions of the 1968 gun control law will be effectively nullified in this regard.

S. 2507 has strayed much too far afield in this particular from its declared objectives of dealing effectively with Saturday night specials. It would only complicate and confuse the effort.

The proposed amendment No. 1414 would clarify and correct in suitable fashion.

It should be approved.

Mr. President, let me point out that if this bill is enacted into law, we are not going to dispose of or cause to vanish from the scene the millions of guns that will not be qualified for further manufacture or further importation. Those guns are here in this country. Passage of this bill will not cause them to be obliterated from existence. They will be here. The question is, how are we going to deal with them in the regular stream of commerce where we can have a record made, where any sales by licensed dealers will be recorded, or where we will have them recorded in that way, or by a black market that will spring up where there will not even be that bit of practical handling of a very difficult situation?

My hope is that the amendment will be approved. It will greatly improve the bill. It will make it acceptable to many who otherwise would not find it possible to vote in its favor.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, what is the time limitation on the amendment?

The PRESIDING OFFICER. There is a 2-hour time limitation on the amendment.

Mr. BAYH. Mr. President, I find myself rising in opposition to the amendment of the Senator from Nebraska with only two other Senators in the Chamber. And whether I do this at this moment or do it after the lunch hour remains to be seen. However, I am very much inclined to ask for a live quorum because, from a very practical standpoint, this amendment would gut the whole bill. And it would be very difficult for any of us to defend what remains.

I have in my 18 years of legislative life been forced on many occasions to accept a half a loaf instead of a full one. However, rather than being a half a loaf in this instance, it is a handful of crumbs that remain. I must say that I am not prepared to make a final judgment on whether a handful of crumbs is better than a half a loaf at this moment. However, I am compelled to rise to suggest that anyone who believes he can hold his chest out proudly and say to the innocent victims of Saturday night specials and to the patrolman who protects his community: "I stood up and was counted as wanting to take the handguns out of the hands of the criminals who killed your buddy last night" is either intentionally or unintentionally perpetrating a hoax upon the individual in question.

My friend, the Senator from Nebraska, says that this measure would make it more acceptable to a number of people who would otherwise be inclined to oppose the Saturday night special bill. It ought to. It not only opens the barn door, but it also takes off the roof and one side. I think we ought to face it for what it is.

Mr. President, I do not want to force anyone to listen to my interpretation of the amendment of the Senator from Nebraska. However, I want my friends to be advised that I am about to tear into it with unlimited tenacity, because I think this bill goes to the heart of this matter. And it is going to destroy the efforts we have made to try to get those criminal weapons off the streets.

Mr. President, I have approached this matter as patiently and as reasonably as I know how. But I felt that I had a responsibility in advance to alert all Senators and all interested parties as to what we were trying to do. Being chairman of the Juvenile Delinquency Subcommittee and seeing the ricocheting on the gun control issue throughout the country, I know how easy it is to misrepresent and misinterpret the legislative effort in this regard. So, I sat down with the parties involved and I said: "Mr. Washington Lobbyist and my colleagues in the Senate, this is specifically what we are trying to do. We do not want to take away your rifle; we do not want to take away your shotgun; we do not want to take away your sporting hand weapon; we do not want to take away your target weapons. All we want to try to get off the streets are those belly guns, those mankillers that are killing policemen and innocent citizens. That is all we are trying to do."

When I read the publications and when I read letters to my colleagues and even hear speeches on the Senate floor to the effect that we are opening the door to make it possible to confiscate and take away weapons, I must point out that that has never been in the mind of the Senator from Indiana.

Now, with that background, let me address myself to the amendment of the Senator from Nebraska. I have great respect for him. I consider him a friend. I also know that he is an astute enough lawyer that he knows exactly what this would do. It would gut the bill. This issue was fought out in the Judiciary Committee, and I am proud to say that after a thorough analysis of the position of the Senator from Nebraska and that of the Senator from Indiana, the distinguished senior Senator from North Carolina came down on the side of the Senator from Indiana.

If we are going to have effective firearms control as far as Saturday night specials are concerned, we are going to

have to have something with teeth in it instead of a handful of legislative Pablum.

And if we are to accept the well intentioned amendment of my friend, the Senator from Nebraska, it will not even be 100-percent Pablum. This amendment would indeed shift the presumption. I certainly concur with that assessment. The Senator from Nebraska has not tried to conceal that. He has been very forthright in describing the fact that his amendment shifts the presumption from disapproval to approval.

The Senator is concerned about this. He talks about the time limit required for testing. Let me just ask the Senator from Nebraska if there is any acceptable time limit that the Senator would find agreeable. Sixty days is provided for in the bill. Would the Senator rest easier with 90 or 100 days?

Mr. HRUSKA. Mr. President, I do not understand just how the Senator would bring the case before the Secretary. Would it be his thought that there would have to be an application on the part of each licensed dealer with reference to the models in his stock?

Mr. BAYH. Mr. President, the committee bill requires the Secretary to publish every year a list of weapons acceptable for sale under the criteria. And he would promulgate regulations covering procedures for receiving approval.

Thus the question of whether the weapon could be sold or not and the doubt resting in some minds on that matter could be easily resolved by looking at the list published by the Secretary.

The Senator expresses a legitimate concern on whether weapons will have to be tested in order to be put on the Secretary's list. The bill as passed by the committee provides for a 60-day period before the act becomes effective. Thus the Secretary has 60 days in which to compile a list of weapons that would meet the standards.

My question is directed specifically to this matter of timing. Does the Senator believe that 90 days would be more equitable? I am not trying to impose any hardship or to be unjust.

Mr. HRUSKA. Mr. President, what happens if the Secretary does not act? Is there any provision in the bill in the event he does not act? Suppose that he does not act. That is one point.

Another point is that the designation of a certain period of time will not meet the basic defects here. It is the Secretary that should take action to say that this kind of model is not approved or will not be manufactured or imported.

Mr. BAYH. Mr. President, let me say to my friend, the Senator from Nebraska, that in the committee bill the Secretary does have the responsibility of acting.

Mr. HRUSKA. He does indeed.

Mr. BAYH. Only, instead of saying that this model is prohibited, he would say that this model is permitted.

What we are doing, and let us put it on the RECORD, is opening the doors and destroying the provisions of the 1968 Gun Control Act covering importation of hand weapons. As soon as this becomes the law of the land, if it is enacted, any firm that wants to import into the United States any hand weapons that do not have sporting purposes—weapons such as the 900,000 annually which have been prohibited since 1968—can start shipping them here. And these weapons could not be refused entry until the Secretary says "Wait." Manufacturer X in Wiesbaden, Germany, can ship in a couple of boatloads to be distributed all over the country before the Secretary finds out and says, "You cannot do that." Then the importer would change the model slightly and begin again. He could import again until the Secretary again says "No." We are opening the door to all sorts of foreign imports.

I thought we had agreed in 1968 to stop this The Senator from Nebraska would be opening the doors to foreign imports

Mr. HRUSKA. That is not the idea or the understanding of the Senator from Nebraska. For any imports or any domestically manufactured guns the application would have to come from the importer or manufacturer to the Secretary, and if the Secretary said yes, they may manufacture and sell it if it qualifies under the law then they can go forward, but if he said no they will either not manufacture or import or they will appeal the case and get a ruling in the courts to which they have access.

But that is a different situation than dealing with guns that are now in existence. What would the Senator do with those guns? What disposition would be made of them? Passage of this will not cause them to vanish. They will be here and the alternative is to either have them engage in the black market which automatically will be created, or allow the dealers to sell them and deal with them and have recording of the sale as required by present law.

Passage of this bill is not going to cause those guns to vanish.

Mr. BAYH. Is the Senator talking about guns now in the hands of dealers or guns in the hands of individual owners?

Mr. HRUSKA. Both. Those in the hands of licensed dealers and those in the hands of individual people. Those in the hands of individual owners are going to be there and the bill does not touch that.

Mr. BAYH. Neither has the Senator from Nebraska touched that in his amendment. What the Senator from Nebraska does is change significantly the way we deal with weapons in the hands of dealers.

I suggest if you remove dealers from the reach of the prohibition, as the Senator from Nebraska does, you make no effort to stop the sale of those weapons, which Congress, by passing this act, says it is bad public policy to sell.

To suggest there is going to be a black market is almost humorous, because in the act we make it possible for any dealer to turn these weapons over to the Secretary or whatever law enforcement agency he designates and to be reimbursed for those weapons. We say the same thing to the manufacturer, and to an individual.

The millions of weapons already in the hands of individuals are not touched by this act, but we say that any citizen who wants to turn one of them in voluntarily may be reimbursed. That any mayor or chief of police who wants to mount a community-wide effort to get these guns out of the homes—guns that can go off in the middle of the night in vain defense of the home, or when a youngster climbing on the bureau gets a gun—that any community that wants to do so can do so voluntarily by reimbursing any person who turns them in

If we are going to eliminate dealers from the coverage of S. 2507, as the Senator from Nebraska does, we are seriously limiting our effort to get the Saturday night special off the street. The large stocks of Saturday night specials are now in the hands of dealers. We are not punishing a dealer or taking away his property without just compensation. In fact, we have written into the bill our intent to reduce the availability of Saturday night specials. We say, "It is bad for you to sell these guns, Mr. Dealer, but we are not going to confiscate them." We are saying, "Mr. Dealer, if Congress changes the present policy, we are going to pay you for turning in your Saturday night specials. You do not have to do so."

There are still a large number of police forces that do not provide their policemen with firearms. They have to go out and buy them individually. The amendment of the Senator from Nebraska states they would have to go to a manufacturer to buy them, if these police departments want the patrolman to have them. What the Senator from Indiana is saying is give the dealer the option of keeping a few of these highly specialized models which might be purchased by the policeman in his locality, or give him the option of turning them all in and being reimbursed by the Government.

We make every effort in the world to be fair to dealers. I must say the Senator from Indiana has been subject to some criticism by those who fear, first of all, we do not go far enough, and those who feel we should reimburse the dealers. I think a very good constitutional case can be made that the U.S. police power gives us the authority to go in and tax these weapons as contraband and not to reimburse anybody. But we are not taking that approach. Most of the dealers I have talked to, and a number of gun manufacturers have said, "We will be glad to have an excuse to stop selling these things. We do not make much money selling the Saturday night special. We make money selling legitimate weapons." Thus, we are being infinitely fair to the dealer by reimbursing him and giving him advance notice with respect to what weapons can and cannot be sold.

I want to suggest that if we adopt the amendment of the Senator from Nebraska we are placing in great jeopardy our efforts to prohibit Saturday night specials. The Senator's bill would require the Secretary to ferret out every garage operation and every small business that gets into manufacturing Saturday night specials, and he has to say, "Do not sell." If he says, "Do not sell that one model," they can change it a little bit and start selling it again. It may take 5 or 10 years before anybody finds out about it.

If these weapons that J. Edgar Hoover said should be taken off the streets should be taken off the streets, for God's sake let us give the Secretary the power to do it. Let us not leave the gaping loophole in here that would be provided by my friend from Nebraska.

I think we need to recognize that it is reasonable to assume that if anybody is making these prohibited weapons and is really trying to peddle them to a sinister section of our society, he is going to contest this prohibition in court. Under the Senator's amendment, all the while this legal contest is going on, the weapons might continue to be sold even if they have absolutely no sporting purpose whatever.

The Senator from Nebraska said, in response to the question, "What if the Secretary does not act?" "Well, I must say that is a very good question." The bill as it passed out of committee, after a laborious effort to deal with all the facts, provides that if the Secretary does not act, no Saturday night specials can be sold. Under the amendment of the Senator from Nebraska, if the Secretary does not act, any kind of Saturday night special can be sold. That is the distinction. One cannot argue with it. Either argument has to be based on the premise that there is a Secretary downtown who does not want to enforce the law.

If the Secretary does not act, under the bill, these police murder weapons, the Saturday night specials, cannot be sold. Given the Senator from Nebraska's amendment, if the Secretary does not act, they can be sold, and that can go on forever.

We sat on the committee and asked the appropriate officials at IRS and at the Treasury Department, "When are you going to come up here with a bill? When are you going to deal with the problem of the loophole in the 1968 act?" Mr. Rossides and Mr. Santarelli observed 2½ years ago that the 1968 act left a great big loophole through which a million guns were coming into the country.

We were told, "Senator, we recognize that. We are busy working on an amendment to close up the loophole." Here we are 2 years later. Still no bill. Now I wonder, if we change the presumption, and say that Saturday night specials can be sold until the officials down at the Department say they cannot be sold, when 2½ years have gone by and they have not yet come up here with legislation to correct a loophole which they say existed, what is going to happen if they have the whole decision to determine whether certain weapons shall be sold or manufactured. They will not do anything, and as a result, the bill will not be worth any more than the paper it is written on.

There is another matter that I think it is important for us to recognize. We have accepted the amendment of the Senator from Alaska dealing with personal protection. I think defending one's own person and home is certainly a part of the American way of life, despite the fact that all the police officials who testified before our committee testified that there are four times as many persons killed in self-defense as criminals. Nevertheless, if one wants to defend himself or his home, I would not deny him that opportunity. All we say is, at least defend yourself with a weapon that is more difficult to conceal and less adaptable to the trade of the criminal.

A hard fact of life is that there are millions of weapons in circulation today, in the hands of private owners, that are not going to be touched by the bill. As I mentioned, we give to each local community the option of structuring a program in which citizens are asked to turn in their weapons voluntarily and to be reimbursed for them. I must say that criticism can be directed at the Senator from Indiana on the ground that the bill does not go far enough, because it does not touch the weapons in the hands of so many people. I think that is justifiable criticism. The question is, Where do you draw the line? How far can you go?

The Senator from Indiana has felt that if we can at least draw the line now and say, we now have 20 million Saturday night specials, or 10 million Saturday night specials—I do not know what the number is; say $x$ Saturday night specials—and if we put our hand in the dike now and say, next year we are going to stop selling them, so that next year there will not be $x$ plus 1 million, and the year after that there will not be $x$ plus 2 million, and the year after that there will not be $x$ plus 3 million, we will at least have made some progress.

The Senator from Nebraska suggests that we should make no effort whatsoever to prohibit the sale of stockpiles that are now in the hands of every single dealer in the country. He says this is going to be a hardship on the dealer. I do not know how it could possibly be a hardship on the dealer, because he can sell those guns to Uncle Sam at the fair market value as of the time the bill passes. He can get his money back. But what we are saying is that we are going to do something about the hundreds of thousands of weapons now on the counter, ready to be sold. If they are bad, why wait for tomorrow? If they are bad, why wait for next year. This is going to give every manufacturer and dealer an opportunity to gear up. During the timelag between the passage of the bill and its effective date, regarding the provision having to do with sales from the wholesalers and retailers, the guns prohibited by Congress are going to multiply many times in an effort to hoard them and have them ready so that they can be sold after Congress says it is no longer in the public interest to sell them.

Let us stop the sale of these weapons now. Let us not say, on the one hand, the weapon which meets these criteria is bad, but we are going to go ahead and let dealers sell them. Let us be honest with ourselves. Let us say either that we do not want any criteria at all or that we want to apply only some of these criteria, as the Senator from Nebraska has honestly said. But let us not kid ourselves. If one kind of weapon, according to Acting Director Gray and according to the late FBI Director Hoover, is bad business as far as the public is concerned, let us stop selling it now.

Another weakness that must be recognized if the amendment of the Senator from Nebraska is adopted is that, in addition to those weapons——

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

Mr. BAYH. I yield.

Mr. KENNEDY. I know the Senator was going to make some additional remarks, and I do not want to interrupt the continuity of his thoughts. But I wanted to join him in some of the points he is making, and to support those views. I am glad to do so.

Mr. BAYH. I would certainly like to have the Senator's opinion, if I could just have 2 minutes to finish the continuity of this thought.

Mr. President, I think it is obvious, from reading and studying the amendment of the Senator from Nebraska, that he would permit the sale of new weapons that are now in the hands of dealers. But what is not obvious is that even after the effective date of this act, he would be permitted to continue the traffic in secondhand weapons.

What does this mean? The studies that I have seen indicate that fully 54 percent of all hand weapons are bought secondhand, bought used. And if we are not to say to the dealer, "Thou shalt not sell," if we are to exclude the dealer and confine our efforts to eliminating the manufacturer, we are absolutely decimating any and every effort which gives us a chance of getting those secondhand guns out of possession.

What will happen under the amendment of the Senator from Nebraska, since dealers are not covered, is that there will continue to be a traffic in secondhand weapons, which Congress by law will have said are bad public policy only if they are new.

What kind of sense does that make, for Congress to stand here and pass a bill which says, "Gun $x$ is bad, we are not going to permit you to sell it if it is new, but every dealer in America can sell it if it is used?"

I think if we are concerned, as the Senator from Indiana is, not with trying to limit the wholesome sporting use of firearms, but about getting these criminal weapons out of production, then let us have a system that creates an incentive to get as many of them out of possession as we can, and if a gun owner out in Indiana, Nebraska, Massachusetts, or wherever it may be wants to come in and sell a used gun to a dealer, let us permit him to do it, but then let us prohibit that dealer from selling it out again to the public, but require him to turn it in and be reimbursed for the cost that he has involved.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. Will the Senator yield me 6 minutes?

Mr. BAYH. I am glad to yield the Senator 6 minutes.

Mr. KENNEDY. Mr. President, while listening to the debate today as well as the debate for the last couple of days, we have seen a series of amendments that have been proposed to weaken the bill approved by the Judiciary Committee which is a very modest proposal to attempt to reduce the problem of the

Saturday night special. In the early part of the debate, we attempted to recognize what the overwhelming majority of Americans have recognized as reflected in the polls conducted in this country and, perhaps what is most important, what has been recognized by the chief law enforcement personnel in this Nation, who have spent a lifetime in study, commitment, and dedication to meeting the problems of crime and violence in this country, as well as by the four presidential commissions, made up with bipartisan representation, to study the problems of crime and violence in this Nation. They have all recommended that the best way to do something to curb crime and violence is by doing something about the control of guns, particularly handguns, in this Nation.

But now at this point, in the final hours of the debate, we see another amendment proposed which would cut at the very heart and guts of this proposal. Listening to the debate here today, I hear crocodile tears shed about the problems of the dealers, and what we are going to do about all of these dealers who have these Saturday night specials. What we do not hear is any crocodile tears about the American people who are the ones that really deserve protection. When is the Senate going to start putting their interests first? Obviously, we have a responsibility, if we are going to seize property and confiscate it, but I think the Senator from Indiana has pointed out that there could be a very strong argument made, in this matter, that we ought not offer any compensation at all to the gun manufacturers.

This is a very complex issue, which has been written into this act, and I am not sure that all of us want to agree, as a matter of public policy, that Congress is going to make it a matter of public policy in connection with such seizures to provide full compensation. This is similar to the question of the drug companies that manufacture DES, a cancer-causing drug, or the cyclamates, which have been found to be cancer producing, and of who is going to assume the risk in those cases. Should it be the taxpayer, or those who would otherwise make extraordinary profits on such items?

When we start shedding "crocodile tears" for those dealers of junk handguns, we ought to recognize that there are anywhere from 300 to 500 percent markup on these weapons, that some of the most profitable business in this country has been from the sale of Saturday night specials handguns, the only purpose of which is to kill people. We do not hear any argument made here on the Senate floor this afternoon that Saturday night specials are used for hunting in this country. That argument cannot be made and will not be made.

Yet Senators are trying to find some means, by weakening this legislation, to frustrate what has been the expression of so many of those who have appeared before the Committee on the Judiciary in the areas of law enforcement and public policy, who say there is no role for such weapons in our society other than to harm individuals. Now it is sought to stir up sympathy for those who have, as I say, paid anywhere from $2 to $3 for these weapons, and are selling them at anywhere from a $10 to $15 sale price. It is sought to have the Senate say to them, "You can go ahead, even though we make a clear definition and declaration as a public policy matter that Saturday night specials have no role in our society," and Senators are trying to find some way to circumvent that very basic, fundamental, and well-supported principle.

It is also rather interesting to me that the prosposer of this amendment, in his comments about the amendment of the Senator from Arizona (Mr. FANNIN), in talking about certain provisions of this bill which gave authority to the Secretary to consider other criteria, made the argument, "Well, we are giving extraordinary discretion to the Secretary, extraordinary discretion, and we have responsibilities here in this legislative body to legislate and not to grant discretion to the Secretary."

Yet here, by this amendment, we would give even greater discretion to the Secretary. He can go out and make a recommendation as to what weapons will be tested, and even if he finds that the weapon fails all the various tests that have been put out, he still does not have to ban it; it is completely up to him.

Mr. President, the American people ought to understand that one of the most significant and powerful lobbies in this country will be leaning over that Secretary, just as they have leaned over this administration, just as they have leaned over the Attorney General of the United States who appeared before the Judiciary Committee and refused to take a stand on this issue.

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

Mr. KENNEDY. Just as the President of the United States has only made a cursory, passing remark about the dangers of Saturday night specials to the American people, indicating that we are working with appropriate Members of Congress and their staffs and are hoping to do something about it. Why will he not speak out on this issue—an administration that says it is committed to the problems of law and order in this country? When it comes to wiretapping, they are ready to go ahead and wiretap and increase wiretapping in this Nation to do something about crime and organized crime.

They are ready to call the grand juries when there is any kind of talk about Dan Ellsberg and the Pentagon Papers, ready to call the grand juries and give immunity on those matters.

The PRESIDING OFFICER (Mr. BURDICK). The time of the Senator has expired.

Mr. KENNEDY. Mr. President, will the Senator yield me 3 additional minutes?

Mr. BAYH. I yield.

Mr. KENNEDY. They are ready to repeal the rights of individuals to come down here and even protest and get parade rights in Washington, D.C. They are prepared to exercise law and order in those areas, but they will not do it on Saturday night specials.

I say that every American ought to understand the sham of that position, and it is a sham.

Here we have an amendment to further weaken those provisions that breathe some life into this legislation. I understand that we are going to have further amendments to cut back on it.

I hope that the Senate will reject this amendment. I wish I could say that I was optimistic about the Senate doing so. I certainly hope that the Senate, in its good judgment, would recognize what this amendment places first, this amendment puts the interests of dealers in this country over the interests of public safety. I feel that the approach that has been included in this provision is fully adequate and provides the kinds of protection for those dealers and the compensation which meet our responsibilities to them. I hope the amendment will be defeated.

Mr. President, I yield the floor.

Mr. HRUSKA. I yield myself 10 minutes.

Mr. President, this matter ought to be put into perspective. After all, the bill takes the position that a perfectly legitimate and lawful business activity must cease in its tracks. That will be the situation when and if the bill is enacted; that is exactly what would happen. There could be no sales or deliveries of handguns until the Secretary acted. I presume that he would act in good conscience and good faith and get busy; and he would issue his order saying that some models are allowed and others are not allowable. In fact, he would not have to say that others are not allowable. All he would do is say that certain models are allowable, and those he does not mention would be illegal, the way the bill is drawn. The burden is put in the wrong place when that happens. The public is denied its opportunity to buy guns which are lawful and proper. That involves a considerable number of people. Two and a half million handguns a year are produced and sold in this country. It is a lawful, legal business, and we ought to face it.

The point of controversy between the Senator from Indiana and the Senator from Nebraska is this: After the guns that will be surrendered voluntarily have been determined in number, a certain residue will be left. How will we deal with those numbers of guns that are not turned in and destroyed by the Government? I presume that we would destroy them. I would hope so. How are we going to deal with them? There is one way suggested by the Senator from Nebraska. He suggested that they be put through the regular course of commerce, have them sold by the dealers.

The dealers, pursuant to the Gun Control Act of 1968, would record the name of the purchaser, his address, his residence, and his qualificaions to buy that gun. The alternative suggested by the Senator from Indiana is that that would not happen. We cannot engage in that way of dealing with those guns. It is a certainty that many of them will trade ownership. How will it be done? In informal sales and black market sales and in a fashion in which there will be no

record? I would hope not. That is the difference between the two viewpoints.

Let me review the course of this legislation. I have been working at it now for some 12 or 14 years.

In 1968, we passed a law which forbade the importation of the so-called Saturday night specials. We have heard many impassioned speeches here about the atrocities committed with the Saturday night specials; and if some of the energy devoted to that type of rhetoric and that type of dramatic presentation were centered on the point of controversy and focused on means to solve that problem rather than denouncing the problem, it would be helpful.

The importation of Saturday night specials in their assembled form was prohibited by the 1968 act. At that time, as the Senator from Indiana knows and as the records show, this Senator said that is the wrong approach. If they are bad, they are bad not because of their point of origin, not because they are made in Europe or some place else, but because they are intrinsically bad, and they should be prohibited from importation and prohibited from manufacture in this country. What happened? Instead of shipping the whole gun here, those who brought them in ordered the component parts and assembled them in factories in America. So the flow of these guns from abroad continued and is continuing today.

It is said that we are going to take action to close that loophole. What loophole? The production and sale of Saturday night specials that will not qualify under the criteria contained in the bill before the Senate. How much does that amount to?

We have evidence before the committee that the production of this type of Saturday night special was approximately 700,000 in 1969, and it is estimated to be presently approximately a million a year. Are we making progress with this bill? Yes; we are. We are making progress to the extent of forbidding the importation or the manufacture of a million prohibited handguns a year. That is a great deal of progress.

But we will still have the residue in this country. What are we going to do with them? Are we going to handle it properly, or will it be done on the black market? I say that the proper way to do that is to encourage voluntary surrender as much as possible, and it is being done. But some still will remain. Are we going to handle it on the black market, under the counter, under the table, in secretive meetings, and so forth, or are we going to do it as a legitimate article of trade where we will have a record and have some idea of what is happening?

That is really what is involved here.

We get to the practical situation of how we are going to enforce it as to these dealers—160,000 of them. How many men would the U.S. forces have to have in order to police and monitor that many dealers? The effective way to do it, the proper way to do it, is to require the manufacturer, whenever he wants to manufacture a gun, to go to the Secretary and say, "Here is the type of gun I am going to make. Will it pass the test? I think it will." The Secretary will say yes or no and the same thing will occur with the importer. He will say, "I want to bring this gun in. Will I get a certificate of approval for it?" It is either granted or it is not. They will have control of the situation from the standpoint of adding to the supply of guns in this country.

Mr. BAYH. Is the Senator suggesting to the Senate that that is the way his measure would work, that that is required under his measure. Because if he is, he is reading it differently than I am. As this amendment is written, I would not have to go to the Secretary. I could make a weapon anywhere and still sell it. I do not have to go to the Secretary and say, "I think this gun will pass," and have the Secretary say beforehand whether I could or could not sell it.

Mr. HRUSKA. As to existing guns, that is true, but I do not see anything in the bill before us that will say the private ownership of this gun is prohibited and made illegal. So far as new models are concerned, that is the way it would work.

Mr. BAYH. There is nothing in the Senator's proposal that would prohibit me from going down to southern Indiana, going into the basement of a country store, and starting to manufacture and sell Saturday night specials. Even if Congress specifically says that a gun of that kind should not be sold, there is nothing in the Senator's amendment that would require me to go to the Secretary to get permission. That is the distinction between the position of the bill as passed by the Judiciary Committee and the position of the Senator from Nebraska.

The committee bill says, before you sell a gun, go to the Secretary and say, "Mr. Secretary, here is what I want to sell," and he says, "OK, sell it." But the Senator from Nebraska's measure would not provide that at all. It would impose on the Secretary the burden of finding every gun being manufactured, then making the determination of whether the gun conforms to the standards that Congress says is good or bad.

Mr. HRUSKA. If that is the effect of the amendment, I would be willing to entertain a change in it so as to require, as to any import or any manufacture of new models, that they get clearance from the Secretary. It is a simple operation. The way it works is that, for their own protection, the manufacturer or the importer would want to get advance approval because if they come in here and make a run of 100,000 imports or 100,000 manufactured items, and the Secretary disapproves of that particular model, they will be stuck, and rightly so. We would do this for their own protection. I would be happy to make a change in the amendment requiring importers and manufacturers to cooperate with the Secretary in this fashion. No difficulty there at all. That is where we have to deal with it, to make this an effective law. We have to take care of this at its source not after the guns are distributed.

Mr. BAYH. Is the Senator also aware that in section (o) of his amendment, page 2 thereof, the Secretary is not even required to disapprove a model that he has already determined does not meet the standards established by Congress. It says, "The Secretary may disapprove." It does not say, "shall." Even if the Secretary has found the source of supply and determined that these weapons do not meet the criteria established by the bill we are dealing with right now, he still does not have to disapprove it.

He can still yield to political pressure and not prohibit the sale of these Saturday night specials.

The PRESIDING OFFICER (Mr. BURDICK). The 10 minutes of the Senator from Nebraska have expired.

Mr. HRUSKA. Mr. President, all my time?

The PRESIDING OFFICER. The 10 minutes allotted to the Senator.

Mr. HRUSKA. I yield the floor then, so that I can continue the colloquy with my colleague.

Mr. BAYH. I appreciate the chance to continue the colloquy with my colleague but, as I recall, the RECORD will show that the ball is in the Senator's court, that the Senator from Indiana has exposed a rather serious imperfection in the enforcement mechanism of the amendment before us. I wonder whether the Senator from Nebraska was aware of its existence.

Mr. HRUSKA. The basic objection which this Senator has to the present form of the law is twofold. One is the burden placed on licensed dealers in trying to find out what they can and what they cannot sell. There should be a deferment at the source of supply, either of the importer or the manufacturer.

The second point would be the instantaneous cessation of the business. I think that would be unfair. I do not believe that the public should be denied the right and privilege they have of buying any gun they want to that is lawful.

Mr. BAYH. I appreciate the two concerns expressed by the Senator from Nebraska, but he has not been responsive to the shortcomings I have just pointed out. There can be no denying the fact that when it says the Secretary "may" disapprove for sale or delivery——

Mr. HRUSKA. That is right.

Mr. BAYH. That this means the Secretary can go through all the assessments required by the criteria that the committee, because of the concern shown by the Senator from Nebraska, has specifically enumerated in the bill—the Secretary can make a judgment that that gun is unable to meet the criteria established by Congress, and yet we do not even say that he "shall," then disapprove of the sale. In addition to the other shortcoming that, really seems surprising to me, I am always willing to accept the Senator's assessments of what he intended to do. However, this is like being shot by an empty gun.

Although he does not intend for the Secretary to have to go out and search for all these manufacturers, the amendment he proposes has no requirement that a manufacturer bring in his firearms for approval or disapproval. On the contrary, it shifts the whole of the burden onto the Secretary.

Let me suggest that those two faults or shortcomings are there. The Senator may not intend them, but they are there.

Let me address myself to the concerns that he has and that I have held are legitimate concerns inasmuch as they deal with differences he and I have regarding the bill.

Mr. President, I ask unanimous consent that there be a quorum call for the time to be taken out of both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WILLIAMS). Without objection, it is so ordered.

Mr. BAYH. Mr. President, I yield 1 minute to the distinguished majority leader.

## COMMITTEE SERVICE

Mr. MANSFIELD. Mr. President, I send to the desk a resolution which I should have presented last Monday. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

*Resolved*, That the Senator from Indiana, Mr. Bayh, is hereby excused from further service on the Committee on Public Works as of August 2, 1972.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the resolution (S. Res. 348) was considered and agreed to.

Mr. MANSFIELD. Mr. President, by way of explanation, the Senator from Indiana (Mr. BAYH) has been placed on the Appropriations Committee. In order for him to serve on that committee, he had to be excused from duty on the Committee on Public Works.

## QUORUM CALL

Mr. BAYH. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken equally from both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## CHANGE IN CONFEREES

Mr. TOWER. Mr. President, I ask unanimous consent that with respect to the conference between the House and Senate on H.R. 15692, the disaster assistance bill, the previous order appointing conferees be amended to designate Senator TAFT to take Senator PACKWOOD's position on the conference.

The PRESIDING OFFICER (Mr. CANNON). Without objection, it is so ordered.

## AMENDMENT OF TITLE 28, UNITED STATES CODE

Mr. BURDICK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2854.

The PRESIDING OFFICER (Mr. WILLIAMS) laid before the Senate the amendment of the House of Representatives to the bill (S. 2854) to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices, which was to strike out all after the enacting clause and insert:

That section of title 28, United States Code is amended to read as follows:

"(a) The Director of the Administrative Office of the United States Courts shall pay to the surviving widow of a justice of the United States who died on or before the date of enactment of this section, while in regular active service or after having retired or resigned under the provisions of this chapter, an annuity of $10,000.

"(b) The surviving widow of a justice of the United States who is in regular active service or is retired or resigned under the provisions of this chapter on the date of enactment of this section, shall, if the justice gives written notice to the Director of the Administrative Office of the United States Courts within six months of the date of enactment of this section of his election to become subject to the provisions of section 376 of this chapter, be paid an annuity of $5,000 or an annuity in accordance with the provisions of section 376, whichever is the greater.

"(c) The surviving widow of a justice of the United States who is in regular active service or is retired or resigned under the provisions of this chapter on the date of enactment of this section, shall, if the justice fails to give timely written notice of his election to become subject to the provisions of section 376 of this chapter, be paid an annuity of $5,000.

"(d) The widow of a justice of the United States who is appointed after the date of enactment of this section shall be ineligible for an annuity under this section.

"(e) An annuity payable under this section shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month for which the annuity shall have accrued. Such annuity shall commence on the first day of the month in which a justice dies, and shall terminate upon the death or remarriage of the annuitant."

SEC. 2. Section 376 of title 28, United States Code, is amended by inserting "justice or" or "justice's or" prior to the word "judge" or "judge's", as appropriate, wherever those words appear therein, except in subsections (q), (r), and (s).

SEC. 3. (a) The heading of chapter 17, title 28, United States Code, is amended to read as follows:

"Chapter 17. RESIGNATION AND RETIREMENT OF JUSTICES AND JUDGES".

(b) The analysis of chapter 17 of title 28, United States Code, is amended by striking out the item relating to section 376 and inserting in lieu thereof the following:

"376. Annuities to widows and surviving dependent children of justices and judges of the United States.".

(c) The catchline of section 376 of title 28, United States Code, is amended to read as follows:

"§ 376. Annuities to widows and surviving dependent children of justices and judges of the United States".

SEC. 4. Section 604(a)(7) of title 28, United States Code, is amended by striking "Regulate and pay annuities to widows and surviving dependent children of judges," and inserting in lieu thereof "Regulate and pay annuities to widows and surviving dependent children of justices and judges of the United States,".

Mr. BURDICK. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

## QUORUM CALL

Mr. BURDICK. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken equally from both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BURDICK). Without objection. it is so ordered.

Mr. McGEE. Mr. President, will the Senator from Nebraska yield us 2 minutes on the bill so that we might proceed to the conference report on the agricultural appropriation bill?

Mr. HRUSKA. I am happy to yield 2 minutes to the Senator from Wyoming for that purpose.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 2 minutes.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that Mr. MOORHEAD of Pennsylvania had been appointed as a conferee at the conference on the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans, vice Mr. ASHLEY, resigned.

The message announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCMILLAN, Mr. CABELL, Mr. STUCKEY, Mr. NELSEN, and Mr. BROYHILL of Virginia were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of 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 agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes; that the House receded from its

disagreement to the amendment of the Senate numbered 31 to the bill and concurred therein; and that the House receded from its disagreement to the amendments of the Senate Nos. 30, 35, 36, and 48 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

## ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 484) to designate the Scapegoat Wilderness, Helena, Lolo, and Lewis and Clark National Forests, in the State of Montana.

The ACTING PRESIDENT pro tempore (Mr. METCALF) subsequently signed the enrolled bill.

## AGRICULTURE ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1973—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committee of conference on H.R. 15690, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BUCKLEY). The report will be stated by title.

The assistant legislative clerk read as follows:

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 this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD, volume 118, part 20, page 26528.

Mr. McGEE. Mr. President, the pending measure contains new obligational authority of $13,434,032,700. This is $481,842,300 above the budget estimate, $537,021,800 above the amount recommended by the House, and $127,023,100 below the sum contained in the Senate bill.

For title I of the bill—Agricultural Programs—a total of $6,200,669,200 has been provided. This amount is $21,040,800 above the budget estimate, $238,983,800 more than the House bill, and $35,245,600 less than the Senate bill. It is $521,141,350 less than was appropriated for in title I in fiscal year 1972.

For title II—Rural Development—the bill contains $1,026,436,000, which is $276,150,000 over the budget estimate, $127,133,000 more than the House bill, and $58,350,000 less than the Senate bill. It is $80,044,000 more than was provided for in fiscal year 1972.

For title III—Environmental Programs—the bill contains $2,951,648,000. This amount is $17,475,000 over the budget estimate, $6,963,500 more than the House bill, and $33,337,000 less than contained in the Senate bill. This is $538,265,877 less than was appropriated for these programs in fiscal year 1972.

For the various consumer programs—title IV—there is appropriated $3,255,279,500, which is $167,176,500 over the budget estimate, $163,941,500 more than the House bill, and $90,500 less than the Senate bill. This amount is $447,897,500 more than appropriated for these programs in fiscal year 1972.

Mr. President, the major items for which we provided increases over the budget estimates were, in approximate figures:

| | *Millions* |
|---|---|
| Rural electrification loans | $157 |
| Rural telephone loans | 20 |
| Department of Agriculture science and education programs | 20 |
| Rural water and waste disposal grants | 92 |
| Conservation programs, including Soil Conservation Service and Rural Environmental Assistance | 100 |
| Food and nutrition programs | 164 |

The conference committee met and resolved the differences in this bill at a lengthy session on August 2. I believe, and the record will show, that the Senate conferees did an excellent job in sustaining the position of the Senate on the various items which were at issue. I would like to express my appreciation to my colleagues on the conference committee, and who were of such great assistance in resolving these matters as they developed during the conference.

Also, I would like at this time to pay tribute to the chairman of the House Appropriations Subcommittee on Agriculture, Environmental, and Consumer Programs, the Honorable JAMIE L. WHITTEN. I know of no subcommittee chairman who is more knowledgeable of his subject or who handles that subject with more thoroughness, with greater precision, and in more detail than does the gentleman from Mississippi. As a result, when we get the bill from the House it is a good bill, and one that has been carefully and thoroughly considered. This makes it imperative that any changes or modifications suggested by the Senate must also be meritorious and sound. I think the amendments we provided this year—some 48 numbered amendments—met that test.

I shall not go into detail on the conference since the report of the committee of the conference has been filed and is available to all of the Members of the Senate. I would like to say a few words, however, about the Environmental Protection Agency. For fiscal year 1972, this agency's operating budget was provided on a single item—operations, research and facilities. The administration budget proposed the same procedure for fiscal year 1973. The House, however, separated this single account into five separate appropriations and five separate titles:

Agency and Regional Management.
Research and Development.
Abatement and Control.
Enforcement.
Facilities.

In taking this action, the House thought that such a separation of this major account would provide Congress with a better opportunity to review the budget estimates and the financial requirements of the agency.

The agency appealed this action to the Senate, and we honored that appeal and suggested that we return to the single appropriation concept for the current fiscal year and develop a procedure which would be satisfactory to all concerned for subsequent fiscal years. This was one matter, however, on which the Senate had to recede in conference.

It soon developed during the conference that there was very little disagreement over the concept of the multi-title appropriation as provided in the House bill. With this appropration item approaching a half billion dollars, it was both logical and sound that it should be broken into the smaller, more identifiable accounts, but the timing of the proposed change was the subject of long and detailed analysis by the conference.

The Senate would have preferred to postpone this change until next year, but the House conferees were both unified and adamant that the change should take place as soon as possible and that view prevailed only after it was obvious that the House would not agree to the proposal of the Senate.

In order to be of all possible assistance to the agency, however, we did reach a compromise that will allow the agency some degree of flexibility in managing their overall program under the multiple-account concept. We agreed to give the agency authority to transfer funds between the several accounts up to 7 percent. This should give them the flexibility they need in their operations.

The Senate also receded on the amounts we added to this bill in the category of research and development. When the House considered this item, there was added $18 million over the 1973 budget estimate for a total of $185,223,700. This amount is more than $17 million greater than the appropriation for this item in 1972. With this substantial increase already contained in the bill, the House conferees were most reluctant to approve any additional increases, particularly in view of the fact that the agency has substantial funds carried over from 1972 for the solid waste program which is of such great interest to many Members of this body.

Mr. President, I believe that gives the Senate a summary of the major action and decisions of the conference committee. As I indicated, there are many more detailed matters I have not taken the time to discuss, but these are contained in the conference report and the joint explanation statement which has been filed. I shall be happy, however, to entertain any questions any Members might have to propound in connection with the conference on this bill generally.

Mr. President, I move the adoption of the conference report.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The assistant legislative clerk read as follows:

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: $11,112,000, of which $3,464,000 shall be available for the Office of Information and

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert $150,000,000

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 35 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

RESEARCH AND DEVELOPMENT

For research and development activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate of GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $182,723,700, to remain available until expended: *Provided*, That not later than the date set forth in section 102(c) of the joint resolution approved July 1, 1972 (Public Law 92-334), as amended, this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973.

For an amount to provide for independent grant and contract review advisory committees for the review of the Agency's priorities to assure that such contracts and grants are awarded only to qualified research agencies or individuals, $2,500,000.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 36 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

ABATEMENT AND CONTROL

For abatement and control activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $208,935,700, to remain available until expended: *Provided*, That not later than the date set forth in section 102(c) of the joint resolution approved July 1, 1972 (Public Law 92-334), as amended, this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973.

For an amount to provide for independent grant and contract review advisory committees for the review of the Agency's priorities to assure that such contracts and grants are awarded only to qualified agencies or individuals, $2,000,000.

Not to exceed 7 per centum of any appropriation made available to the Environmental Protection Agency by this Act (except appropriations for "Construction Grants" and "Scientific Activities Overseas") may be transferred to any other such appropriation."

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 48 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following:

$2,500,000,000, of which $158,854,000 shall be placed in contingency reserve by the Office of Management and Budget to be released upon determination of need.

Mr. McGEE. Mr. President, I move that the Senate concur in the amendments of the House to Senate amendments Nos. 1, 30, 35, 36, and 48.

The motion was agreed to.

Mr. McGEE. Mr. President, I ask unanimous consent that the table prepared by the conference which was included by the House when it acted on the pending report on August 9, 1972, be incorporated in the RECORD at this point by reference. This table gives the complete results of the conference in tabular form, and shows a comparison of the conference action with new budget authority made available in fiscal year 1972, the budget estimates for fiscal year 1973, the House bill, and the Senate bill.

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

## HANDGUN CONTROL ACT OF 1972

The Senate continued with the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

The PRESIDING OFFICER (Mr. BUCKLEY). All time on the amendment of the Senator from Nebraska (Mr. HRUSKA) has expired.

The question is on agreeing to the amendment of the Senator from Nebraska.

## QUORUM CALL

Mr. HRUSKA. 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. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## AUTHORIZATION FOR COMMITTEE ON FINANCE TO MEET DURING THE REMAINDER OF THE WEEK AND NEXT WEEK WHILE THE SENATE IS IN SESSION

Mr. MANSFIELD. Mr. President, after consultation with the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), and with his approval, I ask unanimous consent that the Committee on Finance be allowed to meet for the rest of this week while the Senate is in session and all of next week while the Senate is in session.

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

## QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## HANDGUN CONTROL ACT OF 1972

The Senate continued with the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

Mr. HRUSKA. Mr. President, at this time I withdraw amendment numbered 1414, and I send to the desk an amendment which I should like to call up at this time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The clerk will state the amendment offered by the Senator from Nebraska.

The assistant legislative clerk proceeded to read the amendment.

Mr. HRUSKA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. HRUSKA's amendment is as follows:

Strike out all of line 17 on page 2, through line 13 on page 4, inclusive, and insert in lieu thereof the following:

"SEC. 3. Section 922 of title 18 of the United States Code is amended by adding at the end thereof the following new subsections:

"'(n) It shall be unlawful for any licensed manufacturer or licensed importer to sell or deliver a handgun manufactured or imported into the United States after the effective date of this Act, if such handgun is of a model which has been disapproved by the Secretary pursuant to section 922(o) of this title.'

"'(o) All licensed manufacturers and licensed importers shall submit an application for approval of models of handguns thereafter manufactured or imported along with representative samples of such handgun models for determination of approval by the Secretary. Such determination shall be made within nintey days after the date of the filing of the application unless the Secretary determines in writing that for good cause shown an additional ninety days is required for the determination under this subsection to be made. After evaluating each submitted handgun model and application, the Secretary shall determine whether the handgun model meets the following criteria:'."

On page 9 letter subsections (o), (p), and (q) as subsections (p), (q), and (r).

Mr. HRUSKA. Mr. President, I allow myself 5 minutes.

This amendment will remain the same as amendment numbered 1414 as to page 1.

Mr. MAGNUSON. Mr. President, I wonder if the Senator will yield to me, without any time being charged to him, which I ask unanimous consent to do, in order that I may call up a conference report.

Mr. HRUSKA. I yield.

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

## NATURAL GAS PIPELINE SAFETY ACT OF 1968—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of con-

ference on H.R. 5065, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968, 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 House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the first sentence of section 5(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674(a)) is amended by striking out "two years" and inserting in lieu thereof "five years".

SEC. 2. Section 5(c)(1) of such Act (49 U.S.C. 1674) (c)(1)) is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "Except as otherwise provided in this section, if an application is submitted not later than September 30 in any calendar year, the Secretary shall pay out of funds appropriated or otherwise made available up to 50 per centum of the cost of the personnel, equipment, and activities of a State agency reasonably required, during the following calendar year to carry out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section; or to act as agent of the Secretary with respect to interstate transmission facilities. The Secretary may, after notice and consultation with a State agency, withhold all or any part of the funds for a particular State agency if he determines that such State agency (A) is not satisfactorily carrying ou a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section, or (B) is not satisfactorily acting as agent of the Secretary with respect to interstate transmission facilities.".

SEC. 3. Section 13 of such Act (49 U.S.C. 1682) is amended by adding at the end thereof the following new subsection:

"(d) The Secretary is authorized to consult with, and make recommendations to, other Federal departments and agencies, State and local governments, and other public and private agencies or persons, for the purpose of developing and encouraging activities, including the enactment of legislation, to assist in the implementation of this Act and to improve State and local pipeline safety programs.".

SEC. 4. Section 15 of such Act (49 U.S.C. 1684) is amended to read as follows:

"APPROPRIATIONS AUTHORIZED

"SEC. 15. For the purpose of carrying out the provisions of this Act over a period of three fiscal years, beginning with the fiscal year ending June 30, 1972, there is authorized to be appropriated not to exceed $3,000,000 for the fiscal year ending June 30, 1972; not to exceed $3,800,000 for the fiscal year ending June 30, 1973; and not to exceed $5,000,000 for the fiscal year ending June 30, 1974.".

SEC. 5. The Secretary of Transportation shall prepare and submit to the President for transmittal to the Congress on March 17, 1973, a report, which shall contain—

(1) a description of the pipeline safety program being conducted in each State;

(2) annual projections of each State agency's needs for personnel, equipment, and activities reasonably required to carry out such State's program during each calendar year from 1973 through 1978 and estimates of the annual costs thereof;

(3) the source or sources of State funds to finance such programs;

(4) the amount of Federal assistance needed annually;

(5) an evaluation of alternative methods of allotting Federal funds among the States that desire Federal assistance, including recommendations, if needed for a statutory formula for apportioning Federal funds; and

(6) a discussion of other problems affecting cooperation among the States that relate to effective participation of State agencies in the national pipeline safety program.

The report shall be prepared by the Secretary after consultation with the cooperating State agencies and the national organization of State commissions.

SEC. 6. Section 6(f)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655 (f)(3)(A)) is amended by striking out "and pipeline".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

WARREN G. MAGNUSON,
VANCE HARTKE,
HOWARD W. CANNON,
TED STEVENS,
L. P. WEICKER, JR.,
*Managers on the Part of the Senate.*

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
LIONEL VAN DEERLIN,
WILLIAM L. SPRINGER,
HASTINGS KEITH,
*Managers on the Part of the House.*

Mr. MAGNUSON. Mr. President, this is the conference report on the National Pipeline Safety Act. There was not much disagreement between the House and the Senate. The bill is now ready for action.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

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## HANDGUN CONTROL ACT OF 1972

The Senate resumed the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

Mr. HRUSKA. Mr. President, the second page of the new amendment, however, will have new text from that which appeared in the printed amendment which we have heretofore been considering. The substance of the new text is that all licensed manufacturers and licensed importers shall submit an application for approval of models of handguns which they would want to manufacture or import. The Secretary will be given 90 days in which to act upon that application, and an additional 90 days would be permissible if, in the Secretary's discretion, good cause is shown for such extension of time.

After evaluating each submitted handgun model and application, the Secretary will then be called upon to determine whether or not the criteria set out in the bill are met. After he shall approve the application, thereupon the importer or manufacturer may proceed to import or make the model that was thereby approved. If there is disapproval, of course the Secretary shall so indicate.

The bill as drawn provides, in another section, that such a denial may be appealed to the District Court, pursuant to procedures already outlined in the bill. If it is disapproved, under the amendment, of course, it shall be unlawful for any manufacturer to make or importer to sell or deliver a handgun manufactured or imported the application for which has been disapproved by the Secretary.

It is a clarification of what the Senator from Nebraska had discussed with the manager of the bill by way of an improvement of the bill.

If I have any time left on the time allotted to me, I reserve it for future use.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, sooner or later the Senate is going to have to determine whether it is willing to stand up and be counted on effective Saturday night special legislation, or not. There is only one way of making that assessment, and that is to put the question to a vote.

There have been a number of amendments, some of which I have accepted and voted for. A couple that I opposed have nevertheless been adopted. Although I would prefer that they not be in the bill, in trying to look at what we are trying to do, I do not think the bill is significantly altered. I was just discussing this matter with the Senator from North Carolina, who, along with the Senator from Kentucky, worked on the drafting of the bill. I think they agree with me we still have a bill now which sets out to accomplish the purpose we intended.

I intend to oppose the amendment of my distinguished friend from Nebraska, and any other amendment that strikes out what I feel is a vital part of this bill. If I fail to persuade the Senate to go along with that, I intend to do everything I can to defeat final passage of the bill.

I sat as chairman of the Juvenile Delinquency Subcommittee for a year and a half and listened to witnesses testify about poor people being shot down and about policemen being shot in the belly by cheap hoods with Saturday night specials.

I have heard the great political law and order cry. But the time has come to see whether the people who have made all these protestations and expressed all this concern are willing to stand up and pass effective legislation to deal with the problem.

I hope my friend from Nebraska in no way considers this a personal affront to him, because I have the greatest respect

for him. But he is dead wrong on the merits, in the judgment of the Senator from Indiana.

We have been detained in this body, now, for the past hour and a half. The Senator from Nebraska first offered an amendment which was so full of loopholes that it has taken about an hour and a half, sitting back there with some Justice Department attorneys, trying to decide whether he better withdraw it. We are now considering another amendment, which has been considered for at least 45 minutes, to determine whether this measure is going to be substituted in place of the considered judgment of a committee of the Senate and a subcommittee of the Senate, documented with rather voluminous hearings to sustain the position of the committee.

The key question right now, and the difference between the position of the Senator from Nebraska and the Senator from Indiana on this amendment, is twofold:

First of all, the question is whether we are going to deal with some effort to control Saturday night specials that are in the hands of dealers.

The Senator from Nebraska has consistently suggested that we should not address ourselves to the problem of Saturday night specials in the hands of dealers. The Senator from Indiana has said that we should. The committee went so far as to say to the dealers, "We will compensate you for the weapons you have now. We are not going to use the police power to come in and say they are contraband, and confiscate them. We are going to pay you for them; but if the Senate of the United States goes on record as saying a Saturday night special as defined in this bill is bad, we are going to do everything we can to stop its sale at all levels."

The Senator from Nebraska would say, "We are going to use this mechanism, after another 90 days delay, ultimately, we hope, to stop their manufacture, but we are not going to do anything about the hundreds of thousands of weapons which we admit by passing this law are bad; we are going to let you go ahead and sell them."

That is just like making a policy judgment that heroin is bad, but that if a retailer has it on hand, he may go ahead and sell it through retail channels. That would make just about as much sense.

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

Mr. BAYH. I yield to the Senator from Idaho.

Mr. CHURCH. If the amendment offered by the Senator from Nebraska is adopted, how would it be possible to enforce the provisions of this bill? In other words, if I understand the amendment correctly, the Saturday night specials that are presently in the inventory of licensed dealers could be sold, but the dealer could not acquire new guns for sale of the category prohibited by the bill.

How, under those circumstances, could it ever be determined whether a given gun sold by a dealer was in fact a part of his inventory at the time of the passage of the bill, or whether it was not? Does this not create impossible enforcement problems for those charged with carrying out the provisions of the bill?

Mr. BAYH. The only way that this could be enforced, if the Senator from Idaho is referring to the dealers, would be to go to the serial number on the weapon in question.

We are about to test the judgment of the committee, supported by such distinguished members as the Senator from North Carolina, the Senator from Kentucky, and a pretty broad cross section of support, that the best way to deal with this problem is at the dealer level. The committee bill provides a dealer or a manufacturer cannot sell a Saturday night special and reimburses those who now possess them, because we are taking property. Any individual who wants to turn such a weapon in to any recognized, appropriate agency, may do so. We would require the Secretary of the Treasury to promulgate annually a list of weapons which do or do not meet the test, so that the dealer can see.

This is not a matter of hieroglyphics, and it is not a matter requiring a great deal of testing, because we have gotten away from the safety and responsibility testing. For such a test, you have to hire someone like the H. P. White Co., spend $200,000 or $300,000, and come up with a test which is inconclusive, according to White's own definitions.

The criteria which has been applied by law to foreign imports since 1968 are very simple: You weigh the weapon, measure the size of it, check the caliber of the ammunition, and see whether it has certain safety features that either meet the criteria or do not. It is very simple. You do not have to have a Ph. D. to make the determination, and you do not have to have 180 days.

Mr. President, I hate to oppose my own creature, but if the Senate goes on record as so demeaning the work of our committee and so distorting the thrust of our legislation as to make it look like a charade to the public, I am going to vote against it. I think too many people today are sick and tired of public officials saying, "I am against Saturday night specials: I want to take away the criminal's weapons, but . . . " and I do not want that to happen here.

Mr. CHURCH. Mr. President, if the Senator will yield again——

Mr. BAYH. I apologize to the Senator from Idaho and the Senator from Nebraska for yielding to emotion, but I have been battered from the left and from the right. There are those who say, "You are not going far enough, Bayh; you ought to take away shotguns and rifles, license them, or register them, too." Others say we ought to do away with all control of weapons.

After reading about 20,000 of those communications, I have come to the conclusion that if we can take 900,000 criminal weapons off the street without in any way impinging on the weapons used by hunters and sharpshooters, that would be a contribution. It may not be enough, but let us not kid ourselves. If we cannot do that, let us admit we have failed, instead of attempting to pawn off some charade on the public.

I yield to the Senator from Idaho.

Mr. CHURCH. Mr. President, I understand the position of the Senator from Indiana. I am just trying to get some information.

Under the provisions of the bill, do I understand correctly that Saturday night specials presently in the inventory of licensed dealers would be acquired by the Government, and the dealers would be paid adequate compensation?

Mr. BAYH. That option is open to the dealers.

Mr. CHURCH. The option is open to the dealers?

Mr. BAYH. The option is open to the dealers, for two reasons. The dealer cannot sell to the public; however, since there are a number of large metropolitan police departments that still require the individual patrolman to buy his weapons, and since some of these sophisticated and expensive weapons that are so easy to conceal have a useful purpose in the hands of a law enforcement officer, we felt that the dealer, where he has a market as far as policemen are concerned, should be able, if he wishes, to keep a dozen or two in stock to sell to local policemen. He can do that.

Mr. CHURCH. But, in any event, it is the dealer's option; he is going to be paid for the weapons he cannot sell under the provisions of the bill?

Mr. BAYH. That is accurate.

Mr. CHURCH. Mr. President, may I just take a moment, with the Senator's consent——

Mr. BAYH. I am glad to yield.

Mr. CHURCH. As the Senator knows, I oppose the bill—I have stated my reasons and need not repeat them now—because I do not believe the passage of this bill will constitute a meaningful deterrent to the criminal. I think that any allotted to me, I reserve it for future use. criminal determined to possess a weapon will easily enough be able to acquire one. At the very most, once these cheap pistols are removed from the market, the criminal would be obliged to buy a better one. At the very least, he could steal a weapon. Therefore, I think that this bill, like the other so-called gun control bills, will not actually constitute a deterrent to the criminal. I realize that the Senator from Indiana and the Senator from Idaho are in disagreement on that score. But I have yet to be persuaded, on the basis of any objective evidence, that these measures are in fact effective in dealing with the criminal problem.

So I will vote against this bill on final passage. If the Senate votes it down, so be it. But I have no desire to render the bill farcical. The adoption of this amendment would make a farce of the measure.

I am persuaded by what the Senator from Indiana says that, regardless of our disagreement on the merits of the bill, we ought not emasculate it in a way that renders it farcical. It would seem to me to be rather hypocritical to adopt this kind of amendment and then, for those who are going to vote for the bill to say that they voted to put an end to the Saturday night specials and to take them off the market.

We should decide this question one

way or the other, but the adoption of this amendment would represent an attempt to have it both ways. Therefore, I shall vote against the amendment, even as I shall vote against the bill.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. BAYH. I yield myself 1 minute on the bill.

Mr. President, I appreciate the analysis of the Senator from Idaho. He and I have privately discussed this issue on the merits, and I feel sincerely that he looks at all the facts and comes to a different conclusion on the merits of the bill than does the Senator from Indiana. That is a matter of judgment.

Mr. HRUSKA. I yield myself 5 minutes.

Mr. President, by way of quick recapitulation, the suggestion has been made that there is objection to 180 days' delay by this amendment. Let us get straight in our thinking as to the 180 days. It is the application to the Secretary of the Treasury for permission to import or to make a gun to which this refers. Until that application is granted, they cannot make nor can they import that handgun. So if a delay is involved, it is not in the meantime being exploited by the production of a gun that is not approved.

What is really involved is this: Here is a proposal to set down criteria for the approval of handguns—those that will be considered Saturday night specials, and therefore barred, and those that will not. There is provision that those that are not qualified and will be barred from future import or making can be surrendered by the present owners, who would be paid market value or $25, whichever is greater. But there will be a residue of that type of gun which will not be surrendered, and the question is what to do with those.

This Senator believes that it would be better to put them in the legitimate stream of commerce, where a record will be kept of those to whom such guns are sold, rather than to make the guns the subject material for a black market that will arise in that field. You are going to have them. The passage of this bill is not going to cause these present guns to vanish. We are going to have them; there is no question about it. There is a different way, however, of trying to dispose of them.

As to the procedure for any gun that will be made or imported from now on, what more commonsense way is there than for the manufacturer or importer to have determined in advance whether or not that model is going to comply with the law? If it does not comply, he does not manufacture it. The Secretary will deny the application.

That is the purport, that is the thrust, of the amendment.

I do not know that there is anything sacrosanct about offering amendments to amendments. We do it here every day. We worked for a year and a half on this bill. It is my effort to improve this bill to the point where some people can vote for it who will not vote for it without some improvements it needs. My amended suggestion was introduced in a good-faith attempt on my part to meet what I understand to be the Senator's objections. It was an attempt to reach an agreement.

To inveigh against the Saturday night specials and say, "We don't like the belly guns; they're being used to hold up people," is fine. It is fine to engage in that rhetoric. But we have to do something about it. There are two ways of doing it. One is to allow the guns to be disposed of on the black market. If they are not going to be surrendered, there is going to be a trade-in. The other is to put them through the regular channels of commerce.

It is said that if these guns are bad, why do we allow the guns to be continued in sale? Let me suggest that if these guns are bad, why does not the bill provide that their existence shall be made illegal and that we shall confiscate them or call them in and that people may not own them any more? The reason is that that is impracticable, and it would be an unenforceable proposition to try to forfeit those guns.

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

Mr. HRUSKA. I yield.

Mr. BAYH. And it could not pass.

Mr. HRUSKA. And it could not pass. Exactly. It could not pass because it is unenforceable and unacceptable.

Mr. BAYH. The Senator from Indiana is not willing to go that far, but I think the Senator from Nebraska gets to the crux of it.

Mr. HRUSKA. The reason for it is that that form of law would be unacceptable and unworkable and unenforceable. That is the reason for it.

I say it is better to put it on the basis of an above board dealing as to those guns until they eventually disappear, and they will. In the meantime, we will have a bill what will prevent the injection into the gun sales of this country of approximately 1 million of these objectionable handguns per year. That is a great deal of progress, and I say it is worthwhile.

That is the sum and substance of the amendment, and I think the amendment should be adopted.

Mr. BAYH. Mr. President, do I have further time?

The PRESIDING OFFICER. Not on the amendment.

Mr. BAYH. I yield myself 5 minutes on the bill.

Mr. President, I invite the attention of Senators to the language of the Senator from Nebraska. He may not realize exactly what it does, just as there was some question about the effect of the previous amendment, which he subsequently withdrew, because he found out it did the very thing that the Senator from Indiana suggested.

I read from page 1, subsection (n):

> It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer or licensed collector to sell or deliver a handgun manufactured or imported into the United States after the effective date of this Act if such handgun is a model which has been disapproved by the Secretary.

There is the crux of one of the differences between the Senator from Nebraska and the Senator from Indiana. He says that you cannot sell until you get approval. By the wording of his amendment, you can sell until it has been disapproved. It says, "which has been disapproved by the Secretary." That means for 90 days, for 180 days, or for whatever length of time, you can go ahead and sell this weapon until the Secretary makes a determination of disapproval.

The second part of the amendment reads as follows:

> After evaluating such submitted handgun model and application, the Secretary shall determine whether the handgun model meets the following criteria.

It does not say that if the handgun model does not meet the criteria, we cannot sell it. It does not say that if the handgun fails to live up to the standards of the bill, it shall be disapproved according to the previous section. It says only that the Secretary shall determine whether the handgun model meets the criteria. We are still not mandating someone in the Government to make the assessment of whether the gun is good or bad and, after saying that it is bad, that no one will be able to sell it.

One last word about the gun stocks in commerce today. There was an assessment by the committee that if we are going to say that a Saturday night special is bad, we should make a reasonable effort to stop its sale. We made the assessment for a number of reasons, that we could not, should not, and would not try to deal with the weapons now possessed by individuals. If anyone wants to turn in his gun, fine, we will pay him for it. But, we thought, if we are really going to make a determination that a gun is bad—it is too small, too dangerous, or has been used to kill 10 policemen—the criteria that would make it a Saturday night special, we should say to the dealer as well as the manufacturer, "Stop selling, fellows. Stop selling."

The suggestion that this will create a black market is rather ridiculous, I may say to my friend from Nebraska I do not know why a dealer would want to risk violating Federal law to sell a weapon and be legal about it, or turn in that illegal weapon and get paid for it by the Federal Government in order to get it out of commerce.

If the Senate goes on record and adopts this amendment, it would make about as much sense as if we were to pass a bill saying that heroin and opium are bad but if you have got them at the retail level we will let you go ahead and sell your stock anyhow, for fear you will sell it on the black market if we do not.

The Senate has to stand up and be counted on this. We must either make a good faith effort to deal with the problem of Saturday night specials or say that we just do not have the courage to stand up and be counted on it.

This is a key amendment. As I said earlier, if we accept it, we might as well close up shop and go home. I am not going to be part of legislation like this, when we beat our breasts and say that we have got to deal with the zip guns, the zap guns, the belly guns, and the guns that J. Edgar Hoover and his successor, Mr. Gray, and others have said are bad, weapons that the Fraternal Order of Police have said are bad.

I do not know whether anyone is lis-

tening to me or not. But I have sat in committee and listened to policemen come and testify and for the first time in history the Fraternal Order of Policemen have gone on record as being opposed to firearms.

And what do they say? I am not a law enforcement official. I do not have to ride in a prowl car. I do not have to walk a beat. But those who do, say that this kind of legislation will help to save their lives. I am willing to accept their judgment.

The PRESIDING OFFICER (Mr. BUCKLEY). The time of the Senator from Indiana has expired.

Mr. BAYH. I think it is probably appropriate.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HRUSKA. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 7 minutes remaining on the amendment.

Mr. HRUSKA. Mr. President, I am willing to yield back my time now.

Mr. BAYH. Mr. President, I am glad to yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Nebraska (Mr. HRUSKA).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL) and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 27, nays 70, as follows:

[No. 360 Leg.]

YEAS—27

| | | |
|---|---|---|
| Allen | Eagleton | Moss |
| Baker | Edwards | Packwood |
| Beall | Fannin | Saxbe |
| Bellmon | Goldwater | Schweiker |
| Bennett | Gravel | Stafford |
| Bible | Hansen | Stevens |
| Brock | Hruska | Thurmond |
| Cotton | Metcalf | Tower |
| Curtis | Miller | Weicker |

NAYS—70

| | | |
|---|---|---|
| Aiken | Fulbright | Montoya |
| Allott | Griffin | Muskie |
| Anderson | Gurney | Nelson |
| Bayh | Harris | Pastore |
| Bentsen | Hart | Pearson |
| Boggs | Hartke | Pell |
| Brooke | Hatfield | Percy |
| Buckley | Hollings | Proxmire |
| Burdick | Hughes | Randolph |
| Byrd, Harry F., Jr. | Humphrey | Ribicoff |
| Byrd, Robert C. | Inouye | Roth |
| Cannon | Jackson | Scott |
| Case | Javits | Smith |
| Chiles | Jordan, N.C. | Sparkman |
| Church | Jordan, Idaho | Spong |
| Cook | Kennedy | Stennis |
| Cooper | Long | Stevenson |
| Cranston | Magnuson | Symington |
| Dole | Mansfield | Taft |
| Dominick | Mathias | Talmadge |
| Eastland | McClellan | Tunney |
| Ervin | McGovern | Williams |
| Fong | McIntyre | Young |
| | Mondale | |

NOT VOTING—3

| | | |
|---|---|---|
| Gambrell | McGee | Mundt |

So Mr. HRUSKA's amendment was rejected.

Mr. BAYH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

## AMENDMENT OF DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15580.

The PRESIDING OFFICER (Mr. BUCKLEY) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. EAGLETON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. BUCKLEY) appointed Senators EAGLETON, INOUYE, and MATHIAS conferees on the part of the Senate.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

## HANDGUN CONTROL ACT OF 1972

The Senate resumed the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

AMENDMENT NO. 1407

Mr. BROOKE. Mr. President, I call up my amendment, No. 1407, on behalf of myself and Senator ALLOTT, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 11, immediately after line 24, insert the following:

SEC. 7. Section 924 of title 18 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) A trial of any crime involving use of a firearm shall have priority on the calendar of any court of the United States. Upon receipt of the copy of such complaint, it shall be the duty of the presiding judge to assign the case for hearing at the earliest practicable date, and to cause the case to be in every way expedited."

On page 12, line 1, strike out "SEC. 7" and insert in lieu thereof "SEC. 8".

On page 12, line 4, strike out "SEC. 8" and insert in lieu thereof "SEC. 9".

Mr. ROBERT C. BYRD. Mr. President, we cannot hear a word. Would the Chair please get order in the Senate?

The PRESIDING OFFICER. Senators will please be seated or retire to the cloakrooms. The Senate will be in order.

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the junior Senator from New York (Mr. BUCKLEY) be added as a cosponsor of the amendment.

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

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from New York (Mr. JAVITS) be added as a cosponsor.

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

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the Senator from New Hampshire (Mr. COTTON) be added as a cosponsor.

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

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the Senator from Florida (Mr. GURNEY) be added as a cosponsor.

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

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor.

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

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

Mr. BROOKE. I yield.

Mr. COOK. Has the Senator modified his amendment so that it does take absolute precedence with respect to what would be considered, in the nature of accelerated docket?

Mr. BROOKE. No. I have not modified the amendment because I believe it states——

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

Mr. BROOKE. I yield.

Mr. BAYH. I call to the attention of the Senate that we have a 5 o'clock deadline by unanimous consent. I think we need to be aware of that. This is an important amendment. I have discussed it at some length with the Senator from Massachusetts.

I had the same immediate concern that the Senator from Kentucky has and if we can let the Senator from Massachusetts explain the way in which he uses the word "priority" on the docket, so that this would not mandate a firearm case taking precedent over an airline hijacker or a case of someone cutting up his family with a butcher knife, I think we can move along more rapidly.

Mr. COOK. Mr. President, that is my point. Under those circumstances I would like to be a cosponsor of the amendment.

Mr. BROOKE. I can assure the Senator from Kentucky and the distinguished manager of the bill that it is the intent of the Senator from Colorado (Mr. ALLOTT) who is a cosponsor of the amendment and me that the presiding judge would have flexibility "to assign the case for hearing at the earliest practicable date." If a presiding judge

has a case, such as the Senator from Indiana suggested, a hijacking case, he could give that case precedence and, of course, that would be within his right to do so. By this amendment we are trying to assure that where firearms are used in the commission of a crime in felony cases, that these cases not take 4 and 5 months to be disposed of, and that there be swift and sure justice.

I think under the language of the amendment that the problem the distinguished Senator from Kentucky referred to and that the distinguished Senator from Indiana referred to, would be dealt with.

Mr. COOK. Under those circumstances I would like to ask that my name be added as a cosponsor.

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Kentucky (Mr. COOK) and the name of the distinguished Senator from Tennessee (Mr. BROCK) be added as cosponsors.

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

Mr. BROOKE. Mr. President, I believe we in the Senate are agreed that crimes committed with firearms are particularly menacing to society. That is the basic premise and intent of S. 2507. To reinforce this intent, the Senator from Colorado (Mr. ALLOTT) and I have introduced an amendment to provide priority treatment in the Federal courts for all cases involving the use of firearms.

Our amendment will make it clear to offenders and would-be offenders that justice in the case of crimes committed with firearms will be particularly swift and sure.

While this amendment affects only Federal courts, it should serve as an example to other courts in our Nation's judicial system. I believe a clear expression of this priority by Congress would echo through the courthouses of our Nation.

To mandate such a priority is not to reflect adversely on the present handling of cases involving the use of firearms. Rather we seek merely to assist the Federal courts in establishing their priorities. Ample precedent exists in this regard. The public accommodations section of the 1964 Civil Rights Act mandates "expedited treatment of civil rights cases." In addition, the notes of the advisory committee on rule 40 of the Federal Rules of Civil Procedure list numerous examples of statutes, which establish the precedence of certain cases.

Facts as well as precedence compel the extension of priority treatment to cases involving firearms In 1971, 46,674 individuals were prosecuted in the Federal courts for criminal acts. No record exists as to how many of these cases involved the use of firearms However, it is known that carrying a firearm was the principle charge in 1,983 of these cases, which represented a sixfold increase in such charges from 1967.

In 1971, on the average 4.3 months elapsed from the filing of the complaint to the final disposition of an illegal firearms case. Even in cases where a guilty plea was entered this interval was an extraordinary 3.5 months. Let me repeat, 3.5 months were required to adjudicate the typical Federal firearms case involving a guilty plea Considering that 52 percent of all firearms cases are disposed of by a guilty plea, this fact compels a prompt remedy.

Early in 1969, the Justice Department made known its intention to accelerate the processing of criminal cases. The results have been successful, most notably in the dramatic reduction in the backlog of criminal cases in the District of Columbia. However, neither the courts nor the U.S. attorneys have had the requisite authority to expedite the litigation of firearms cases.

Senator ALLOTT and I believe that this authority should be granted to Federal court officials and should apply to all cases involving the use of firearms. Congress must take strong steps to stem the alarming increase in the number of deaths and injuries caused by gun-related incidents. The pending bill to prohibit the sale and distribution of all handguns, except those used for law enforcement purposes and for legitimate sporting activities, is an important step in establishing meaningful limitations on the trafficking in firearms.

But the effort to limit and regulate the distribution of firearms must be accompanied by a clear and effective policy of prosecuting those who violate firearms statutes. If the potential criminal realizes that the penalty for his action will be promptly imposed, then we can begin to reverse the frightening 100 percent increase in violent crimes since 1965. By reducing the incidence of crimes of violence, we can lessen the fear that pervades so many American homes. Absent this fear, millions of well-intentioned Americans may no longer believe that they need firearms in their homes for self-protection.

It has been said many times that the increase in the number of firearms in our nation is a cyclical phenomenon. Enactment of this amendment will mark an important step in extricating ourselves from the dizzying pace of our domestic "arms race"

I urge my colleagues to accept this amendment as a clear expression of congressional intent that individuals charged with any crime involving the use of a firearm should be prosecuted with all deliberate speed.

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

Mr. BROOKE. I yield.

Mr. GOLDWATER. The Senator's amendment reads in part, "a trial of any crime involving use of a firearm—."

Does it require that the firearm be used?

Mr. BROOKE. No.

Mr. GOLDWATER. Does it require that it be loaded?

Mr. BROOKE. No.

Mr. GOLDWATER. In other words, if a man uses a firearm to jimmy a window open, or is caught in the act of a crime with a gun on his person, this would apply.

Mr. BROOKE. If I understand the question correctly——

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. BROOKE. One, it does not require that the firear be used. Two, it does not require that the firearm be loaded.

As the Senator from Arizona knows, many of these crimes are committed with unloaded guns. In the case of a robbery, it was not our intent that the firearm be loaded.

Mr. GOLDWATER. I thank the Senator. I think this is a step in the right direction. I hope that some day in every State it would be illegal and that it would require an immediate 10-year automatic sentence for carrying a weapon.

If the Senator would not mind, I would like to ask to have my name added as a cosponsor of the amendment.

Mr. BROOKE. I am pleased to have the Senator as a cosponsor.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Arizona be added as a cosponsor of the amendment.

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

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. BROOKE. I yield.

Mr. COTTON. Will the Senator from Massachusetts think about this suggestion in order that it would be perfectly clear with respect to the intent, and so that there would be no question about it:

A trial of any crime involving use or possession of a firearm.

That means if someone goes into a grocery store or bank, or somewhere else, with a gun in his possession it makes it perfectly clear it does not have to be actually fired or displayed. Would that violate the intent of the Senator's amendment?

Mr. BROOKE. I do not know if the Senator from Colorado (Mr. ALLOTT) would disagree, but I strongly support the proposed amendment of the Senator from New Hampshire. I certainly would be willing to accept that change in the language because it is my intention, and I assume the intention of the Senator from Colorado, that if there is a gun in the possession of the offender at the time he commits the crime, then that case should be given priority on the calendar, even though the offender may not, as the Senator said, show the firearm or use it.

Yes, I would agree to that.

Mr. President, I ask unanimous consent to modify my amendment by adding, on line 6, page 1, after the word "use" the words "or possession", so as to read, in subparagraph (e):

A trial of any crime involving use or possession of a firearm shall have priority—

And so forth.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. BROOKE. I thank the distinguished Senator from New Hampshire for his contribution.

I yield to the distinguished Senator from Colorado (Mr. ALLOTT).

Mr. ALLOTT. Mr. President, I thank my distinguished colleague, because I think this may well be, and very well could be, a historic amendment because it is a way, a new method, of getting at a problem which has perplexed the country.

I do not like to speak of my own past experience, but I do speak from 5 years of experience as a district attorney and a prosecuting attorney, some 25 years of practice involving also the defense of criminals, and 4 years as chairman of the board of parole of the State of Colorado, which have given me a little background.

It seems to me it is becoming clearer all the time that one of the great impetuses to crime is the fact that people are almost certain that they have a good chance of never being brought to trial and that, as the time for the trial goes on for 3 or 4 or 5 years, witnesses are either unavailable or else their memories have become so faulty and blurry that they cannot support the prosecution.

This proposal is a means of attacking the problem in a new way, in which people who attempt to commit crimes with firearms are going to be tried as quickly as possible and brought to justice. That is the real purpose of this amendment.

It could be that during the years ahead this will be seen as the most significant amendment that was offered to the bill.

I congratulate my colleague for his fine work on this amendment and, of course, as the cosponsor, I support it wholeheartedly.

Mr. BROOKE. I thank my distinguished colleague from Colorado, the cosponsor of this amendment, for his contribution and for what he has said relative to the significance of this amendment.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Hawaii (Mr. FONG) be added as a cosponsor.

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

Mr. BROOKE. Mr. President, as has been stated, this is a very simple amendment. I think the colloquy on the floor has been very helpful in describing the intent of the amendment and in broadening the amendment to include possession as well as use of a firearm in the commission of a crime.

I hope that my distinguished colleague from Indiana, the floor leader, will see fit to accept the amendment.

Mr. BAYH. Mr. President, I am glad to accept the amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. BAYH. I yield back my time.

Mr. BROOKE. Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendments (No. 1407) as modified, of the Senator from Massachusetts.

The amendments, as modified, were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STEVENS. Mr. President, I have an unprinted amendment which I have sent to the desk, and which I now ask to have called up.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 4, beginning with line 9 strike out through page 8 line 15 and insert the following:

"(n) "The Secretary shall prohibit the importation or manufacture of any handgun which has not been submitted for testing in accordance with this section, or which, having been tested, fails to comply with the standards established for that particular model in accordance with this section.

"The Secretary shall administer, or cause to be administered under such contractual or other arrangements as he shall deem suitable, all testing under this section. In prescribing regulations under section 927 of this title which contains both the standards to be applied to handgun models as well as the tests under which compliance with the standards will be determined, the Secretary will be guided by considerations of safety and reliability. Prior to promulgating such standards and tests he will consult with the Chief of Army Ordnance and the Secretary of Commerce. The Secretary will insure that regulations prescribed in implementation of this section provide that:

'(1) each test shall be reasonable, practicable, and appropriate for the particular model of handgun for which it is prescribed and for the standards which relate to such model, and shall as far as possible be stated in objective terms;

"(2) each standard and relevant test shall be formulated and applied solely to determine whether a handgun model (A) reveals, after repeated firing, a substantial defect evidenced by material failure, structural deformation, or malfunction caused by excessive wear which would preclude safe and reliable performance in normal usage, and (B) reveals a design or structural characteristic which permits discharge by shock equivalent to that which could be expected if the handgun were jarred or dropped in normal usage; and

"(3) only a handgun model, a sample or samples of which have been tested in accordance with this section, may be found by the Secretary to be not in compliance with the revelant standards, except that under no circumstances shall the Secretary approve any handgun model which, in the case of a pistol model, is less than six inches in overall length or which, in the case of a revolver model, has a barrel length of less than three inches.

Mr. STEVENS. Mr. President, this amendment goes to the matter of the discussion that I had with the Senator from Indiana at the beginning of the debate on the bill. The amendment would change the standards or the criteria that are set forth on page 4 of the bill, the point system concept, to a concept of safety, reliability, and concealability.

I think the Senator from Indiana pointed out in the original debate that there are guns which are larger than the standard set by his provisions which would not be barred by that test because of the point system.

As I pointed out, I believe that the objective should be to assure the American public which purchases guns under the Gun Control Act of 1968 that the guns they are purchasing are safe, reliable pistols or revolvers. The amendment would specifically exclude any of the handguns which have a barrel of less than 3 inches or an overall length of less than 6 inches. It is the same standard the committee used for concealability.

Having read the report that has come from the committee, I know the committee's viewpoint and the viewpoint of the Senator from Indiana about the concept of safety and reliability as opposed to the criteria which apply a certain number of points for frame construction, et cetera. I think he has a subjective test, and that this is an objective test.

I know his point of view is that the safety, reliability, and concealability tests are subjective, and that is set forth on page 18 of the committee's report, but I would say this amendment will actually remove more guns from the American scene than tests or criteria which would remove handguns as set forth in the bill. We say that tests for safety and reliability characteristics and for concealability be specific and be mandatory, and that no handguns will be approved of less than 6 inches in overall length and less than 3 inches as far as the barrel is concerned.

This is a better approach. It is an approach based on standards for each handgun. It will eliminate many unfortunate accidents that result from the use of handguns today, which handguns do not have the safety characteristics that most good sportsmen insist upon when they buy those handguns. Those who buy handguns, and have a legitimate purpose in keeping them and are eligible under the Gun Control Act of 1968 will know that when they buy guns in this country they are buying guns that have specific safety and reliability standards. We would prohibit the sale or importation of any gun which would not meet the concealability test.

As I said, I am aware of the viewpoint of the Senator from Indiana as set forth in the committee report. To me, there is a difference in approach. I do not know of any sportsman, I do not know of anyone who is involved in the controversy around the concept of increased gun control, who would disagree with the safety and reliability test. I do believe that the criteria laid down for the first time conditions on domestic commerce which we have never used before and which have nothing to do with safety and which have nothing to do with reliability, and which are primarily arbitrary tests. Again I would point out that the concept of the bill is that there are criteria that would be used to determine the sporting uses of handguns.

I believe that instead of using that type of criterion, we should use the concept of safety, reliability, and concealability, and that is what this amendment would do.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I rise in support of the amendment offered by the

Senator from Alaska. The basis of the criteria which he puts in his amendment is safety and reliability of a weapon, not whether it is suitable for sporting purposes, and not whether it is suitable for personal protection—vague and very undefiniable terms that are not specific and definite even in their description. It is his purpose, rather than a more concrete judgment that can be rendered as to the value of the gun, to consider the safety and reliability of that gun to the user threof.

The tests provided for and the method of testing the guns spelled out in the amendment would be objective rather than subjective. Those points which are contained in the bill as reported by the committee are primarily the factoring criteria which were inserted there. They were taken from the regulations of the Secretary of the Treasury. However, those regulations never were applied or used to a great degree, for this reason: It was known that they would be disqualified under the law if the guns were imported in their assembled form. So the component parts were shipped in, and the assembly occurred within the United States, and therefore escaped any necessity for having these criteria apply.

Rather than being subjective, rather than having as untried and undemonstrated a set of criteria as those, we have in this amendment of the Senator from Alaska a greatly superior set of instructions to the Secretary of the Treasury, for the purpose of determining whether a gun is safe and reliable. It will, in my judgment—and I am pleased to hear the Senator from Alaska say so—result in a more strict application of standards than the ones now contained in the bill. It expressly retains the length of the barrel and also the overall length, in the case of pistols. In that regard, it is the same as the criteria set out in the pending bill. But it is considered feasible—H. P. White said so—to develop a testing procedure that will provide an objective evaluation of the safety of a handgun, and once the test criteria are established, objective handgun evaluation can be implemented economically, efficiently, and effectively. That is the type of testing that is provided for in this amendment, and I urge its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator from Indiana yield me 4 or 5 minutes?

Mr. BAYH. Yes.

Mr. KENNEDY. Mr. President, this is another of the amendments put forward by those who want to gut this Saturday night special bill. Only a little while ago we were listening to how we had to protect the rights of the dealers, and permit them to continue to sell Saturday night specials even though, in the legislation and from every law enforcement point of view, obviously they add to the problems of crime and violence in this country. Now we have an amendment on the question of safety and reliability.

It is most interesting that we hear amendments concerned about safety and reliability for those who are pulling the trigger or sighting the gun, when we ought to be talking about safety and reliability for the millions of people in this country who are going to be on the other end of that weapon, the people who will receive that bullet or be harassed and intimidated by someone holding the gun.

I do not have to review for the Members of the Senate the statistics about the weapons involved in murder and crimes of violence in this country. They have been documented in the hearing record. They have been mentioned here on the floor of the Senate. Unfortunately, they have apparently not been convincing to the majority of Senators. But I think what we ought to be thinking about is safety and reliability for the American people, rather than safety and reliability for those who are going to be using the weapons. That is the question that should be uppermost in our minds.

But in spite of that fact, we are seeing a series of amendments proposed by those who want to gut this whole bill, weaken it, damage it, and take out the heart and soul of it. I was encouraged by the last vote, rejecting an amendment which also would have had an enormously disastrous effect on the bill, and I would hope that Senators, in meeting our responsibilities, would be more interested in safety and reliability to the average citizen who may be a victim of a gun crime, rather than the question of the safety and reliability to the people who are using and shipping handguns, whose only purpose is to kill and maim their fellow human beings.

I thank the Senator from Indiana.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alaska has 6 minutes.

Mr. STEVENS. I yield myself 3 minutes.

Mr. President, from the statement of the Senator from Massachusetts, I would say I understand full well his point of view with respect to this bill.

The bill, as presently written, tries to control Saturday night specials on the basis of price only. If you can make a Saturday night special that meets these criteria—and it can be done—I am looking for the comment the Senator from Indiana made before on the laboratory test.

Mr. BAYH. Will the Senator yield?

Mr. STEVENS. On the basis of the bill before us, it is just a question of price, in terms of controlling Saturday night specials. My amendment prohibits any gun with a 3-inch barrel or less, and any gun 6 inches or less in overall length. That is what I originally thought we were talking about here when we spoke of Saturday night specials.

We find there are guns that would meet the criteria of the bill and would still be dangerous, but they could be approved by the Secretary of the Treasury. They would not have to have double action devices, they would not have to stop the firing pin between chambers, or employ devices designed to protect those who legitimately use the guns.

I think we are properly concerned with the control of the Saturday night specials. I think the very fact that we have eliminated the small concealable handguns indicates that. But should not the person who legitimately has the handgun also be assured that the Treasury Department is looking at the handgun and saying, "We shall prohibit the manufacture or sale of any gun that is dangerous, per se, whether to the person on the firing end or on the other end of the gun?"

I happen to believe that the safety and reliability test would eliminate many more guns than would be eliminated by the criteria now in the bill.

Mr. KENNEDY. Mr. President, I wish the Senator from Alaska had made such an eloquent address when we had before the Senate the Hart amendment, which really would have done the job.

Mr. STEVENS. I do not agree with the Hart amendment.

Mr. KENNEDY. We were not arguing, then, about 6 inches or 8 inches, or safety and reliability; we would really have taken the step of eliminating the handgun with the Hart amendment. The Senate had the opportunity to vote on that issue, and unfortunately we ended up with 6 or 7 votes.

There we were really attacking the problem, and the Senate was trying to do something about those concealable weapons used in crimes of violence in this country. I wish we had been able to obtain such enthusiastic support for the Hart amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I salute my friend from Alaska for what I feel is a very genuine and sincere interest in keeping the law-abiding user of hand weapons from being injured. I suggest not that this is his intention but that, in fact, this is the major battle and the major difference that has existed since the inception of our effort to do something about Saturday night specials. To suggest that the criteria of this bill just deal with price is just not true because some of the most critical invective directed at the Senator from Indiana is that there are a few very expensive weapons that you can still hide in your fist.

What we have tried to do is to apply an objective criterion that does not need further, subjective evaluation as the very well intentioned but almost meaningless test of the Senator from Alaska would have to be evaluated and structured. His amendment would lead we know not where.

I suggest that the test which is presently in the committee bill has been applied since 1968 very effectively to foreign weapons. We know what it means. It is very specific. We know how to apply it, and we are not opening new ground and applying a new test that really has never been tried and about which we know almost none of the specifics.

I invite the attention of Senators to what Mr. Harold A. Serr, Director of the Alcohol, Tobacco, and Firearms Division of IRS for 6 years—until he retired in July of 1970—said about this subject. He is one of the acknowledged experts on firearms. He was directly responsible for administering the factoring criteria with which we have been operating since 1968.

When he testified before our committee, he had this to say about the safety test:

There are certain prescribed safety tests.

He was referring to the safety tests which are now in the factoring criteria. We already consider certain aspects of firearms with respect to safety and points in the present tests. In referring to those, he said:

There are certain prescribed safety tests. These safety tests could be greatly expanded, although from the standpoint of the user of the weapon or even society, there is little statistical basis for doing so. In all my experience at the Alcohol, Tobacco, and Firearms Division, I do not recall a single complaint of a handgun user being injured from a faulty weapon.

Mr. President, I just have to repeat what I said earlier. I know that the Senator from Alaska has not been a part of this debate——

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

Mr. BAYH. I yield.

Mr. STEVENS. I happen to know a young man who serves in the State legislature in Alaska who was out target practicing with a .357 Magnum. He put it down and picked it up to move it aside to get something else. He picked it up by the barrel, and that gun did not have a safety device on it, and the projectile went right through his neck. He happens to be alive today, by a miracle. That gun should have had a double-action trigger and a grip safety on it. If it had, he would not have been injured.

Some of us understand guns well enough to check them when we buy them, to see what they are like. Many people do not understand that.

We are saying that these standards ought to be involved in the consideration and should not be a point test based upon pistol weight, upon caliber, upon frame construction. The concept of the Senator from Indiana is that you have to have a total of 75 points, under these criteria—so many points for a .22 caliber, so many more points for 7.65 millimeters. That has nothing to do with the safety of the weapon.

The Senator from Indiana challenged me. I challenge the Senator from Indiana to tell me one gun that would be prohibited by this amendment that would be cleared by mine. All I say is that beyond the standards of 6 inches and 3 inches on concealability, we would put specific safety standards in the law so that these guns, whenever they are sold, to whomever they are sold, would meet the specific standards.

Again I say that I do not know of one weapon that the Senator's bill would prohibit that mine would authorize.

Mr. BAYH. The Senator from Alaska talks about the standards of the Senator from Indiana. This criteria established in the bill are not my creation. These standards have been established and used since 1968 for foreign weapons. And they include safety factors. They have been very effective in keeping out approximately 900,000 weapons, we are told—at least, that is the importation. We do not know what the test of the Senator from Alaska is going to mean. It has never been used.

Our bill will result in safe weapons, but I do not care how safe a weapon is. If it is small enough, you can stick it in your vest pocket and go into somebody's home or somebody's store or assault them on the street. That kind of weapon has no sporting purpose. J. Edgar Hoover said that those are criminal weapons, that we ought to abolish them. His successor, Mr. Gray, says they ought to be abolished.

Let us not kid ourselves. Let us get on with this bill. Let us not just say that we are passing a consumer protection bill; because if that is all we have, I say, with all respect to my friend from Alaska, I am going to vote against it. I am going to do everything I can to defeat it, because I do not want to perpetrate another subterfuge on the people of this country. I do not intimate that motive to the Senator. But, in final analysis, that is the wrong approach. We fought that out in committee.

This is an effort to detract from our efforts, from the real purpose, and that is to keep these small, easily concealed weapons out of circulation.

This bill is not a panacea. But if we can stop the sale of these weapons I think we will have made a contribution. We know what test is being applied under my bill. We do not know what test is going to be applied by the Senator from Alaska. Let us put this aside, pass this bill, and recognize that we have not come up with a panacea but that we have made some progress and at least know the direction in which we are headed.

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

Mr. BAYH. I yield.

Mr. KENNEDY. On the question of safety and reliability, as I understand—I wish the Senator would correct me if I am wrong—under the criteria established in the 1968 Gun Control Act for sporting weapons, the concept of safety was built into the test that was used in the 1968 act. I wish the Senator would correct me if I am wrong. As I understand, a point system was developed which gives a credit for various safety factors. Included in the criteria are such safety factors as: the lock; the breech mechanism, which is an indication of whether the chamber is loaded; a firing pin lock; different kinds of safety on grips and magazines, and other devices to insure that the weapons do not fire accidentally.

It seems to me that those have been built into the tests of the 1968 law; and I am sure that if there were additional suggestions, other than those which have been included, the Secretary would include in the report or would certainly make the additional suggestions or recommendations that are needed.

Am I not correct in my observation about the matter of inclusion of safety as well as the matter of reliability in the 1968 act as it applies to sporting weapons?

Mr. BAYH. The Senator is accurate. I do not know when the weapon referred to by our friend from Alaska was purchased, but I should like to refer him to the criteria in the bill which specifically rules out that particular kind of weapon if it has that kind of mechanism. I refer to the following criteria that deal specifically with safety:

A pistol or a handgun model must have a positive manually operated safety device. Then, on the safety features: Five points if the pistol has a locked breech mechanism; five points if the pistol has a loaded chamber indicator; three points if the pistol has a grip safety; five points if the pistol has a magazine safety; and 10 points if the pistol has a firing pin block or lock.

Further down, where we are talking about revolvers—and this is mandatory as a safety device—either automatically in the case of a double action firing mechanism, or by manual operation in the case of a single action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge.

That criteria is written right into the bill. That is what is being applied now to foreign weapons. We are suggesting, let us apply the same safety criteria to domestically produced weapons as well as size criteria.

Mr. STEVENS. If the Senator will yield, as I understand the Senator's bill in terms of point criteria, it will be possible to have 75 points or 45 points under either provision of the bill without having safety features in subsection (b) or small section 5 on page 5; that is, five points for a locked breech mechanism, five points for a loaded chamber indicator, three points if the pistol has a grip safety, five points if the pistol has a magazine safety, and 10 points if the pistol has a firing block or lock. Those are extra things. Those are extra things if you have extra safety. Our concept is you have to have those, period. You cannot have a gun clear the requirement without having any of them. You are not eliminating unsafe Saturday night specials. You are not eliminating unsafe small guns.

Mr. BAYH. With all respect to my good friend from Alaska, that is not an accurate description of present law. Certain extras are in the safety area on page 5 and page 4 that give extra points. There are also some mandatory safety features.

Mr. STEVENS. I concede that.

Mr. BAYH. There is the positive manually operated safety device. As I just pointed out, that deals specifically with firing upon the dropping of a gun. The specific test that would have been applied to the weapon that shot your State legislator friend in the neck is applied now to foreign imported weapons and would prohibit that kind of weapon from being imported because it would not pass the mandatory test. It does not have anything to do with additional points.

Mr. STEVENS. I would say again that there is not one gun that would be barred by the criteria test that would be legalized by my amendment, but as the Senator stated at the very beginning of this debate in terms of the bill before us, he stated that the test of the White Laboratories found that some of the most expensive guns did not—repeat, did not—meet the criteria of the bill. The criteria that has been used by the Treasury Department was limited to importing for

sports purposes. They were sports guns. That was the only criteria involved. There were no safety criteria involved and no concept of reliability.

Those criteria were developed and determined as to whether the guns were supposed to be for sports purposes. That provision of the existing law that has been the one under which the criteria were drawn. I am sure the Senator from Indiana would agree.

Mr. BAYH. Mr. President, I ask for 2 minutes on the bill because I do not want the record to show that silence on my part would indicate agreement to what the Senator has just stated.

We have applied since 1968 a whole series of safety requirements. Here again I do not in any way impugn the motives or insinuate anything other than the kindest of intentions on the part of my good friend from Alaska, but the effort here is to strike out the test that has been used since 1968, specifically designed to say that we will get small weapons—I repeat, small weapons—out of production and to substitute some test that has never been tried.

I do not know what kind of test the Secretary will apply. We do not know what kind of test will be applied. I, for one, if this amendment is adopted, feel that it will so go to the guts of the bill that we cannot, in good faith, go to the public and say that we have done anything constructive for them, and I will find myself in the same position I was on the last one, of having to vote against my own bill.

The Senator from Alaska has no obligation to change his position because I feel that strongly, but this is one of those areas that those who do not want any effective gun control have resorted to because we are substituting a proven, and well used test which has worked effectively and which has been applied to foreign weapons. It is substituting that for something that has never been applied, that is not specific, and that we do not know what we will wind up with.

Mr. STEVENS. Mr. President, I would close by saying in regard to one thing the Senator from Indiana said, that the tests have to be applied to all weapons. My amendment would apply to the test of reliability and safety, yours applies to the point system whereby if you come in on a total minimum amount you would have a gun that would clear. It is not a prohibition. It is a point system clearance concept.

Mr. BAYH. Does the Senator deny the assertion of his friend from Indiana that the specific safety provisions that concerned him about his friend in Alaska, the drop test, that that is mandated and would be required for all weapons in our criteria?

Mr. STEVENS. I may have misled the Senator from Indiana. My friend did not drop the gun. He pulled it toward him. The gun trigger went off. It did not have a double safety concept in it. If it had had that concept in it, where you had to have your palm on the handle of the revolver before it could go off, as would be one of the secondary tests under your criteria, it would not have gone off. It went off because it had a hair trigger on a double action concept. We want a second safety feature; I would say to my friend, as I have said it twice now, that there is no gun that would be legalized by my amendment that would not be by yours. I can tell you categorically that many guns would be prohibited by my amendment that would not be touched by your criteria.

Mr. BAYH. Inasmuch as I have had a chance to read the Senator's amendment only once, I cannot answer that specific allegation, but I have read it that one time and I do know that it does not specifically enumerate specific safety requirements. There is no specific requirement that the very thing the Senator is concerned about is required in this bill. We do specifically require two or three important fundamental safety features that have been required since 1968.

In addition, we give points to the manufacturer who wants to go beyond a specific requirement. The drop test is one. That has caused a number of fatalities because, when you drop the weapon, it is sitting on that cartridge and it goes off, bang, and you are dead.

Mr. HANSEN. Mr. President, I rise in support of the amendment proposed by the Senator from Alaska to change the basic control scheme of S. 2507 from sporting purposes to safety and reliability.

Since 1968 we have been controlling handguns through a device known as the factoring criteria. These criteria consist of a point system, established by the Secretary of the Treasury with the concept of sporting purposes in mind, under which an imported handgun must meet a minimum score before it can be admitted to this country for distribution. As all Senators who have been following the progress of the pending measure are aware, this point system has been incorporated into S. 2507 as the central means of control over all handguns, domestic and foreign.

Mr. President, the fatal flaw in S. 2507 is the manner in which it perpetuates the sporting purposes test through the incorporation of the factoring criteria—and through the addition of proposed section 922(n)(3), under which the Secretary of Treasury can put out additional criteria in furtherance of this sporting purposes test.

What is a sporting purpose? The 1968 Gun Control Act does not say. S. 2507 does not say. And yet this is the standard under which we are to control all handguns in this country if the bill before us becomes law. Is self-protection a sporting purpose? Probably not. And yet the 1968 act reaffirms the right of all Americans to own firearms for lawful self-protection.

Mr. President, under S. 2507 it is the Secretary of the Treasury who has decided, and who will decide, what is a sporting purpose—without any legislative guidance whatsoever. It is a bootstrap operation to take the present factoring criteria in Treasury regulations, incorporate them virtually verbatim into law, and then to say Congress has worked its will in deciding what sporting purposes means. S. 2507 represents an abrogation of congressional responsibility of the same type that occurred in 1968 when we allowed the Secretary of the Treasury to have absolute discretion over the importation of handguns.

Those who favor the continued use of the sporting purposes test claim it has worked since 1968 to exclude the Saturday night special. But has it really? Where have many of these deadly handguns come from which S. 2507 now seeks to eliminate? From the same good folks who gave us the original imported Saturday night special, of course. They have been importing parts instead of whole handguns. In short, they have not even bothered trying to comply with the Treasury Department's factoring criteria point system—they have simply circumvented it.

The Senator from Alaska is to be commended for having advanced an alternative to the sporting purposes test. Under the safety and reliability standards proposed in his amendment, handguns could be controlled on the basis of their actual performance, rather than on some subjective and undefined standard.

Safety and reliability are capable of reduction to objective standards. In order to pass tests under these standards, manufacturers will have to make a quality firearm. This will accomplish the stated purpose of S. 2507 in a more efficient and equitable way. The so-called Saturday night specials are not quality handguns. No matter what you do to the sights, grips, barrel length, and other external features which relate to the sporting purposes concept, you will not improve the safety of such guns. To put out a good firearm requires time, skill, and quality controls. No proliferation of Saturday night specials would result under these conditions.

Mr. President, this is a key amendment. I have been most impressed with the discussion of the principles involved in the individual views of the Senator from Nebraska contained in the committee report on S. 2507. I urge all Senators to consult these views prior to voting on this amendment.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Georgia (Mr. GAMBRELL), the Senator from Wyoming (Mr. McGEE), and the Senator from South Dakota (Mr. McGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), would vote "nay."

Mr. SCOTT. I announce that the Senator from South Dakota (Mr. MUNDT), is absent because of illness.

The Senator from Michigan (Mr. GRIFFIN) is detained on official business.

The result was announced—yeas 35, nays 57, as follows:

[No. 361 Leg.]

YEAS—35

| | | |
|---|---|---|
| Aiken | Dominick | Packwood |
| Allen | Eagleton | Pearson |
| Allott | Fannin | Proxmire |
| Baker | Goldwater | Saxbe |
| Beall | Gravel | Schweiker |
| Bellmon | Gurney | Stafford |
| Bennett | Hansen | Stevens |
| Brock | Hruska | Thurmond |
| Buckley | Jordan, Idaho | Tower |
| Cotton | Mansfield | Weicker |
| Curtis | Metcalf | Young |
| Dole | Miller | |

NAYS—57

| | | |
|---|---|---|
| Anderson | Hart | Nelson |
| Bayh | Hartke | Pastore |
| Bentsen | Hatfield | Pell |
| Bible | Hollings | Percy |
| Boggs | Hughes | Randolph |
| Brooke | Humphrey | Ribicoff |
| Burdick | Inouye | Roth |
| Byrd, Harry F., Jr. | Jackson | Scott |
| Byrd, Robert C. | Javits | Smith |
| Cannon | Jordan, N.C. | Sparkman |
| Case | Kennedy | Spong |
| Church | Long | Stennis |
| Cook | Magnuson | Stevenson |
| Cooper | Mathias | Symington |
| Cranston | McClellan | Taft |
| Ervin | McIntyre | Talmadge |
| Fong | Mondale | Tunney |
| Fulbright | Montoya | Williams |
| Harris | Moss | |
| | Muskie | |

NOT VOTING—8

| | | |
|---|---|---|
| Chiles | Gambrell | McGovern |
| Eastland | Griffin | Mundt |
| Edwards | McGee | |

So Mr. STEVENS' amendment was rejected.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of 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; that the House receded from its disagreement to the amendments of the Senate numbered 3, 21, 64, 68, and 70 to the bill and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 19, 24, 51, 52, 54, 66, and 76 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 9545. An act to amend section 6(b) of the Revised Organic Act of the Virgin Islands relating to qualifications necessary for election as a member of the legislature; and

H.R. 14106. An act to amend the Water Resources Planning Act to authorize increased appropriations.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. METCALF).

## HANDGUN CONTROL ACT OF 1972

The Senate continued with the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. Mr. President, would the Chair please clear the well?

The PRESIDING OFFICER. Senators will please clear the well and return to their seats or go to the cloakrooms.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of the bill add a new section as follows: That section 925(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting immediately after paragraph (4) the following new paragraph:

"(5) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation of any lawfully acquired firearm or ammunition intended to be used, solely for testing of any such firearm or ammunition for a professional journal or sporting magazine, pursuant to regulations issued by the Secretary of the Treasury." It shall be unlawful to use any such firearms for any purpose other than testing and evaluation.

Mr. MANSFIELD. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I have discussed this matter with the distinguished Senator from Indiana (Mr. BAYH), the manager of the bill and chairman of the subcommittee, and also with the distinguished ranking Republican Member, the Senator from Nebraska (Mr. HRUSKA).

The amendment would, in my opinion, correct a serious inequity that has arisen in the gun law of 1968. It is really of a technical nature and would simply provide for bona fide writers for sporting journals and magazines who evaluate weapons as part of their business.

The Secretary of the Treasury would be authorized to issue regulations that would carefully limit this exception. This group of professionals seek firearms and could obtain firearms provided gratuitously to test them and then to reduce to writing their impressions, among others, of the weapon's technical performance for publication in sporting magazines or journals. That is all. The Secretary of the Treasury is empowered to issue regulations requiring that the individual establish beyond question that he is bona fide, that he is legitimately employed in this specific occupation or profession, that his interest in obtaining a weapon is based solely upon a twofold professional objective: The testing of the firearm and the writing of the results for publication. The Secretary would make certain as well that the disposition of any such firearm is carefully controlled.

I should point out that just as a particular hardship exists for legitimate collectors, certain Army personnel and others under the gun law for which special consideration was provided, so, too, has an unjust burden been placed upon the special category of professionals known as the "outdoor writer" for which consideration should be given. In large part, his livelihood is dependent greatly upon his ready access to weapons and it is for this reason that I seek here to modify the law. I understand that only about 500 to 1,000 such persons exist in this category all across the land.

In this regard, the plight of the outdoor writer was brought to my attention by Mr. Norman Strung, a member of the Outdoor Writers Association. I think his case, and the case of all those who share his particular professional endeavor was stated clearly and convincingly in his letter to me of some time ago. I quote that letter:

I don't want to compete with local gun dealers who have to make a living through sales, and who have a great deal of overhead tied up in their places of business. In other words, I think I have a perfectly legitimate reason to have a firearms permit, yet that permit was denied me. As a result, my job as an outdoor writer is just a little tougher, and will prove a lot more expensive. That, sir, seems to be unfair and inequitable "gun control" . . . hardly in the interest of public safety, and detrimental to my legitimate business and the gun-owning public.

Mr. President, I urge the adoption of the amendment.

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

Mr. MANSFIELD. I yield.

Mr. BAYH. Mr. President, I have examined the amendment carefully and I have discussed it with the staff of the committee. This problem was studied during the hearings. We are talking about the very few highly specialized individuals who are really professionals in the field and who are going to be using these weapons for tests only. Any other use would be unlawful.

I have no objection to the amendment. I think this is a legitimate amendment. I am glad to add my support to it.

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

Mr. MANSFIELD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. LONG. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

At the end of the bill add a new section:

That section 1202(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out the words "in commerce or affecting commerce".

(b) Section 1202(b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out the words "in commerce or affecting commerce".

Mr. LONG. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, this amendment seeks to achieve what we thought we did with the bill that passed a year ago when the Senate with the House concurring made it against the law for a convicted felon to possess or carry a firearm. Unfortunately by a divided decision of the Supreme Court it was ruled the act was not sufficiently clear as to whether a felon could be found guilty for possessing a firearm, regardless of whether he had been transporting the firearm in commerce or not.

The purpose of this amendment is to make clear what Congress had in mind, that is, that the possession of a firearm by a convicted felon is a crime.

That is what we thought we did. All the editorial comments that I saw in the newspapers and magazines at that time were to the effect that it was very unfortunate that the decision went in that fashion, or, assuming the court was right, it was unfortunate that it was not sufficiently clear that Congress meant to make it unlawful for a convicted felon to possess a firearm.

This amendment would seek to make clear what I thought we did, and what I certainly thought I was doing when I offered the amendment. The Senate agreed to it and the House agreed to it in conference with the Senate.

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

Mr. LONG. I yield.

Mr. DOMINICK. When we talk about possession, what happens to a person who serves a 1-year term, for example, and then is released?

Mr. LONG. If he had been convicted of a felony, he could not possess a firearm.

Mr. DOMINICK. Under any circumstances? The Senator is not talking about a concealed weapon; he is talking about a gun?

Mr. LONG. A person who is convicted of a felony loses the right to carry a firearm.

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

Mr. LONG. I yield.

Mr. STEVENS. Do I understand that this amendment would apply to regular sporting rifles and shotguns as well as handguns? The bill before us does not apply to anything other than handguns. The Senator's amendment would mean that if one of my native people from northern Alaska was convicted of a felony and then returned to his home, he could not own a shotgun or a rifle.

Mr. LONG. It is all right with me if a Governor wants to restore that right to him when he pardons him. It is very well if a Governor of a State wants to pardon a man and restore his right to do that, but it would be a bad predicament for someone who had been convicted of murder or a felony to be permitted to carry firearms. The right to do that is one of the things a convicted felon loses.

This is what the Senate voted on when it voted on the matter before.

If in any respect this amendment goes too far, I would suggest that it could be left to the conference between the Senate and the House to settle it. I think it is ridiculous to permit anyone who was convicted of armed robbery to carry a firearm—I do not care whether it is a shotgun or a rifle or any kind of firearm. That is what the Senate and the House thought before.

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

Mr. LONG. I yield.

Mr. MILLER. Suppose the felon has been convicted of a nonviolent crime such as income tax evasion or embezzlement.

Mr. LONG. Embezzlement comes under the theft statutes in our State. I assume that if he had been convicted of theft, he should be limited.

As I have said, if the amendment goes too far, the matter could be worked out in conference between the Senate and the House.

I think if we were going to err, I would rather err in favor of limiting the freedom of convicted felons to carry weapons than to permit a murderer—or even a multiple murderer—to go around carrying a high-powered rifle. If I were going to make an error, I would rather make it in favor of stopping a convicted murderer, especially one who had taken more than one life, from carrying a high-powered weapon, rather than permitting someone who had committed a felony of a nonviolent nature to carry one. If it goes too far, it is something that can be worked out in conference.

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

Mr. LONG. I yield.

Mr. SPARKMAN. The Senator has used the terms "carry" and "possess." If a person has been convicted and has served his time, and all the time he was serving a shotgun was hanging over his mantle or over his door, does the Senator mean he is going to have to get rid of the shotgun when he comes back home?

Mr. LONG. If he is a convicted felon, yes. It is not intended to apply to constructive possession in his house, but, if he has it in his hands, that is possession of a firearm.

The case that makes this amendment necessary is the case of a convicted felon who was arrested on the street for carrying a weapon. He had been convicted of a felony, but due to the fact that he had not been convicted of transporting a weapon in interstate commerce, the court felt there was sufficient vagueness in the law, and a majority of the court held that because the prosecution had failed to prove that it was in interstate commerce, conviction was not sustained.

As I have said, if this amendment goes too far in any respect, then I would suggest to the manager that the conferees might want to limit this amendment to violent felons; but I would rather go too far, when I am dealing with convicted felons, as make the mistake of not going far enough.

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

Mr. LONG. I yield.

Mr. BAYH. I think I raised this question with the Senator from Louisiana when it was first brought to my attention. I want to suggest to my colleagues that it is against the law now. We are talking about whether this penalty be limited to a violent crime, or a crime associated with a firearm. That determination has already been made.

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

Mr. BAYH. If I may continue, then I shall be glad to yield to the Senator from Massachusetts. Frankly, I would feel more comfortable if it were more limited, but his amendment deals with what I feel is really a circumvention of the intent of the Senate when we passed it. It does not make any difference whether a person received his weapon in interstate commerce or not if he shot someone or robbed someone with it. We intended that this statute would apply.

I wonder if this question could be handled in dialog as legislative intent, and I would be glad to have any opinion here, and certainly the opinion of the Senator from Louisiana.

Public Law 90–618—the Gun Control Act of 1968 is what we are talking about—section 921, subsection (20) reads as follows with respect to the exemptions:

The term "crime punishable by imprisonment for a term exceeding one year" shall not include (a) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate, or (b) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of 2 years or less.

So when we passed the bill originally, we did not intend to apply it to white collar crime. I wonder if, by making it the subject of dialog here today, we would not be enforcing the letter and the spirit of the law. I wonder if that is what the Senator intends.

Mr. LONG. I thank the Senator. All I have in mind with this amendment is simply to make it clear that we do not have to prove that the man carried the weapon in commerce, or even that the weapon had moved in commerce, in order to convict a person convicted of a felony of carrying a firearm.

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

Mr. LONG. I yield.

Mr. BROOKE. The whole issue raises a serious constitutional question. I am not going to address myself to that, but I do see a constitutional question involved. However, for clarification purposes, Does the Senator from Louisiana mean the felon would have had to use a firearm in the commission of a felony for him to be denied the right to carry a rifle, say, at any time in his life after he had been convicted of that felony?

Is that the state of the law as the distinguished Senator from Louisiana sees it?

Mr. LONG. The Senator from Louisiana points out that the language of the statute as it presently exists does not refer to so-called white collar crimes like antitrust violations.

In other words, this amends the Firearms Control Act, which defines the term as follows:

The term "crime punishable by imprisonment for a term exceeding one year" shall not include (A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate, or (B) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

Mr. BROOKE. I have voted for all gun control legislation, and shall continue to do so, but as I interpret what the Senator says, just for hitting a man with a rock, a man could then be denied the right to go hunting for the rest of his life.

Mr. LONG. You would have to do a man a pretty grievous injury with that rock to go to jail for 2 years.

Mr. BROOKE. Well, you can do a pretty grievous injury with a rock.

Mr. LONG. If the court thought enough of it to make it a felony and put you in the penitentiary for 2 years, yes.

Mr. BROOKE. So the man does not have to use a firearm in the commission of the felony in order to be denied his constitutional right to carry or go hunting with a rifle.

Mr. LONG. No, he does not. For example, it could be armed robbery with a knife.

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

Mr. LONG. I yield.

Mr. BAYH. I would like to bring something else to the attention of the Senate which was brought to my attention by the Senator from Illinois. I thought I knew all about the Gun Control Act of 1968, but my attention has just been called to one section of which I was unaware. It says:

A person who has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act) may make application to the Secretary for relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of such conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest.

So one who does have such a disability, if he will apply to the Secretary, can have that disability removed.

Mr. LONG. Mr. President, to supplement what the Senator has said, this was not an ill-considered act when the Senate passed it. It was not an ill-considered act of the Senate nor of the House of Representatives when we legislated against convicted felons, having in mind serious crimes of violence, not antitrust violations, and also had in mind that the right could be restored where the crime was not the type of felony that ordinarily you would want to preclude the criminal from using a firearm again. This matter was carefully considered by the Senate and the House of Representatives when we legislated, but the problem was that this was an amendment to a Commerce Committee bill, and the language was drafted to give us a clear right to do under the commerce clause, by using the phrase "in interstate commerce" or "affecting interstate commerce."

Unfortunately, when the Supreme Court had this matter before them, involving a felon who was arrested with a firearm, the Supreme Court, by majority vote, said that from the language of the bill it would appear that the transportation of the gun in interstate commerce was an essential element of that crime. The minority, including the Chief Justice, said at that point it was sufficiently clear to them that Congress did not intend the movement of the weapon, including the movement in interstate commerce, to be an essential part of the offense, but that the use of the weapon by that convicted felon was sufficient, that it was clear from the language of the act that the Court should hold that the mere possession of a weapon by a convicted felon is sufficient to constitute the offense. That is what my amendment would spell out.

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

Mr. LONG. I yield.

Mr. ERVIN. Since the amendment has no relationship whatever to the bill we are considering, and as the Senator from Massachusetts says, it does involve a serious constitutional question, does not the Senator think he had better introduce it as a separate bill and send it to the Committee on the Judiciary?

Mr. LONG. Mr. President, I have introduced it as a separate bill. It is up at the desk now, printed as a bill. I sent it to the Judiciary Committee, and I have been waiting quite awhile for the Judiciary Committee to report it. Quite frankly——

Mr. ERVIN. If the Senator will let his bill come to the Judiciary Committee, I will certainly promise him that we will bring it up or at least I will ask the committee to act on it as the next meeting.

I have serious doubts about the constitutional power of Congress to make it a crime for a man merely to possess a pistol or a rifle within the borders of a State. I think it is necessary, to make it constitutional, that the possession have some relation to interstate commerce. Congress has no power to make crimes out of things which merely occur within the borders of a State, unless they are related to some power given it by the Constitution.

I hope the Senator will withdraw his amendment and let his bill be acted on by the Judiciary Committee. I cannot conscientiously support the amendment, and I would be inclined to vote against the bill if it is incorporated in the bill.

Mr. LONG. Mr. President, may I ask the Chair to have the clerk read the date on the bill?

The PRESIDING OFFICER. The cerk will state the date.

The assistant legislative clerk read as follows:

January 28, 1972.

Mr. LONG. So it has been in the Judiciary Committee since January of this year.

Mr. ERVIN. If the Senator asks the Judiciary Committee to take action on it, we would certainly do so. Fifty-four percent of all the bills that come to the Senate come to the Committee on the Judiciary. If we took up all the bills on our own motion and without any request for action, we would get little work done.

Mr. LONG. That is why I sent it there. I am satisfied, from a review of the Supreme Court decisions, that the Court will uphold it.

Mr. ERVIN. The Supreme Court turned this man loose because there was no evidence that the gun had been transported in interstate commerce.

Mr. LONG. And the fact that the statute referred to the movement in interstate commerce, or affecting interstate commerce. That is what the Court said it took out.

Mr. ERVIN. Yes. The Court said that the statute, which was constitutional because it required movement in interstate commerce, required that, and there was no evidence that it had been moved in interstate commerce, and that therefore he was not guilty.

That is not a decision to the effect that Congress could make it a crime merely for a man to possess a gun within the borders of a State.

Mr. LONG. Well, if this is enacted we will certainly find out whether we can make it unlawful for a felon, a murderer, or a burglar to possess a gun. There is one good way to find out whether it is against the law to prevent that felon from doing what the Supreme Court turned him loose for doing, and that is to pass this amendment, because I am satisfied that we have the power to make it against the law for a convicted felon to carry a firearm again. That is why I offered the amendment. I am satisfied we have the power. Maybe we ought to have a constitutional amendment for that purpose. The decisions of the Supreme Court have gone so far in saying what we can do in matters affecting commerce that there is not the slightest doubt in my mind that they will uphold it. If they will not uphold it, I would like to find that out, and that is the reason I offered the amendment.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, will someone give me about 5 minutes?

Several Senators addressed the Chair.

Mr. DOMINICK. Mr. President, who yields time for the opponents?

Mr. BAYH. Mr. President, I do not know what position the Senator from North Carolina is going to take, but he has been such a constructive force—one of the most able and helpful members of the committee—in the considera-

tion of this measure that I yield him 5 minutes, regardless of what position he may take.

Mr. ERVIN. In the first place, this amendment is not germane to the purpose of this bill. The reason the bill has progressed this far is that it exclusively deals with Saturday night specials.

The Senator from Louisiana talks about assassins and murderers. I do not know whether the Senator from Louisiana has represented such people, but I have represented people who operated blockade stills, and that act is a felony. After a man who has run a blockade still has served his sentence and paid his debt to society, he could be punished under this amendment if he was out rabbit hunting or bird hunting with a shotgun. Certainly, there ought to be some place for repentance after a man has paid his debt to society. Not only is this amendment not germane; it would say that even though a man had paid his debt to society and, like Esau, he sought repentance with tears, he could not obtain it. He would be denied the right to go rabbit hunting or bird hunting just because he had been convicted of running a blockade still.

I think this amendment has no place in this bill. The amendment probably would be unconstitutional, because it strikes out the reference in the Omnibus Crime Act to interstate commerce. I do not know of anything in the Constitution that says that Congress has the power to pass a law making the mere possession of a gun within the borders of a State, in the absence of any evidence that it had any connection with interstate commerce, a Federal crime.

I sincerely hope the Senate will reject this amendment. I hate to be in opposition to my good friend from Louisiana. I usually follow him, but I think he has gone off on the wrong trail at this time.

Mr. LONG. Mr. President, if the Supreme Court of the United States construed the powers of Congress under the Constitution as closely and as limited as does the Senator from North Carolina, then those of us from the South would not have wasted all the time we spent filibustering against the Civil Rights Act of 1964. We wasted a great deal of time arguing about the right to regulate a barbershop or to regulate a hotel or a great number of other acts which were regulated that had the slightest connection with commerce.

I do not have the slightest doubt that the decisions of the Supreme Court since Franklin D. Roosevelt became President of the United States, right or wrong, have gone beyond anything necessary to define the power of Congress to regulate the possession of a firearm by a convicted felon. We did it, and the majority of the Court did not hold the man subject to punishment, for the reason that we did not make it clear that we meant to outlaw the criminal possession of a firearm by the convicted felon and failed to make clear that we were not trying to regulate commerce but to regulate the right of the convicted felon to possess the firearm, and the conviction was overturned.

I have no doubt in my mind that if we made clear to the Supreme Court that we do not want a convicted felon carrying a firearm or using a rifle or any other firearm, regardless of whether or not it moved across a State boundary, the Supreme Court would uphold it.

Frankly, Mr. President, I have seen enough of these convicted felons being turned loose on technicalities when they commit further crimes. This amendment would make it clear that when a man has committed a crime of violence, and if he has not been pardoned for it and the right to carry a firearm has been restored, it is a crime to carry a firearm.

I am satisfied that it is much easier for me to explain to my constituents why I wanted to go so far to protect the rights of citizens.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. I yield the Senator 1 minute on the bill.

Mr. LONG. I would rather go home and explain to my constituents that I wanted to go the extra mile to protect the rights of the citizens, rather than see convicted felons turned loose on technicalities when they proceed to take these firearms and commit further crimes.

Mr. BAYH. Mr. President, I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, I do not like to oppose the Senator from Louisiana on this, but I believe that the Senator from North Carolina has pointed up the constitutional question very well. It may be that the Supreme Court would decide that such an amendment would be constitutional, but that is not certain. The precedents would seem to support the Senator from North Carolina.

I suggest this to the Senator from Louisiana: Assuming that this amendment is of doubtful validity, why not let the State legislatures legislate with respect to the possession of a firearm by a felon convicted of a violent crime when its possession does not involve interstate commerce but merely involves what is happening within the borders of the State? The legislatures of this country are not powerless. If it is thought to be necessary for the protection of the public interest, let the State of Iowa, the State of Louisiana, or the State of North Carolina legislate, instead of our doing it in Congress. I think Congress has been meddling too much in the affairs of States in many cases. This would be an example of where I think we might exercise some restraint.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. I would be glad to yield time. Five or six Senators have not asked for any time.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. All time on the amendment has expired.

The Senator will state the parliamentary inquiry.

Mr. BAYH. Mr. President, I understand that there is a unanimous consent agreement to vote on passage of the bill at 5 p.m. Is that correct?

The PRESIDING OFFICER. Not later than 5 p.m.

Mr. BAYH. If the amendment of the Senator from Louisiana is voted on at this time, do we immediately go from there to a vote on passage of the bill?

The PRESIDING OFFICER. No further debate would be in order on any amendment, although amendments could be offered.

The question is on agreeing to the amendment of the Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that if present and voting; the Senator from Georgia (Mr. GAMBRILL) would vote "nay".

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 20, nays 72, as follows:

[No. 362 Leg.]

YEAS—20

| | | |
|---|---|---|
| Anderson | Hartke | Pastore |
| Bayh | Hollings | Ribicoff |
| Case | Humphrey | Saxbe |
| Edwards | Inouye | Stafford |
| Fannin | Kennedy | Stennis |
| Fulbright | Long | Stevenson |
| Hart | McClellan | |

NAYS—72

| | | |
|---|---|---|
| Aiken | Dominick | Muskie |
| Allen | Eagleton | Nelson |
| Allott | Ervin | Packwood |
| Baker | Fong | Pearson |
| Beall | Goldwater | Percy |
| Bellmon | Gravel | Proxmire |
| Bennett | Griffin | Randolph |
| Bentsen | Gurney | Roth |
| Bible | Hansen | Schweiker |
| Boggs | Harris | Scott |
| Brock | Hatfield | Smith |
| Brooke | Hruska | Sparkman |
| Buckley | Hughes | Spong |
| Burdick | Jackson | Stevens |
| Byrd, Harry F., Jr. | Javits | Symington |
| Byrd, Robert C. | Jordan, N.C. | Taft |
| Cannon | Jordan, Idaho | Talmadge |
| Church | Magnuson | Thurmond |
| Cook | Mansfield | Tower |
| Cooper | Mathias | Tunney |
| Cotton | McIntyre | Weicker |
| Cranston | Metcalf | Williams |
| Curtis | Miller | Young |
| Dole | Montoya | |
| | Moss | |

NOT VOTING—8

| | | |
|---|---|---|
| Chiles | McGee | Mundt |
| Eastland | McGovern | Pell |
| Gambrell | Mondale | |

So Mr. LONG's amendment was rejected.

The PRESIDING OFFICER (Mr. KENNEDY). The bill is open to further amendment.

Mr. HUMPHREY. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without

objection, it is so ordered; and the amendment will be printed in the RECORD.

Mr. HUMPHREY. Mr. President, the balance of the amendment not read is a definition of terminology.

The amendment is as follows:

At the end of the bill add a new section:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, or prison guards

"(a) Whoever commits murder or manslaughter, or attempt to commit murder or manslaughter, or aids or abets another in the commission of such murder or manslaughter, or attempt to commit such murder or manslaughter, of any State law enforcement officer, fireman, or prison guard while such officer, fireman, or guard is performing official duties, or because of the official position of such officer, fireman, or guard, shall be punished as provided under section 1111, section 1112, or section 1113 of this title.

"(b) As used in this section, the term—

"(1) 'law enforcement officer' means any officer or employee of any State who is charged with the enforcement of any criminal laws of such State;

"(2) 'fireman' means any person serving as a member of a fire protective service organized and administered by a State or a volunteer fire protective service organized and administered under the laws of a State;

"(3) 'prison guard' means any officer or employee of any State who is charged with the custody or control in a penal or correctional institution of persons convicted of criminal violations; and

"(4) 'State' means any State of the United States, the Commonwealth of Puerto Rico, any political subdivision of any such State or Commonwealth, the District of Columbia, and any territory or possession of the United States.".

(b) The chapter analysis of such chapter is amended by adding immediately after item 1115 the following new item:

"1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, or prison guards.".

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Mr. President, is the parliamentary situation such that the Senator from Indiana, as manager of the bill, is prohibited from speaking out in support of the amendment of the Senator from Minnesota at this time.

The PRESIDING OFFICER. No debate is in order.

Mr. BAYH. Then the Senator for that reason will not speak out in support of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

Mr. CHILES. Mr. President, I strongly support passage of S. 2507, the bill to amend the Gun Control Act of 1968. Congress has been wrestling with this problem for a number of years now and still no final solution to the problem of firearms has been found. Clearly, the gun control law of 1968 has failed in keeping firearms from the criminal element, even though this legislation was passed when assassinations were heavy on the minds of everyone. Improvements in this area are badly needed if we are to have any degree of control over crime, and yet every effort must be made not to infringe upon the rights of individual citizens to purchase firearms for lawful purposes.

I support this measure to control the sale and delivery of domestically produced Saturday night special handguns, which because of their cheapness, low quality, ease of concealment, and availability present a special problem for law enforcement and general public safety. I am a hunter and a sportsman myself and own several guns. But the weapons we are talking about in this bill have no legitimate sporting purpose and have been shown to be the predominant firearm used in crime.

The implementation of the 1968 import prohibition has been effective in prohibiting the importation of assembled Saturday night specials. But the problem is still very much with us since the domestic manufacture and assembly of these weapons is not controlled and great increases in domestic assembly and manufacture have occurred since the 1968 act. Another aspect to consider is the fact that at least seven foreign nations have claimed that our action to forbid the importation of foreign Saturday night specials while not controlling sales of the domestic variety has constituted a clear violation of our obligations under the General Agreement on Trade and Tariffs. The GATT requires uniform treatment for "like products." This is interpreted to mean that we should permit any firearm to be imported that we permit to be produced domestically. And today, though we have virtually no restriction on domestic production of firearms, we do restrict their importation.

I concur with Commissioner Nichols of the Detroit Police Department when he stated before the Judiciary Committee that statistics alone are inadequate as a measure of this problem. But they do give us an indication of the seriousness of the situation and they do tell us clearly that we have more homicides than ever before and almost all of the additional homicides are being committed with handguns. In fact, the number of handguns in the country is increasing by approximately 2.5 million annually.

There are several measures concerning firearms legislation pending before the Judiciary Committee, several of which would ban all handguns entirely with certain very limited exceptions. I feel those measures demand further study and careful research to determine whether their enactment would constitute an infringement upon the rights of individual citizens. But the measure we have before us has already been given thorough study. It involves, really, the implementation of existing importation criteria to domestic sale and delivery. These criteria have been used for more than 3 years in the determination of eligibility for handgun importation and ought to be applied domestically as soon as possible.

Harold Bergan, a staff aide to Congressman YATES, of Illinois, put it well, I believe, when he stated before the subcommittee:

> Each day that passes without this legislation will mean that an additional 2 thousand cheap handguns will find their way into the American market. The time to stop is now.

Mr. WILLIAMS. Mr. President, I rise in support of the bill presently before the Senate, S. 2507, designed to amend the Gun Control Act of 1968. This bill would close the loophole that now exists in the 1968 act, by applying the same ban on the sale and delivery of domestically made cheap and inaccurate handguns, referred to as "Saturday night specials," that now applies to these foreign-made firearms.

This legislation is absolutely necessary. The bill, when enacted, would serve to greatly slow down the horrifying weapons traffic within our society.

The weapons referred to in this legislation are small, inexpensive revolvers, usually of .22 caliber or .25 caliber design. They are weapons that are unsuitable for sporting purposes—with the only possible use being the killing and crippling of other human beings. This bill would not, as described by the National Rifle Association, "mistakenly deprive millions of law-abiding citizens of a type of firearm particularly suited for the defense of their families and businesses."

In fact, by the adoption of an amendment on the Senate floor today, the bill exempts all handguns that are privately owned and intended for personal protection and which are approved by the Secretary of the Treasury pursuant to the criteria of the bill. In this way, those handgun models which are not suitable for sporting purposes but are usable for self-protection, and meet the standards established by this act, can still be legally sold and delivered. I believe that if handguns are to be permitted in some form other than exclusively for law enforcement officers, the personal safety of all citizens must be an important concern of the Members of this body of Congress.

The handguns to which S. 2507 applies are easily accessible to anyone who wishes to purchase one. These deadly instruments are also extremely plentiful. It has been estimated that 700,000 of these Saturday night specials were manufactured in this country in 1969, and approximately 1 million produced in 1970. It is now believed that these unsafe and unsuitable weapons account for approximately 40 percent of the annual proliferation of the 2.5 million hand-held guns manufactured for private sale in the United States each year.

Because of their accessibility and the ease with which these particular guns may be concealed, the Saturday night specials are becoming increasingly mis-

used by criminals in this country. In 1970, handguns accounted for some 8,000 homicides in the United States, or 60 percent of all homicides in that 1 year. Of these handgun homicides, 42 percent were caused by the Saturday night special.

Pistols and revolvers have become increasingly dangerous to this country's police officers. In 1970, 100 policemen were fatally struck down, 73 of which were murdered by handguns. In 1971, the total number of policemen killed in the United States increased to 121, with 94 murdered by handguns.

Saturday night specials must be controlled. The majority of our citizens and law enforcement officers realize the danger of these guns and are willing to accept strict controls. L. Patrick Gray, Acting Director of the FBI recently reiterated this belief when he stated, as quoted in a Washington Post editorial:

> These firearms have been utilized in so many of our homicides that we ought to control them.

He also stated, in referring to the Saturday night specials:

> They ought to be banned totally, completely, and thoroughly.

I strongly support the bill before us, S. 2507. However, as a U.S. Senator, I have continually and actively supported more stringent controls on all firearms. I believe that the controls on these weapons must go further than just banning the domestic sale and delivery of the Saturday night special. With deep personal conviction, I believe that several of the amendments introduced to this bill, such as those of Senators HART, KENNEDY, and STEVENSON, would have adequately and effectively strengthened our existing laws in order to curb this immoral attack on our citizens.

As a cosponsor of the amendment offered by Senator KENNEDY, I truly believe that the registration of all firearms and the licensing of every gun owner would greatly reduce criminal possession of firearms and, in turn, help to curb the violent crimes that are destroying the lives of innumerable Americans.

My own State of New Jersey has had a licensing and registration program in effect since 1966. It is one of the few States which has adopted such stringent controls. New Jersey's program is most similar to the provision offered by Senator KENNEDY in calling for national licensing and registration, and the aims and principles of our program comport with those of Senator KENNEDY's amendment.

In addition, New Jersey's program has been very successful. It has not proven to be an enormous burden on the citizens of that State, but has, rather, been very effective in keeping firearms out of the hands of those ineligible and unfit to own these weapons. Within the first 2 years of operation, 1,795 people were denied application for permits. Approximately 65 percent of these denials were because of criminal records—including first-degree murder, rape, burglary, and breaking and entering. Other reasons for denials included public health, safety, and welfare reasons, medical and mental reasons, and narcotics and alcoholism problems.

In 1969, the Duke University Law Journal published a study in which data analysis techniques were employed to examine the efficacy of State and municipal controls on handguns. The authors concluded that New Jersey's gun control legislation saves 21 to 32 lives per million population per year. And on a nationwide scale they estimated that such control would save 4,200 to 6,400 lives per year.

These statistics clearly indicate the need for more stringent legislation on gun control.

In addition, after serious consideration and complete and careful analysis of the consequences, I supported the amendment offered by Senator HART that called for a ban on the ownership of all handguns.

My action was a result of my personal belief that there is no substantial and responsible justification for private ownership of the handgun.

The 25 million handguns in this country have been proven to be a threat to public safety. They have caused severe and fatal injury and repeated heartache to innumerable citizens of this Nation. Although handguns are only 27 percent of all firearms in the United States, these weapons account for the majority of firearm injuries and assaults that occur.

The handgun has been involved with crimes that have repeatedly caused both personal and national tragedy in the United States. We have seen leaders of this Nation struck down by the easily concealed weapon. There is no doubt that if a handgun had not been available, Lee Harvey Oswald would have lived to stand trial, Robert Kennedy would be here to care for his children and provide inspiration to millions, and George Wallace would not be confined to a wheelchair.

But we are not just concerned with national leaders and politicians. We are deeply concerned with the lives of every citizen in this country. It is time to stop this national fratricide in our streets, our homes, and our businesses.

These weapons are purchased by law-abiding citizens with sincere intent of protecting their homes. But I believe we are only kidding ourselves in believing that a handgun in the home is truly in one's best interest.

It has been determined that a great percentage of handguns confiscated from criminals by law enforcement authorities are stolen weapons from homes.

More tragically, however, it is not just the criminal who is injuring and killing our citizens. As it was brought out in the debate on this amendment, 81 percent of the cases of killings here in Washington, D.C., were either of a member of the household, or a neighbor or friend.

This is a sad reality. We must face up to the facts and figures before us and begin to protect our families and friends. The citizens of this Nation must be made to realize that handguns can and do kill people, and that unless we face this issue soon, we will inevitably face a grimmer and more bloody future. This reality must be fully and completely understood.

Mr. President, it has been with deep personal conviction that I have supported the amendments to this bill that would have strengthened and improved our gun control laws.

I am confident that the banning of the domestic sale and delivery of the "unsafe and unsuitable" deadly weapons known as Saturday night specials will begin to curb a grave national problem whose dimensions are so tremendous as to lull us into a state of acquiescence, to be shaken only when the prominent among us become victims. The battle against the terrible misuse of firearms in our country must be fought to a successful conclusion. For upon that conclusion rests questions of life and death.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. BAYH. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. METCALF (when his name was called). On this vote I have a live pair with the Senator from Minnesota (Mr. MONDALE). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from Wyoming (Mr. MCGEE).

If present and voting, the Senator from Georgia would vote "yea" and the Senator from Wyoming would vote "nay."

I further announce that, if present and voting, the Senator from Mississippi (Mr. EASTLAND) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 68, nays 25, as follows:

[No. 363 Leg.]

YEAS—68

| | | |
|---|---|---|
| Aiken | Edwards | McGovern |
| Allott | Ervin | McIntyre |
| Anderson | Fong | Miller |
| Bayh | Fulbright | Muskie |
| Beall | Griffin | Nelson |
| Bellmon | Gurney | Pastore |
| Boggs | Harris | Pearson |
| Brock | Hart | Percy |
| Brooke | Hartke | Proxmire |
| Buckley | Hatfield | Randolph |
| Burdick | Hollings | Ribicoff |
| Byrd, Harry F., Jr. | Hruska | Roth |
| | Hughes | Scott |
| Byrd, Robert C. | Humphrey | Smith |
| Case | Inouye | Sparkman |
| Chiles | Jackson | Spong |
| Cook | Javits | Stevenson |
| Cooper | Jordan, N.C. | Symington |
| Cotton | Jordan, Idaho | Talmadge |
| Cranston | Kennedy | Thurmond |
| Curtis | Long | Tunney |
| Dole | Magnuson | Williams |
| Eagleton | Mathias | Young |

NAYS—25

| | | |
|---|---|---|
| Allen | Church | Mansfield |
| Baker | Dominick | McClellan |
| Bennett | Fannin | Montoya |
| Bentsen | Goldwater | Moss |
| Bible | Gravel | Packwood |
| Cannon | Hansen | Saxbe |

| | | |
|---|---|---|
| Schweiker | Stevens | Weicker |
| Stafford | Taft | |
| Stennis | Tower | |

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Metcalf, against.

NOT VOTING—6

| | | |
|---|---|---|
| Eastland | McGee | Mundt |
| Gambrell | Mondale | Pell |

So the bill (S. 2507) was passed, as follows:

S. 2507

An act to apply the same standards to prohibit the sale of domestically produced Saturday night special handguns as have been applied to foreign-made Saturday night special handguns since adoption of the Gun Control Act of 1968

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Handgun Control Act of 1972".

SEC. 2. Section 921(a) of title 18 of the United States Code is amended by inserting after paragraph (20) the following:

"(21) The term 'handgun' means a firearm designed to be fired by the use of a single hand. The term also includes a combination of parts in the possession or under the control of a person from which a handgun can be assembled. The term does not include antique firearms.

"(22) The term 'handgun model' means a handgun of a particular design, specification, and designation."

SEC. 3. Section 922(b) of title 18 of the United States Code is amended by

(a) striking out at the end of paragraph (4) thereof the word "and";

(b) striking out at the end of paragraph (5) thereof the period and inserting in lieu thereof a semicolon;

(c) adding after paragraph (5) thereof the following:

"(6) any handgun model unless such handgun model has been approved by the Secretary pursuant to section 922(a) of this title."; and

(d) deleting the final sentence, which begins with the words "Paragraph (4) of this", and inserting in lieu thereof the following:

"Paragraphs (4) and (6) of this subsection shall not apply to a sale or delivery to any research organization designated by the Secretary. Paragraph (6) of this subsection shall not apply to the sale or delivery of any firearm to the United States or any department or agency thereof, or to any State, department, agency, or political subdivision thereof, or to any duly commissioned law enforcement officer of the United States or any department or agency thereof or of any State, department, agency or political subdivisions thereof (including but not limited to members of the Armed Forces and police officers) properly authorized to carry such firearms in his official capacity. Paragraph (6) of this subsection shall not apply to the sale or delivery by a licensed importer, licensed manufacturer, or licensed dealer to a licensed dealer of any firearm intended to be sold or delivered to any government or agency thereof or person entitled pursuant to this paragraph to have such firearms sold or delivered to him. Paragraph (6) of this subsection shall not apply to the sale or delivery to a licensed collector or licensed dealer of any firearm which is a curio or relic, as the Secretary shall by regulation define. Paragraph (6) of this subsection shall not apply to occasional, sporadic sales of single handguns by a licensed collector who is not a dealer, as defined by section 921(a) of this title."

SEC. 4. Section 922 of title 18 of the United States Code is amended by adding at the end thereof the following new subsections:

"(n) The Secretary shall not approve for sale or delivery by a licensed dealer, licensed importer, licensed manufacturer, or licensed collector any handgun model unless he has caused to be evaluated and tested representative samples of such handgun model and has found that:

"(1) in the case of a pistol, the handgun model:

"(A) has a positive manually operated safety device; and

"(B) has a combined length and height in excess of 10 inches with the height (right angle measurement to the barrel without the magazine or extension) being at least 4 inches and the length being at least 6 inches; and

"(C) attains a total of at least 75 points under the following criteria:

"(i) Overall length: one point for each one-fourth inch over 6 inches;

"(ii) Frame construction: (a) 15 points if investment cast steel or forged steel, (b) 20 points if investment cast HTS alloy or forged HTS alloy;

"(iii) Pistol Weight: one point for each ounce, with the pistol unloaded and the magazine in place;

"(iv) Caliber: (a) zero points if the pistol accepts only .22 caliber short or .25 caliber automatic ammunition, (b) three points if the pistol accepts either .22 caliber long rifle ammunition or any ammunition within the range delimited by 7.65 millimeter and .380 caliber automatic, (c) 10 points if the pistol accepts 9 millimeter parabellum ammunition or over, (d) in the case of ammunition not falling within one of the classes listed above, such number of points not greater than ten (following the classification schedule above as nearly as is practicable) as the Secretary shall determine appropriate to the suitability for sporting purposes or for personal protection of handgun models designed for such ammunition;

"(v) Safety features: (a) five points if the pistol has a locked breech mechanism, (b) five points if the pistol has a loaded chamber indicator, (c) three points if the pistol has a grip safety, (d) five points if the pistol has a magazine safety, (e) 10 points if the pistol has a firing pin block or lock; and

"(vi) Miscellaneous equipment: (a) two points if the pistol has an external hammer, (b) 10 points if the pistol has a double action firing mechanism, (c) five points if the pistol has a drift adjustable target sight, (d) 10 points if the pistol has a click adjustable target sight, (e) five points if the pistol has target grips, (f) two points if the pistol has a target trigger; and

"(2) in the case of a revolver, the handgun model:

"(A) has an overall frame length of four and one-half inches measured on a line parallel to the barrel; and

"(B) has a barrel length of at least three inches; and

"(C) has a safety device which, either (i) automatically in the case of a double action firing mechanism or (ii) by manual operation in the case of a single action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge. Once activated, such safety device must be capable of withstanding the impact of a weight, equal to the weight of the revolver, dropped a total of five times from a height of 36 inches above the rear of the hammer spur onto the rear of the hammer spur with the revolver resting in a position such that the line of the barrel is perpendicular to the plane of the horizon; and

"(D) attains a total of at least 45 points under the following criteria:

"(i) Barrel length: one-half point for each one-fourth inch that the barrel is longer than 4 inches;

"(ii) Frame construction: (a) 15 points if investment cast steel or forged steel, (b) 20 points if investment cast HTS alloy or forged HTS alloy;

"(iii) Revolver weight: one point for each ounce with the revolver unloaded;

"(iv) Caliber: (a) zero points if the revolver accepts only .22 caliber short or .25 caliber ACP, (b) three points if the revolver accepts .22 caliber long rifle or ammunition in the range between .30 caliber and .38 S&W, (c) four points if the revolver accepts .38 caliber special ammunition, (d) five points if the revolved accepts .357 magnum or over, (e) in the case of ammunition not falling within one of the classes listed above, such number of points not greater than five (following the classification schedule above as nearly as practicable) as the Secretary shall determine appropriate to the suitability for sporting purposes or for personnel protection of handgun models designed for such ammunition; and

"(v) Miscellaneous equipment: (a) five points if the revolver has either drift or click adjustable target sights, (b) five points if the revolver has target grips, (c) five points if the revolver has a target hammer and a target trigger.

"(o) It shall be unlawful for any person to reduce the length of the barrel or the overall length of a handgun previously approved by the Secretary for sale and delivery if as a result of such modification the handgun no longer meets the standards for approval set forth in subsection (n) of this section.

"(p) The Secretary shall give written notification of the results of evaluation and testing conducted pursuant to subsection (n) of this section to the licensee submitting samples of a handgun model for such evaluation and testing. If any handgun model fails to meet the standards for approval, the Secretary's notification shall state specifically the reasons for such finding. Any such notification of approval or failure shall be published in the Federal Register. At least once each year the Secretary shall compile a list of all handgun models which are then approved for sale or delivery under subsection (n) of this section, which list shall be published in the Federal Register and furnished annually to each licensee under this chapter.

"(q) Any licensee submitting to the Secretary for testing a handgun model which is subsequently found not in compliance with relevant standards shall have ten days from receipt of notification of noncompliance within which to submit in writing specific objections to such finding and a request for retesting such model, together wtih justification therefor. Upon receipt of such a request the Secretary shall promptly arrange for retesting and thereafter notify the aggrieved party of the results, if he determines sufficient justification for retesting exists. Should he determine that retesting is not warranted, the Secretary shall promptly notify the aggrieved party as to such determination. In the event that upon retesting the Secretary's finding remains adverse, or that the Secretary finds retesting is not warranted, the aggrieved party may within sixty days after the date of the Secretary's notice of such finding file a petition in the United States district court in the district in which the aggrieved party has his principal place of business in order to obtain judicial review of such finding. Such review will be in accordance with the provisions of section 706 of title 5, United States Code."

SEC. 5. Section 925(d)(3) of title 18 of the United States Code is amended to read as follows:

"(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954; is not a surplus military firearm; and if a handgun, has been approved by the Secretary pursuant to section 922(n) of this title; or"

SEC. 6. (a) Section 921(a) of title 18, United States Code, as amended by section

2, is further amended by adding the following:

"(23) The term 'immediate family' means direct lineal descendants (including adopted children) and ascendants of the transferor.

"(24) The term 'sporting firearm' means a firearm which is generally recognized as particularly suitable for or readily adaptable to sporting purposes."

(b) Section 922(a)(3) of title 18, United States Code, is amended by redesignating clause "(C)" as clause "(E)", and by inserting after clause (B) the following new clauses: "(C) shall not apply to the importation into the United States of a sporting rifle or sporting shotgun in conformity with the provisions of section 925(d)(3): *Provided,* That not more than one sporting rifle and one sporting shotgun shall be imported by a person during any calendar year; (D) shall not apply to the transportation or receipt of a sporting rifle or sporting shotgun transferred by its lawful owner to a member of his immediate family;".

(c) Section 922(a)(5) of such title is amended by redesignating clause "(B)" as clause "(C)", and by inserting after clause (A) the following new clause: "(B) the transfer, transportation, or delivery of a sporting rifle or sporting shotgun by its lawful owner to a member of his immediate family.".

(d) Section 925(d)(3) of title 18, United States Code, as amended by section 5 of this Act, is further amended by inserting immediately after "the Internal Revenue Code of 1954" a comma and the following: "and meets the definition of a sporting firearm as defined in this chapter, excluding surplus military firearms, except that in any case in which a person who is not a member of the United States Armed Forces and is not a licensed importer, manufacturer, dealer, or collector seeks to import a sporting rifle or sporting shotgun by mail order, such person must be at least twenty-one years of age;".

(e)(1) Section 926 of title 18, United States Code, is amended by adding at the end thereof the following new sentence: "The Secretary shall compile and maintain an importation list containing descriptions of rifles and shotguns which he determines to be generally recognized as particularly suitable for or readily adaptable to sporting purposes.".

(2) The caption of such section is amended to read as follows:

"§ 926. Rules and regulations: Importation list".

(3) Item 926 of the analysis of chapter 44 of such title is amended to read as follows:

"926. Rules and regulations; Importation list.".

SEC. 7. (a) Sections 926, 927, and 928, of title 18 of the United States Code, and all references thereto, are redesignated as sections 927, 928, and 929, respectively.

(b) Title 18 of the United States Code is amended by inserting after section 925 the following new section:

"§ 926. Compensation for reasonable value of handguns voluntarily transferred to law enforcement agencies

"(a) A person may at any time transfer to any Federal, State, or local law enforcement agency designated by the Secretary any handguns owned or possessed by such person.

"(b) In the case of transfer pursuant to subsection (a) of a handgun model which the Secretary has evaluated and tested pursuant to section 922(n) of this title and not approved for sale or delivery by a licensee under this chapter, the person transferring such handgun shall, upon proof that such handgun was lawfully acquired and lawfully owned by such person prior to enactment of the Handgun Control Act of 1972, be entitled to receive from the United States a payment equal to the reasonable value of such handgun, such value to be determined as of the day before enactment of the Handgun Control Act of 1972."

SEC. 8. Section 4182 of title 26 of the United States Code is amended by adding the following subsection (d):

"(d) RECORDS.—Notwithstanding the provisions of sections 922(b)(5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of .22-caliber rimfire ammunition."

SEC. 9. Section 924(c) of the Gun Control Act of 1968 (Public Law 90-618; 18 U.S.C. 924(c)) is amended to read as follows—

"(c) Whoever—

"(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States; or

"(2) carries a firearm during the commission of any felony for which he may be prosecuted in a court of the United States, may, in addition to the punishment provided for the commission of such felony, be sentenced for the additional offense defined in this subsection to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years.

"The execution or imposition of any term of imprisonment imposed under this subsection may not be suspended, and probation may not be granted. Any term of imprisonment imposed under this subsection may not be imposed to run concurrently with any term or imprisonment imposed for the commission of such felony."

SEC. 10. Section 924 of title 18 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) A trial of any crime involving use or possession of a firearm shall have priority on the calendar of any court of the United States. Upon receipt of the copy of such complaint, it shall be the duty of the presiding judge to assign the case for hearing at the earliest practicable date, and to cause the case to be in every way expedited."

SEC. 11. Section 925(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting immediately after paragraph (4) the following new paragraph:

"(5) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation of any lawfully acquired firearm or ammunition intended to be used solely for testing of any such firearm or ammunition for a professional journal or sporting magazine, pursuant to regulations issued by the Secretary of the Treasury. It shall be unlawful to use any such firearm for any purpose other than testing and evaluation."

SEC. 11. Section 925(a) of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, or prison guards

"(a) Whoever commits murder or manslaughter, or attempts to commit murder or manslaughter, or aids or abets another in the commission of such murder or manslaughter, or attempt to commit such murder or manslaughter, of any State law enforcement officer, fireman, or prison guard, while such officer, fireman, or prison guard is performing official duties, or because of the official positon of such officer, fireman, or guard, shall be punished as provided under section 1111, section 1112, or section 1113 of this title.

"(b) As used in this section, the term—

"(1) 'law enforcement officer' means any officer or employee of any State who is charged with the enforcement of any criminal laws of such State;

"(2) 'fireman' means any person serving as a member of a fire protective service organized and administered by a State or a volunteer fire protective service organized and administered under the laws of a State;

"(3) 'prison guard' means any officer or employee of any State who is charged with the custody or control in a penal or correctional institution of persons convicted of criminal violations; and

"(4) 'State' means any State of the United States, the Commonwealth of Puerto Rico, any political subdivision of any such State or Commonwealth, the District of Columbia, and any territory or possession of the United States.".

(b) The chapter analysis of such chapter is amended by adding immediately after item 1115 the following new item:

"1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, or prison guards.".

SEC. 13. There are hereby authorized to be appropriated such sums as may be necessary to effect the purposes of this Act.

SEC. 14. The provisions of this Act shall take effect immediately upon enactment, except that sections 3 and 5 of this Act shall take effect sixty days after the date of enactment.

Mr. BAYH. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAYH. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make such technical and clerical corrections in the engrossment of the bill as may be necessary.

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

The title was amended, so as to read: "A bill to apply the same standards to prohibit the sale of domestically produced Saturday night special handguns as have been applied to foreign-made Saturday night special handguns since adoption of the Gun Control Act of 1968."

## MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 1462) to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes.

## PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader, first, whether we have worked enough today, or does he desire a night session, and, second, if he does not, what is the coming order of business so far as he can foretell it, without the help of Jean Dixon or Ruth Montgomery?

Mr. MANSFIELD. Mr. President, may I say I appreciate the humor of the distinguished Republican leader. He knows very well that there will be no further votes this evening and the Republicans will be able to attend their shindig en masse.

Mr. SCOTT. I appreciate that, because

we are going to pay our high compliments to the Senator from Kentucky, Senator COOPER, who is retiring, and we decided the best way to show our appreciation was to go to his home and accept his invitation.

Mr. MANSFIELD. Well, I do not think you could accept the invitation of a nicer or a better man or a man of greater integrity. Everything has fitted into place, thanks to the cooperation of the Senate as a whole, so that we are really, legitimately, concluding our business at this time as far as votes are concerned.

Mr. SCOTT. I certainly agree, and I have said to the distinguished Senator from Montana that I hope the Senate will be as kind to the majority leader and the minority leader when the time comes to have our farewell dinners.

Mr. MANSFIELD. I would not want to wait that long, but just have us do it on a day-to-day basis.

Mr. President, it is the intention to bring up three noncontroversial treaties and get to a final reading of them. Votes on those treaties will occur tomorrow, and there will be three separate votes.

I have been informed by the distinguished chairman of the Subcommittee on HEW that the conference report will be ready for the Senate tomorrow, and he has stated that there will be a rollcall vote on that conference report.

Then there is S. 3755, a bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs, and so on. That could be called up. It may well be that there will be some discussion on that, and very likely some votes.

Then it is anticipated that Calendar No. 925, S. 3307, a bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, will be brought up. There is no time limitation on that, though the leadership would be prepared to consider such a limitation at any time. Nor is there any time limitation on the airport and airway development bill.

It is the hope—and there seems to be a reasonably good possibility—that the Finance Committee may well report the revenue-sharing measure tonight, and if that is done, we will give serious consideration to laying it before the Senate tomorrow, and perhaps get started on it, if time permits, and then turn to it on Friday.

Mr. SCOTT. Mr. President, if the distinguished majority leader will permit, I would like the Senate to know that we have not lost track of the interim agreement, and we are trying to work out a schedule on that as well. We will do the best we can.

Mr. MANSFIELD. That is correct. At the present time it is in what we call an indeterminate state.

Mr. SCOTT. It is in nebulae; if not that, in limbo, but not a very long limbo; more of a short limbo.

Mr. MANSFIELD. You know, Mr. President, there will come a time when I will have the last word in this exchange.

Mr. COTTON. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. COTTON. I think that perhaps I should report to the distinguished majority leader—this is after conference with the distinguished Senator from Washington, chairman of the Subcommittee on HEW—that there could be as many as three rollcalls, and there may be motions to recommit.

Mr. ROBERT C. BYRD. Mr. President, we cannot hear the Senator. Can we have order?

Mr. COTTON. There could be two such motions.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I am indebted to the distinguished Senator from New Hampshire, ranking Republican member of the Appropriations Subcommittee on HEW.

I note that the distinguished assistant majority leader is in the Chamber. I assume he will get out a new notice in the next 12 or 18 hours. In that it may be well to note that the chairman of the committee has indicated there will be two votes, and the ranking Republican member of the committee has indicated there may be two or three.

Mr. COTTON. There may be two.

## QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent to call up Executive B (92d Congress, 2d sess.), a Convention on Ownership of Cultural Property; Executive D (92d Congress, 2d sess.), Tax Convention with Norway; and Executive I (92d Congress, 2d Session), a Convention Establishing an International Organization of Legal Metrology, and I ask that they be taken up singly in that order.

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

## CONVENTION ON OWNERSHIP OF CULTURAL PROPERTY

The Senate, as in Committee of the Whole, proceeded to consider Executive B (92d Cong., 2d sess.), the Convention on Ownership of Cultural Property, which was read the second time, as follows:

### CONVENTION ON OWNERSHIP OF CULTURAL PROPERTY

#### ARTICLE 1

For the purposes of this Convention, the term "cultural property" means property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science and which belongs to the following categories:

(a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;

(b) property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance;

(c) products of archaeological excavations (including regular and clandestine) or of archaeological discoveries;

(d) elements of artistic or historical monuments or archaeological sites which have been dismembered;

(e) antiquities more than one hundred years old, such as inscriptions, coins and engraved seals;

(f) objects of ethnological interest;

(g) property of artistic interest, such as:

(i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);

(ii) original works of statuary art and sculpture in any material;

(iii) original engravings, prints and lithographs;

(iv) original artistic assemblages and montages in any material;

(h) rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific literary, etc.) singly or in collections;

(i) postage, revenue and similar stamps, singly or in collections;

(j) archives, including sound, photographic and cinematographic archives;

(k) articles of furniture more than one hundred years old and old musical instruments.

#### ARTICLE 2

1. The States Parties to this Convention recognize that the illicit import, export and transfer of ownership of cultural property is one of the main causes of the impoverishment of the cultural heritage of the countries of origin of such property and that international cooperation constitutes one of the most efficient means of protecting each country's cultural property against all the dangers resulting therefrom.

2. To this end, the States Parties undertake to oppose such practices with the means at their disposal, and particularly by removing their causes, putting a stop to current practices, and by helping to make the necessary reparations.

#### ARTICLE 3

The import, export or transfer of ownership of cultural property effected contrary to the provisions adopted under this Convention by the States Parties thereto, shall be illicit.

#### ARTICLE 4

The States Parties to this Convention recognize that for the purpose of the Convention property which belongs to the following categories forms part of the cultural heritage of each State:

(a) Cultural property created by the individual or collective genius of nationals of the State concerned, and cultural property of importance to the State concerned created within the territory of that State by foreign nationals or stateless persons resident within such territory;

(b) cultural property found within the national territory;

(c) cultural property acquired by archaeological, ethnological or natural science missions, with the consent of the competent authorities of the country of origin of such property;

(d) cultural property which has been the subject of a freely agreed exchange;

(e) cultural property received as a gift or purchased legally with the consent of the competent authorities of the country of origin of such property.

#### ARTICLE 5

To ensure the protection of their cultural property against illicit import, export and transfer of ownership, the States Parties to this Convention undertake, as appropriate

for each country, to set up within their territories one or more national services, where such services do not already exist, for the protection of the cultural heritage, with a qualified staff sufficient in number for the effective carrying out of the following functions:

(a) Contributing to the formation of draft laws and regulations designed to secure the protection of the cultural heritage and particularly prevention of the illicit import, export and transfer of ownership of important cultural property;

(b) establishing and keeping up to date, on the basis of a national inventory of protected property, a list of important public and private cultural property whose export would constitute an appreciable impoverishment of the national cultural heritage;

(c) promoting the development or the establishment of scientific and technical institutions (museums, libraries, archives, laboratories, workshops . . .) required to ensure the preservation and presentation of cultural property;

(d) organizing the supervision of archaeological excavations, ensuring the preservation "in situ" of certain cultural property, and protecting certain areas reserved for future archaeological research;

(e) establishing, for the benefit of those concerned (curators, collectors, antique dealers, etc.) rules in conformity with the ethical principles set forth in this Convention; and taking steps to ensure the observance of those rules;

(f) taking educational measures to stimulate and develop respect for the cultural heritage of all States, and spreading knowledge of the provisions of this Convention;

(g) seeing that appropriate publicity is given to the disappearance of any items of cultural property.

ARTICLE 6

The State Parties to this Convention undertake:

(a) To introduce an appropriate certificate in which the exporting State would specify that the export of the cultural property in question is authorized. The certificate should accompany all items of cultural property exported in accordance with the regulations;

(b) to prohibit the exportation of cultural property from their territory unless accompanied by the above-mentioned export certificate;

(c) to publicize this prohibition by appropriate means, particularly among persons likely to export or import cultural property.

ARTICLE 7

The States Parties to this Convention undertake:

(a) To take the necessary measures, consistent with national legislation, to prevent museums and similar institutions within their territories from acquiring cultural property originating in another State Party which has been illegally exported after entry into force of this Convention, in the States concerned. Whenever possible, to inform a State of origin Party to this Convention of an offer of such cultural property illegally removed from that State after the entry into force of this Convention in both States;

(b) (i) to prohibit the import of cultural property stolen from a museum or a religious or secular public monument or similar institution in another State Party to this Convention after the entry into force of this Convention for the States concerned, provided that such property is documented as appertaining to the inventory of that institution;

(ii) at the request of the State Party of origin, to take appropriate steps to recover and return any such cultural property imported after the entry into force of this Convention in both States concerned, provided, however, that the requesting State shall pay just compensation to an innocent purchaser or to a person who has valid title to that property. Requests for recovery and return shall be made through diplomatic offices. The requesting Party shall furnish, at its expense, the documentation and other evidence necessary to establish its claim for recovery and return. The Parties shall impose no customs duties or other charges upon cultural property returned pursuant to this Article. All expenses incident to the return and delivery of the cultural property shall be borne by the requesting Party.

ARTICLE 8

The States Parties to this Convention undertake to impose penalties or administrative sanctions on any person responsible for infringing the prohibitions referred to under Articles 6(b) and 7(b) above.

ARTICLE 9

Any State Party to this Convention whose cultural patrimony is in jeopardy from pillage of archaeological or ethnological materials may call upon other States Parties who are affected. The States Parties to this Convention undertake, in these circumstances, to participate in a concerted international effort to determine and to carry out the necessary concrete measures, including the control of exports and imports and international commerce in the specific materials concerned. Pending agreement each State concerned shall take provisional measures to the extent feasible to prevent irremediable injury to the cultural heritage of the requesting State.

ARTICLE 10

The States Parties to this Convention undertake:

(a) To restrict by education, information and vigilance, movement of cultural property illegally removed from any State Party to this Convention and, as appropriate for each country, oblige antique dealers, subject to penal or administrative sanctions, to maintain a register recording the origin of each item of cultural property, names and addresses of the supplier, description and price of each item sold and to inform the purchaser of the cultural property of the export prohibition to which such property may be subject;

(b) to endeavour by educational means to create and develop in the public mind a realization of the value of cultural property and the threat to the cultural heritage created by theft, clandestine excavations and illicit exports.

ARTICLE 11

The export and transfer of ownership of cultural property under compulsion arising directly or indirectly from the occupation of a country by a foreign power shall be regarded as illicit.

ARTICLE 12

The States Parties to this Convention shall respect the cultural heritage within the territories for the international relations of which they are responsible, and shall take all appropriate measures to prohibit and prevent the illicit import, export and transfer of ownership of cultural property in such territories.

ARTICLE 13

The States Parties to this Convention also undertake, consistent with the laws of each State:

(a) To prevent by all appropriate means transfer of ownership of cultural property likely to promote the illicit import or export of such property;

(b) to ensure that their competent services cooperate in facilitating the earliest possible restitution of illicitly exported cultural property to its rightful owner;

(c) to admit actions for recovery of lost or stolen items of cultural property brought by or on behalf of the rightful owners;

(d) to recognize the indefeasible right of each State Party to this Convention to classify and declare certain cultural property as inalienable which should therefore *ipso facto* not be exported, and to facilitate recovery of such property by the State concerned in cases where it has been exported.

ARTICLE 14

In order to prevent illicit export and to meet the obligations arising from the implementation of this Convention, each State Party to the Convention should, as far as it is able, provide the national services responsible for the protection of its cultural heritage with an adequate budget and, if necessary set up a fund for this purpose.

ARTICLE 15

Nothing in this Convention shall prevent States Parties thereto from concluding special agreements among themselves or from continuing to implement agreements already concluded regarding the restitution of cultural property removed, whatever the reason, from its territory of origin, before the entry into force of this Convention for the States concerned.

ARTICLE 16

The States Parties to this Convention shall in their periodic reports submitted to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, togeter with details of the experience acquired in this field.

ARTICLE 17

1. The States Parties to this Convention may call on the technical assistance of the United Nations Educational, Scientific and Cultural Organization, particularly as regards:

(a) Information and education;

(b) consultation and expert advice;

(c) co-ordination and good offices.

2. The United Nations Educational, Scientific and Cultural Organization may, on its own initiative conduct research and publish studies on matters relevant to the illicit movement of cultural property.

3. To this end, the United Nations Educational, Scientific and Cultural Organization may also call on the co-operation of any competent non-governmental organization.

4. The United Nations Educational, Scientific and Cultural Organization may, on its own initiative, make proposals to States Parties to this Convention for its implementation.

5. At the request of at least two States Parties to this Convention which are engaged in a dispute over its implementation, Unesco may extend its good offices to reach a settlement between them.

ARTICLE 18

This Convention is drawn up in English, French, Russian and Spanish, the four texts being equally authoritative.

ARTICLE 19

1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.

2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE 20

1. This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited to accede to it by the Executive Board of the Organization.

2. Accession shall be effected by the deposit of an instrument of accession with the Di-

rector-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE 21

This Convention shall enter into force three months after the date of the deposit of the third instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

ARTICLE 22

The States Parties to this Convention recognize that the Convention is applicable not only to their metropolitan territories but also to all territories for the international relations of which they are responsible; they undertake to consult, if necessary, the governments or other competent authorities of these territories on or before ratification, acceptance or accession with a view to securing the application of the Convention to those territories, and to notify the Director-General of the United Nations Educational, Scientific and Cultural Organization of the territories to which it is applied, the notification to take effect three months after the date of its receipt.

ARTICLE 23

1. Each State Party to this Convention may denounce the Convention on its own behalf or on behalf of any territory for whose international relations it is responsible.

2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation.

ARTICLE 24

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 20, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance and accession provided for in Articles 19 and 20, and of the notifications and denunciations provided for in Articles 22 and 23 respectively.

ARTICLE 25

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.

2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force.

ARTICLE 26

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Done in Paris this seventeenth day of November 1970, in two authentic copies bearing the signature of the President of the sixteenth session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the State referred to in Articles 19 and 20 as well as to the United Nations.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization during its sixteenth session, which was held in Paris and declared closed the fourteenth day of November 1970.

In faith whereof we have appended our signatures this seventeenth day of November 1970.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT), I will make the explanations for the treaties this evening. I do so because he is engaged at the present time as a member of the Finance Committee in seeking to bring about the reporting out of that committee of the Revenue Sharing Act.

Mr. President, the main purpose of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property is to combat the increasing illegal international trade in national art treasures, which has led to wholesale depredations in some countries. The United Nations Educational, Scientific, and Cultural Organizations became concerned with this problem as early as 1970 and its work has resulted in the present convention.

According to the President's letter of transmittal:

Under the Convention, each state undertakes to protect its own cultural heritage and agrees to cooperate in a number of important but limited respects to help protect the cultural heritage of other states. Perhaps the heart of the Convention from the standpoint of the United States is Article 9, which establishes an important new framework for international cooperation. Under this Article, the states parties undertake to participate in a concerted international effort to determine and to carry out the necessary corrective measures in cases in which a state's cultural patrimony is in jeopardy from pillage of archaeological or ethnological materials.

The Convention also requires states parties to prohibit the import of cultural property stolen from museums, public monuments or similar institutions and to take appropriate steps, upon request, to recover and return such cultural property. In addition, they pledge to take what measures they can, consistent with existing national legislation, to prevent museums and similar institutions within their territory from acquiring cultural property orginating in another state party which has been illegally exported after entry into force of the Convention.

The committee held a public hearing on this Convention on August 3, 1972, and unanimously ordered it favorably reported to the Senate during an executive session held on August 8, 1972.

The PRESIDING OFFICER. If there be no objection, Executive B (82d Congress, 2d sess.), will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on November 14, 1970 at the Sixteenth General Conference of the United Nations Educational, Scientific and Cultural Organization (Executive B, 92d Congress, 2d Session), subject to the following reservation and understandings:

The United States reserves the right to determine whether or not to impose export controls over cultural property.

The United States understands the provisions of the Convention to be neither self-executing nor retroactive.

The United States understands Article 3 not to modiffy property interests in cultural property under the laws of the states parties.

The United States understands Article 7(a) to apply to institutions whose acquisition policy is subject to national control under existing domestic legislation and not to require the enactment of new legislation to establish national control over other institutions.

The United States understands that Article 7(b) is without prejudice to other remedies, civil or penal, available under the laws of the states parties for the recovery of stolen cultural property to the rightful owner without payment of compensation. The United States is further prepared to take the additional steps contemplated by Article 7(b)(ii) for the return of covered stolen cultural property without payment of compensation, except to the extent required by the Constitution of the United States, for those states parties that agree to do the same for the United States institutions.

The United States understands the words "as appropriate for each country" in Artcle 10(a) as permitting each state party to determine the extent of regulation, if any, of antique dealers and declares that in the United States that determination would be made by the appropriate authorities of state and municipal governments.

The United States understands Article 13 (d) as applying to objects removed from the country of origin after the entry into force of this Convention for the states concerned, and, as stated by the Chairman of the Special Committee of Governmental Experts that prepared the text, and reported in paragraph 28 of the Report of that Committee, the means of recovery of cultural property under subparagraph (d) are the judicial actions referred to in subparagraph (c) of Article 13, and that such actions are controlled by the law of the requested State, the requesting State having to submit necessary proofs.

## TAX CONVENTION WITH NORWAY

The Senate, as in Committee of the Whole, proceeded to consider Executive D (92d Congress, 2d sess.), the Tax Convention with Norway, signed at Oslo on December 3, 1971, which was read the second time, as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF NORWAY FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME AND PROPERTY

The United States of America and the Kingdom of Norway, desiring to conclude a convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and capital have agreed upon the following articles:

CHAPTER I

*Scope of Convention*

Article 1

Taxes covered

(1) The taxes which are the subject of this Convention are:

(a) In the case of the United States, the Federal income taxes imposed by the Internal Revenue Code, hereinafter referred to as the "United States tax", and

(b) In the case of Norway:

(i) The national and municipal taxes on income (including contributions to the tax equalization fund) and capital;

(ii) The national dues on the salaries of nonresident artists;

(iii) The special tax in aid of developing countries;

(iv) The municipal tax on real property; and

(v) The seamen's tax;

hereinafter referred to as "Norwegian tax".

(2) This Convention shall also apply to taxes substantially similar to those covered by paragraph (1) which are imposed in addition to, or in place of existing taxes after the date of signature of this Convention.

(3) For the purpose of Article 25 (Nondiscrimination), this Convention shall also apply to taxes of every kind imposed at the National, State, or local level. For the purpose of Article 28 (Exchange of Information) this Convention shall also apply to taxes of every kind imposed at the National level.

CHAPTER II

*Definitions*

Article 2

General definitions

(1) In this Convention, unless the context otherwise requires:

(a) (i) The term "United States" means the United States of America; and

(ii) When used in a geographical sense, the term "United States" means the States thereof and the District of Columbia. Such term also includes (A) the territorial sea thereof and (B) the seabed and subsoil of the submarine areas adjacent to the territorial sea, over which the United States exercises sovereign rights, in accordance with international law, for the purpose of exploration and exploitation of the natural resources of such areas, but only to the extent that the person, property, or activity to which this Convention is being applied is connected with such exploration or exploitation.

(b) (i) The term "Norway" means the Kingdom of Norway; and

(ii) When used in a geographical sense, the term "Norway" includes (A) the territorial sea thereof and (B) the seabed and subsoil of the submarine areas adjacent to the territorial sea, over which Norway exercises sovereign rights, in accordance with international law, for the purpose of exploration and exploitation of the natural resources of such areas, but only to the extent that the person, property, or activity to which this Convention is being applied is connected with such exploration or exploitation.

However, the term "Norway" does not include Spitzbergen (including Bear Island), Jan Mayen, and the Norwegian dependencies outside Europe.

(c) The term "one of the Contracting States" or "the other Contracting State" means the United States or Norway, as the context requires.

(d) The term "person" includes an individual, a partnership, a corporation, an estate, a trust, or any body of persons.

(e) (i) The term "United States corporation" or "corporation of the United States" means a corporation which is created or organized under the laws of the United States or any State thereof or the District of Columbia or any unincorporated entity treated as a United States corporation for United States tax purposes; and

(ii) The term "Norwegian corporation" or "corporation of Norway" means any corporation or any entity which is treated as a body corporate for tax purposes under Norwegian tax law and is created or organized under the laws of Norway.

(f) The term "competent authority" means:

(i) In the case of the United States, the Secretary of the Treasury or his delegate, and

(ii) In the case of Norway, the Ministry of Finance and Customs or its authorized representative.

(g) The term "State" means the United States, Norway, or any other National State.

(h) The term "international traffic" means any voyage of a ship or aircraft operated by a resident of one of the Contracting States except where such voyage is confined solely to places within a Contracting State.

(2) Any other term used in this Convention and not defined in this Convention shall, unless the context otherwise requires; have the meaning which it has under the laws of the Contracting State whose tax is being determined. Notwithstanding the preceding sentence, if the meaning of such a term under the laws of one of the Contracting States is different from the meaning of the term under the laws of the other Contracting State, or if the meaning of such a term is not readily determinable under the laws of one of the Contracting States, the competent authorities of the Contracting State may, in order to prevent double taxation or to further any other purpose of this Convention, establish a common meaning of the term for the purposes of this Convention.

Article 3

Fiscal residence

(1) In this Convention:

(a) The term "residence of Norway" means:

(i) A Norwegian corporation, and

(ii) Any person (except a corporation or any entity treated under Norwegian law as a corporation) resident in Norway for purposes of its tax, but in the case of a partnership, estate, or trust only to the extent that the income derived by such person is subject to Norwegian tax as the income of a resident.

(b) The term "resident of the United States" means:

(i) A United States corporation, and

(ii) Any person (except a corporation or any unincorporated entity treated as a corporation for United States tax purposes) resident in the United States for purposes of its tax, but in the case of a partnership, estate, or trust only to the extent that the income derived by such person is subject to United States tax as the income of a resident.

(2) Where by reason of the provisions of paragraph (1) an individual is a resident of both Contracting States:

(a) He shall be deemed to be a resident of that Contracting State in which he maintains his permanent home. If he has a permanent home in both Contracting States or in neither of the Contracting States, he shall be deemed to be a resident of that Contracting State with which his personal and economic relations are closest (center of vital interests);

(b) If the Contracting State in which he has his center of vital interests cannot be determined, he shall be deemed to be a resident of that Contracting State in which he has a habitual abode;

(c) If he has a habitual abode in both Contracting States or in neither of the Contracting States, he shall be deemed to be a resident of the Contracting State of which he is a citizen; and

(d) If he is a citizen of both Contracting States or of neither Contracting State the competent authorities of the Contracting State shall settle the question by mutual agreement.

For purposes of this paragraph, a permanent home is the place where an individual dwells with his family.

(3) An individual who is deemed to be a resident of one of the Contracting States and not a resident of the other Contracting State by reason of the provisions of paragraph (2) shall be deemed to be a resident only of the first-mentioned Contracting State for all purposes of this Convention, including Article 22 (General Rules of Taxation).

Article 4

Permanent establishment

(1) For the purpose of this Convention, the term "permanent establishment" means a fixed place of business through which a resident of one of the Contracting States engages in industrial or commercial activity.

(2) The term "fixed place of business" includes but is not limited to:

(a) A branch;

(b) An office;

(c) A factory;

(d) A workshop;

(e) A warehouse;

(f) A mine, quarry, or place of extraction of natural resources; and

(g) A building site or construction or installation project which exists for more than twelve months.

(3) Notwithstanding paragraphs (1) and (2), a permanent establishment shall not include a fixed place of business used only for one or more of the following:

(a) The use of facilities for the purpose of storage, display, or delivery of goods or merchandise belonging to the resident;

(b) The maintenance of a stock of goods or merchandise belonging to the resident for the purpose of storage, display, or delivery;

(c) The maintenance of a stock of goods or merchandise belonging to the resident for the purpose of processing by another person;

(d) The maintenance of a fixed place of business for the purpose of purchasing goods or merchandise, or for collecting information, for the resident;

(e) The maintenance of a fixed place of business for the purpose of advertising, for the supply of information, for scientific research, or for similar activities which have a preparatory or auxiliary character, for the resident; or

(f) The maintenance of a building site or construction or installation project which does not exist for more than twelve months.

(4) A person acting in one of the Contracting States on behalf of a resident of the other Contracting State, other than an agent of an independent status to whom paragraph (5) applies, shall be deemed to be a permanent establishment in the first-mentioned Contracting State if such person—

(a) Has, and habitually exercises in the first-mentioned Contracting State, an authority to conclude contracts in the name of that resident, unless the exercise of such authority is limited to the purchase of goods or merchandise for that resident, or

(b) Maintains substantial equipment or machinery within the first-mentioned Contracting State for more than twelve months.

(5) A resident of one of the Contracting States shall not be deemed to have a permanent establishment in the other Contracting State merely because such resident engages in industrial or commercial activity in that other Contracting State through a broker, general commission agent, or any other agent of an independent status, where such broker or agent is acting in the ordinary course of his business.

(6) The fact that a resident of one of the Contracting States is a related person (as defined under Article 7 (Related Persons)) with respect to a resident of the other Contracting State or with respect to a person who engages in industrial or commercial activity in that other Contracting State (whether through a permanent establishment or otherwise) shall not be taken into account in determining whether that resident of the first-mentioned Contracting State has a permanent establishment in that other Contracting State.

(7) The principles set forth in paragraphs (1) through (6) shall be applied in determining whether there is a permanent establishment in a State other than one of the Contracting States or whether a person other

than a resident of one of the Contracting States has a permanent establishment in one of the Contracting States.

CHAPTER III

*Taxation of Income*

Article 5

Business profits

(1) Industrial or commercial profits of a resident of one of the Contracting States shall be exempt from tax by the other Contracting States unless such resident is engaged in industrial or commercial activity in that other Contracting State through a permanent establishment situated therein. If such resident is so engaged, tax may be imposed by that other Contracting State on the industrial or commercial profits of such resident but only on so much of such profits as are attributable to the permanent establishment.

(2) Where a resident of one of the Contracting States is engaged in industrial or commercial activity in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to the permanent establishment the industrial or commercial profits which would be attributable to such permanent establishment if such permanent establishment were an independent entity engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the resident of which it is a permanent establishment.

(3) In the determination of the industrial or commercial profits of a permanent establishment, there shall be allowed as deductions expenses which are reasonably connected with such profits, including executive and general administrative expenses, whether incurred in the Contracting State in which the permanent establishment is situated or elsewhere.

(4) No profits shall be attributed to a permanent establishment of a resident of one of the Contracting States in the other Contracting State merely by reason of the purchase of goods or merchandise by that permanent establishment, or by the resident of which it is a permanent establishment, for the account of that resident.

(5) The term "industrial or commercial activity" includes the conduct of manufacturing, mercantile, insurance, agricultural, fishing or mining activities, the operation of ships or aircraft, the furnishing of services, the rental of tangible personal property, and the rental or licensing of motion picture films or films or tapes used for radio or television broadcasting. Such term does not include the performance of personal services by an individual either as an employee or in an independent capacity.

(6) (a) The term "industrial or commercial profits" includes income derived from industrial or commercial activity. Such term also includes income derived from real property and natural resources and dividends, interest, royalties (as defined in paragraph (2) of Article 10 (Royalties), and capital gains but only if the property or rights giving rise to such income, dividends, interest, royalties, or capital gains is effectively connected with a permanent establishment which the recipient, being a resident of one of the Contracting States, has in the other Contracting State, whether or not such income is derived from industrial or commercial activity.

(b) To determine whether property or rights are effectively connected with a permanent establishment, the factors taken into account shall include whether the rights or property are used in or held for use in carrying on industrial or commercial activity through such permanent establishment and whether the activities carried on through such permanent establishment were a material factor in the realization of the income derived from such property or rights. For this purpose, due regard shall be given to whether or not such property or rights or such income were accounted for through such permanent establishment.

(7) Where industrial or commercial profits include items of income which are dealt with separately in other articles of this Convention, the provisions of these articles shall, except as otherwise provided therein, supersede the provisions of this article.

Article 6

Shipping and air transport

(1) Notwithstanding Article 5 (Business Profits), income which a resident of the United States derives from the operation in international traffic of ships or aircraft registered in either Contracting State or in a State with which Norway has an income tax convention exempting such income shall be exempt from Norwegian tax.

(2) Notwithstanding Article 5 (Business Profits), income derived by a resident of Norway, or an international consortium of which a resident of Norway, or an international consortium of which a resident of Norway and residents of other States with which the United States has an income tax convention exempting such income are the sole members, from the operation in international traffic of ships or aircraft shall be exempt from United States tax.

Article 7

Related persons

(1) Where a resident of one of the Contracting States and any other person are related and where such related persons make arrangements or impose conditions between themselves which are different from those which would be made between independent persons, any income, deductions, credits, or allowances which would, but for those arrangements or conditions, have been taken into account in computing the income (or loss) of, or the tax payable by, one of such persons, may be taken into account in computing the amount of the income subject to tax and the taxes payable by such person.

(2) A person is related to another person if either person owns or controls directly or indirectly the other, or if any third person or persons own or control directly or indirectly both. For this purpose, the term "control" includes any kind of control, whether or not legally enforceable, and however exercised or exercisable.

Article 8

Dividends

(1) Dividends derived from sources within one of the Contracting States by a resident of the other Contracting State may be taxed by both Contracting States.

(2) The rate of tax imposed by one of the Contracting States on dividends derived from sources within that Contracting State by a resident of the other Contracting State shall not exceed—

(a) 15 percent of the gross amount actually distributed; or

(b) When the recipient is a corporation, 10 percent of the gross amount actually distributed if—

(i) During the part of the paying corporation's taxable year which precedes the date of payment of the dividend and during the whole of its prior taxable year (if any), at least 10 percent of the outstanding shares of the voting stock of the paying corporation was owned by the recipient corporation, and

(ii) Not more than 25 percent of the gross income of the paying corporation for such prior taxable year (if any) consists of interest or dividends (other than interest derived from the conduct of a banking, insurance, or financing business and other than dividends or interest received from subsidiary corporations, 50 percent or more of the outstanding shares of the voting stock of which is owned by the paying corporation at the time such dividends or interest is received).

(3) Paragraph (2) shall not apply if the recipient of the dividends, being a resident of one of the Contracting States, has a permanent establishment in the other Contracting State and the shares with respect to which the dividends are paid are effectively connected with such permanent establishment. In such a case, see paragraph (6) (a) of Article 5 (Business Profits).

(4) Dividends paid by a corporation of one of the Contracting States to a person other than a resident of the other Contracting State (and in the case of dividends paid by a Norwegian corporation, to a person other than a citizen of the United States) shall be exempt from tax by that other Contracting State. This paragraph shall not apply if the recipient of the dividends has a permanent establishment in that other Contracting State and the shares with respect to which the dividends are paid are effectively connected with such permanent establishment.

Article 9

Interest

(1) Interest derived from sources within one of the Contracting States by a resident of the other Contracting State shall be exempt from tax by the first-mentioned Contracting State.

(2) The term "interest" as used in this Convention means income from bonds, debentures, Government securities, notes, or other evidences of indebtedness, whether or not secured and whether or not carrying a right to participate in profits, and debt-claims of every kind, as well as all other income which, under the taxation law of the Contracting State in which the income has its source, is assimilated to income from money lent.

(3) Paragraph (1) shall not apply if the recipient of the interest, being a resident of one of the Contracting States, has a permanent establishment in the other Contracting State and the indebtedness giving rise to the interest is effectively connected with such permanent establishment. In such a case, see paragraph (6) (a) of Article 5 (Business Profits).

(4) Where any interest paid by a person to any related person exceeds an amount which would have been paid to an unrelated person, the provisions of this article shall apply only to so much of the interest as would have been paid to an unrelated person. In such a case the excess payment may be taxed by each Contracting State according to its own law, including the provisions of this Convention where applicable.

(5) Interest paid by a resident of one of the Contracting States to a person other than a resident of the other Contracting State (and in the case of interest paid by a Norwegian corporation, to a person other than a citizen of the United States) shall be exempt from tax by the other Contracting State. This paragraph shall not apply if—

(a) Such an interest is treated as income from sources within the other Contracting State under paragraph (2) of Article 24 (Source of Income), or

(b) The recipient of the interest has a permanent establishment in the other Contracting State and the indebtedness giving rise to the interest is effectively connected with such permanent establishment.

Article 10

Royalties

(1) Royalties derived from sources within one of the Contracting States by a resident of the other Contracting State shall be exempt from tax by the first-mentioned Contracting State.

(2) The term "royalties" as used in this article means—

(a) Payment of any kind made as consideration for the use of, or the right to use, copyrights of literary, artistic, or scientific works (but not including copyrights of motion picture films or films or tapes used for

radio or television broadcasting), patents, designs, models, plans, secret processes or formulae, trademarks, or other like property or rights, or knowledge, experience, or skill (know-how), and

(b) Gains derived from the sale, exchange, or other disposition of any such property or rights to the extent that the amounts realized on such sale, exchange, or other disposition for consideration are contingent on the productivity, use, or disposition of such property or rights.

(3) Paragraph (1) shall not apply if the recipient of the royalty, being a resident of one of the Contracting States, has in the other Contracting State a permanent establishment and the property or rights giving rise to the royalty is effectively connected with such permanent establishment. In such a case, see paragraph (6)(a) of Article 5 (Business Profits).

(4) Where any royalty paid by a person to any related person exceeds an amount which would have been paid to an unrelated person, the provisions of this article shall apply only to so much of the royalty as would have been paid to an unrelated person. In such a case the excess payment may be taxed by each Contracting State according to its own law, including the provisions of this Convention where applicable.

Article 11

Income from real property

(1) Income from real property, including royalties in respect of the operation of mines, quarries or other natural resources and gains derived from the sale, exchange, or other disposition of such property or of the right giving rise to such royalties, may be taxed by the Contracting State in which such real property, mines, quarries, or other natural resources are situated. For purposes of this Convention interest on indebtedness secured by real property or secured by a right giving rise to royalties in respect of the operation of mines, quarries, or other natural resources shall not be regarded as income from real property.

(2) Paragraph (1) shall apply to income derived from the usufruct, direct use, letting, or use in any other form of real property.

Article 12

Capital gains

(1) A resident of one of the Contracting States shall be exempt from tax by the other Contracting State on gains from the sale, exchange, or other disposition of capital assets unless—

(a) The gain is derived by a resident of one of the Contracting States from the sale, exchange, or other disposition of property described in Article 11 (Income from Real Property) situated within the other Contracting States,

(b) The recipient of the gain, being a resident of one of the Contracting States, has a permanent establishment in the other Contracting State and the property giving rise to the gain is effectively connected with such permanent establishment, or

(c) The recipient of the gain, being an individual who is a resident of one of the Contracting States—

(i) Maintains a fixed base in the other Contracting State for a period or periods aggregating 183 days or more during the taxable year and the property giving rise to such gains is effectively connected with such fixed base, or

(ii) Is present in the other Contracting State for a period or periods aggregating 183 days or more during the taxable year.

(2) Notwithstanding Article 5 (Business Profits) and paragraph (1) of this article, gains which a resident of one of the Contracting States derives from the sale, exchange, or other disposition of ships or aircraft which are operated in international traffic shall be exempt from tax by the other Contracting State.

(3) The provisions of paragraph (1) of this article shall not affect the right of Norway to tax gains which an individual derives from the sale or exchange of stock consisting of at least a 25-percent interest in a Norwegian corporation if such individual was a national and a resident of Norway at any time during the five year period immediately preceding such sale or exchange.

(4) In the case of gains described in paragraph (1)(a), see Article 11 (Income from Real Property). In the case of gains described in paragraph (1)(b), see paragraph (6)(a) of Article 5 (Business Profits).

Article 13

Independent personal services

(1) Income derived by an individual who is a resident of one of the Contracting States from the performance of personal services in an independent capacity, may be taxed by that Contracting State, Except as provided in paragraph (2), such income shall be exempt from tax by the other Contracting State.

(2) Income derived by an individual who is a resident of one of the Contracting States from the performance of personal services in an independent capacity in the other Contracting State may be taxed by that other Contracting State, if:

(a) The individual is present in that other Contracting State for a period or periods aggregating 183 days or more in the taxable year, or

(b) The individual maintains a fixed base in that other Contracting State for a period or periods aggregating 183 days or more in the taxable year, but only so much of it as is attributable to such fixed base, or

(c) The individual is a public entertainer, such as a theater, motion picture, or television artist, a musician, or an athlete, and the income is derived from his personal services as a public entertainer provided that he is present in that other Contracting State for more than a total of 90 days during the taxable year or such income exceeds in the aggregate 3,000 United States dollars or its equivalent in Norweigian kroner during the taxable year.

Article 14

Dependent personal services

(1) Subject to the provisions of Articles 15 (Teachers), 16 (Students and Trainees), 17 (Governmental Functions), and 18 (Private Pensions and Annuities) wages, salaries, and similar remuneration derived by an individual who is a resident of one of the Contracting States from labor or personal services performed as an employee may be taxed by that Contracting State. Except as provided by paragraph (2), such remuneration derived from sources within the other Contracting State may also be taxed by that other Contracting State.

(2) Remuneration described in paragraph (1) derived by an individual who is a resident of one of the Contracting States shall be exempt from tax by the other Contracting State if—

(a) He is present in that other Contracting State for a period or periods aggregating less than 183 days in the taxable year;

(b) He is an employee or a resident of the first-mentioned Contracting State or of a permanent establishment maintained in that Contracting State by a resident of a State other than that Contracting State; and

(c) The remuneration is not borne as such by a permanent establishment which the employer has in that other Contracting State.

(3) Notwithstanding paragraph (2), remuneration derived by an individual who is a resident of one of the Contracting States from the performance of labor or personal services as an employee aboard ships or aircraft operated by a resident of the other Contracting State in international traffic or in fishing on the high seas may be taxed by that other Contracting State if such individual is a member of the regular complement of the ship or aircraft.

Article 15

Teachers

(1) Where a resident of one of the Contracting States is invited by the Government of the other Contracting State or by a university or other recognized educational institution in that other Contracting State to come to that other Contracting State for a period not expected to exceed two years for the purpose of teaching or engaging in research, or both, at a university or other recognized educational institution, and such resident comes to that other Contracting State primarily for such purpose, his income from personal services for teaching or research at such university or educational institution shall be exempt from tax by that other Contracting State for a period not exceeding two years from the date of his arrival in that other Contracting State.

(2) This article shall not apply to income from research if such research is undertaken primarily for the private benefit of a specific person or persons.

Article 16

Students and trainees

(1) (a) An individual who is a resident of one of the Contracting States at the time he becomes temporarily present in the other Contracting State and who is temporarily present in that other Contracting State for the primary purpose of—

(i) Studying at a university or other recognized educational institution in that other Contracting State, or

(ii) Securing training required to qualify him to practice a profession or professional specialty, or

(iii) Studying or doing research as a recipient of a grant, allowance, or award from a governmental, religious, charitable, scientific, literary, or educational organization, shall be exempt from tax by that other Contracting State with respect to amounts described in subparagraph (b) for a period not exceeding five taxable years from the date of his arrival in that other Contracting State.

(b) The amounts referred to in subparagraph (a) are—

(i) Gifts from abroad for the purpose of his maintenance, education, study, research, or training;

(ii) The grant, allowance, or award; and

(iii) Income from personal services performed in that other Contracting State in an amount not in excess of 2,000 United States dollars or its equivalent in Norwegian kroner for any taxable year.

(2) An individual who is a resident of one of the Contracting States at the time he becomes temporarily present in the other Contracting State and who is temporarily present in that other Contracting State as an employee of, or under contract with, a resident of the first-mentioned Contracting State, for the primary purpose of—

(a) Acquiring technical, professional, or business experience from a person other than that resident of the first-mentioned Contracting State or other than a person related to such resident, or

(b) Studying at a university or other recognized educational institution in that other Contracting State, shall be exempt from tax by that other Contracting State for a period of twelve consecutive months with respect to his income from personal services in an aggregate amount not in excess of 5,000 United States dollars or its equivalent in Norwegian kroner.

(3) An individual who is a resident of one of the Contracting States at the time he becomes temporarily present in the other Contracting State and who is temporarily present in that other Contracting State for a period not exceeding one year, as a participant in a program sponsored by the Government of that other Contracting State, for the primary purpose of training, research,

or study, shall be exempt from tax by that other Contracting State with respect to his income from personal services in respect of such training, research, or study performed in that other Contracting State in an aggregate amount not in excess of 10,000 United States dollars or its equivalent in Norwegian kroner.

(4) The benefits provided under Article 15 (Teachers) and paragraph (1) of this article shall extend only for such period time as may reasonably or customarily be required to effectuate the purpose of the visit, but in no case shall any individual have the benefits provided therein for more than a total of five taxable years from the date of his arrival.

Article 17

Governmental functions

Wages, salaries, and similar remuneration, including pensions or similar benefits, paid by or from public funds of one of the Contracting States, or a political subdivision or local authority thereof, to a citizen of that Contracting State for labor or personal services performed for that Contracting State, or for any of its political subdivisions or local authorities, in the discharge of governmental functions shall be exempt from tax by the other Contracting State.

Article 18

Private pensions and annuities

(1) Except as provided in Article 17 (Governmental Functions), pensions and other similar remuneration paid to an individual who is a resident of one of the Contracting States in consideration of past employment shall be taxable only in that Contracting State.

(2) Alimony and annuities paid to an individual who is a resident of one of the Contracting States shall be taxable only in that Contracting State.

(3) Child support payments made by an individual who is a resident of one of the Contracting States to an individual who is a resident of the other Contracting State shall be exempt from tax in that other Contracting State.

(4) As used in this article—

(a) The term "pensions and other similar remuneration" means periodic payments made after retirement or death in consideration for services rendered, or by way of compensation for injuries received, in connection with past employment;

(b) The term "annuities" means a stated sum paid periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration (other than services rendered);

(c) The term "alimony" means periodic payments made pursuant to a decree of divorce, separate maintenance agreement, or support or separation agreement, which is taxable to the recipient under the internal laws of the Contracting State of which he is a resident; and

(d) The term "child support payments" means periodic payments for the support of a minor child made pursuant to a decree of divorce, separate maintenance agreement, or support or separation agreement.

Article 19

Social security payments

Social security payments and other public pensions paid by one of the Contracting States to an individual who is a resident of the other Contracting State shall be taxable only in the first-mentioned Contracting State. This article shall not apply to payments described in Article 17 (Governmental Functions).

Article 20

Investment or holding companies

A corporation of one of the Contracting States deriving dividends, interest, royalties, or capital gains from sources within the other Contracting State shall not be entitled to the benefits of Articles 8 (Dividends), 9 (Interest), 10 (Royalties), or 12 (Capitol Gains) if—

(a) By reason of special measures the tax imposed on such corporation by the first-mentioned Contracting State with respect to such dividends, interest, royalties, or capital gains is substantially less than the tax generally imposed by such Contracting State on corporate profits, and

(b) 25 percent or more of the capital of such corporation is held of record or is otherwise determined, after consultation between the competent authorities of the Contracting States, to be owned directly or indirectly, by one or more persons who are not individual residents of the first-mentioned Contracting State (or, in the case of a Norwegian corporation, who are citizens of the United States).

CHAPTER IV

*Taxation of Capital*

Article 21

Capital taxes

(1) Capital represented by property referred to in Article 11 (Income from Real Property) may be taxed in the Contracting State in which such property is situated.

(2) Subject to the provisions of paragraph (3) below, capital represented by assets, other than property referred to in paragraph (1), which are effectively connected with a permanent establishment of a resident of one of the Contracting States may be taxed in the Contracting State in which the permanent establishment is situated.

(3) Ships and aircraft of a resident of one of the Contracting States and assets, other than property referred to in paragraph (1), pertaining to the operation of such ships or aircraft shall be exempt from tax by the other Contracting State.

(4) All other elements of capital of a resident of a Contracting State not dealt with in this article shall be exempt from tax by the other Contracting State.

CHAPTER V

*General Rules*

Article 22

General rules of taxation

(1) A resident of one of the Contracting States may be taxed by the other Contracting State on any income from sources within that other Contracting State and only on such income, subject to any limitations set forth in this Convention. For this purpose, the rules set forth in Article 24 (Source of Income) shall be applied to determine the source of income.

(2) The provisions of this Convention shall not be construed to restrict in any manner any exclusion, exemption, deduction, credit, or other allowance now or hereafter accorded—

(a) By the laws of one of the Contracting States in the determination of the tax imposed by that Contracting State, or

(b) By any other agreement between the Contracting States.

(3) The United States may tax its citizens or residents as if this Convention had not come into effect .

(a) This provision shall not affect the rules laid down in Articles 19 (Social Security Payments), 23 (Relief from Double Taxation), 25 (Nondiscrimination), 26 (Diplomatic and Consular Officers), and 27 (Mutual Agreement Procedure).

(b) This provision shall not affect the rules laid down in Articles 15 (Teachers), 16 (Students and Trainees), and 17 (Governmental Functions), upon individuals who are not citizens of the United States and who do not have immigrant status in the United States.

(4) Norway may tax its diplomatic and consular officers as if this Convention had not come into effect.

(5) The United States may impose its personal holding company tax and its accumulated earnings tax notwithstanding any provision of this Convention. However, a Norwegian corporation shall be exempt from the United States personal holding company tax in any taxable year if all of its stock is owned, directly or indirectly, by one or more individuals who are residents of Norway (and not citizens of the United States) for that entire year. A Norwegian corporation shall be exempt from the United States accumulated earnings tax in any taxable year unless such corporation is engaged in trade or business in the United States through a permanent establishment at any time during such year.

(6) The competent authorities of the two Contracting States may prescribe regulations necessary to carry out the provisions of this Convention.

Article 23

Relief from double taxation

Double taxation of income shall be avoided in the following manner:

(1) In accordance with the provisions and subject to the limitations of the law of the United States (as it may be amended from time to time without changing the principles hereof) regarding the allowance of a credit against United States tax of tax payable in any country other than the United States, the United States shall allow to a citizen or resident of the United States as a credit against the United States tax the appropriate amount of Norwegian tax. Such appropriate amount shall be based upon the amount of tax paid to Norway, but the credit shall not exceed the limitations (for the purpose of limiting the credit to the United States tax on income from sources within Norway or on income from sources outside of the United States) provided by United States law for the taxable year. For the purpose of applying the United States credit in relation to taxes paid to Norway, the rules set forth in Article 24 (Source of Income) shall be applied to determine the source of income. For purposes of applying the United States credit in relation to the taxes paid to Norway the taxes referred to in paragraph (1)(b) of Article 1 (Taxes Covered) other than the national and municipal taxes on capital and the municipal tax on real property shall be considered to be income taxes.

(2) In the case of income derived from sources in the United States, relief from double taxation shall be granted in Norway in the following manner:

(a) Where a resident of Norway derives income or owns property which, in accordance with the provisions of this Convention, may be taxed in the United States or is exempt from United States tax under Article 15 (Teachers) or Article 16 (Students and Trainees), Norway shall, subject to the provisions of subparagraphs (b) or (c) of this paragraph, exempt such income or property from tax but may, in calculating tax on the remaining income or property of that resident, apply the rate of tax which would have been applicable if the exempted income or property had not been so exempted.

(b) Where a resident of Norway derives income which, in accordance with the provisions of this Convention may be taxed in both Contracting States, Norway shall allow as a credit against the tax on the income of that resident an amount equal to the tax paid in the United States. Such credit shall not, however, exceed that part of the tax, as computed before the credit is given, which is appropriate to the income derived from sources in the United States under the rules set forth in Article 24 (Source of Income).

(c) In determining its tax on a Norwegian corporation receiving dividends from a United States corporation in which it owns 10 percent or more of the stock, Norway shall allow a credit against the tax otherwise payable by the Norwegian corporation for the

appropriate amount of United States tax imposed on the United States corporation on the profits out of which the dividends were paid. However, the deduction allowed such a Norwegian corporation for dividends paid out by it shall be reduced by the net amount of dividends received from the United States corporation (after all United States taxes imposed on such dividends).

Article 24

Source of income

For purposes of this Convention:

(1) Dividends shall be treated as income from sources within a Contracting State only if paid by a corporation of that Contracting State.

(2) Interest shall be treated as income from sources within a Contracting State only if paid by such Contracting State, a political subdivision or a local authority thereof, or by a resident of that Contracting State. Notwithstanding the preceding sentence—

(a) If the person paying the interest (whether or not such person is a resident of one of the Contracting States) has a permanent establishment in one of the Contracting States in connection with which the indebtedness on which the interest is paid was incurred and such interest is borne by such permanent establishment, or

(b) If the person paying the interest is a resident of one of the Contracting States and has a permanent establishment in a State other than a Contracting State in connection with which the indebtedness on which the interest is paid was incurred and such interest is paid to a resident of the other Contracting State, and such interest is borne by such permanent establishment,

such interest shall be deemed to be from sources within the State in which the permanent establishment is situated.

(3) Royalties described in paragraph (2) of Article 10 (Royalties) for the use of, or the right to use, property or rights described in such paragraph shall be treated as income from sources within a Contracting State only to the extent that such royalties are for the use of, or the right to use, such property or rights within that Contracting State.

(4) Income from real property, and royalties from the operation of mines, quarries, or other natural resources (including gains derived from the sale of such property or the right giving rise to such royalties) shall be treated as income from sources within a Contracting State only if such property is situated in that Contracting State.

(5) Income from the rental of tangible personal (movable) property shall be treated as income from sources within a Contracting State only if such property is situated in that Contracting State.

(6) Income received by an individual for his performance of labor or personal services, whether as an employee or in an independent capacity, shall be treated as income from sources within a Contracting State only to the extent that such services are performed in that Contracting State. Income from personal services performed aboard ships or aircraft operated by a resident of one of the Contracting States in international traffic or in fishing on the high seas shall be treated as income from sources within that Contracting State if rendered by a member of the regular complement of the ship or aircraft. Notwithstanding the preceding provisions of this paragraph, remuneration described in Article 17 (Governmental Functions) and payments described in Article 19 (Social Security Payments) shall be treated as income from sources within a Contracting State only if paid by or from the public funds of that Contracting State or a political subdivision or local authority thereof.

(7) Income from the purchase and sale of intangible or tangible personal (including movable) property (other than gains defined as royalties by paragraph (2) (b) of Article 10 (Royalties)) shall be treated as income from sources within a Contracting State only if such property is sold in that Contracting State.

(8) Income from gains described in paragraph (3) of Article 12 (Capital Gains) shall be treated as income from sources within Norway.

(9) Notwithstanding paragraphs (1) through (7), industrial or commercial profits which are attributable to a permanent establishment which the recipient, a resident of one of the Contracting States, has in the other Contracting State, including income derived from real property and natural resources and dividends, interest, royalties (as defined in paragraph (2) of Article 10 (Royalties)), and capital gains, but only if the property or rights giving rise to such income, dividends, interest, royalties, or capital gains are effectively connected with such permanent establishment, shall be treated as income from sources within that other Contracting State.

(10) The source of any item of income to which paragraphs (1) through (9) are not applicable shall be determined by each of the Contracting States in accordance with its own law. Notwithstanding the preceding sentence, if the source of any item of income under the laws of one Contracting State is different from the source of such item of income under the laws of the other Contracting State or if the source of such income is not readily determinable under the laws of one of the Contracting States, the competent authorities of the Contracting States may, in order to prevent double taxation or further any other purpose of this Convention, establish a common source of the item of income for purposes of this Convention.

CHAPTER VI

*Special provisions*

Article 25

Nondiscrimination

(1) A citizen of one of the Contracting States who is a resident of the other Contracting State shall not be subjected in that other Contracting State to more burdensome taxes than a citizen of that other Contracting State who is a resident thereof.

(2) A permanent establishment which a resident of one of the Contracting States has in the other Contracting State shall not be subject in that other Contracting State to more burdensome taxes than a resident of that other Contracting State carrying on the same activities. This paragraph shall not be construed as obliging a Contracting State to grant to individual residents of the other Contracting State any personal allowances, reliefs, or deductions for taxation purposes on account of civil status or family responsibilities which it grants to its own individual residents.

(3) A corporation of one of the Contracting States, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which a corporation of the first-mentioned Contracting State carrying on the same activities, the capital of which is wholly owned or controlled by one or more residents of the first-mentioned Contracting State, is or may be subjected.

(4) The provisions of this article shall not be construed as obliging Norway to grant to citizens of the United States who are not born in Norway of parents having Norwegian nationality, the exceptional tax relief which is accorded pursuant to section 22 of the Norwegian Taxation Act for the Rural Districts and section 17 of the Norwegian Taxation Act for the Urban Districts, to citizens of Norway and individuals born in Norway.

(5) A citizen or resident of the United States shall, for purposes of Norwegian income tax, be allowed to deduct interest expenses which are incurred with respect to a mortgage or other evidence of indebtedness on real property which is situated in Norway to the same extent that such expenditures would be deductible for purposes of Norwegian income tax if incurred by a resident of Norway.

(6) In accordance with paragraph (3) of Article 1 (Taxes Covered) this article shall apply to taxes of every kind imposed at the National, State, or local level.

(7) The provisions of paragraph (2) shall not be construed as preventing Norway from taxing the total profits attributable to a permanent establishment which is maintained in Norway by a United States corporation at a rate at which the undistributed profits of a Norweigian corporation may be taxed. However, the amount of such tax shall not exceed the tax that would be imposed on a corporation and its shareholders if such profits were derived by a Norwegian corporation that distributed to its United States shareholders, owning at least 10 percent of its voting stock, the same percentage of its profits as such United States corporation maintaining such permanent establishment distributed to its shareholders from its total profits.

Article 26

Diplomatic and consular officers

Nothing in this Convention shall affect the fiscal privileges of diplomatic and consular officials under the general rules of international law or under the provisions of special agreements.

Article 27

Mutual agreement procedure

(1) Where a resident of one of the Contracting States considers that the action of one or both of the Contracting States results or will result for him in taxation not in accordance with this Convention, he may, notwithstanding the remedies provided by the national laws of the Contracting States, present his case to the competent authority of the Contracting States of which he is a resident. Should the resident's claim be considered to have merit by the competent authority of the Contracting State to which the claim is made, it shall endeavor to come to an agreement with the competent authority of the other Contracting State with a view of the avoidance of taxation contrary to the provisions of this Convention.

(2) The competent authorities of the Contracting States shall endeavor to resolve by mutual agreement any difficulties or doubts arising as to the application of this Convention. In particular, the competent authorities of the Contracting States may agree—

(a) To the same attribution of industrial or commercial profits to a resident of one of the Contracting States and its permanent establishment situated in the other Contracting State;

(b) To the same allocation of income, deductions, credits, or allowances between a resident of one of the Contracting States and any related person; or

(c) To the same determination of the source of particular items of income.

(3) The competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement in the sense of this article. When it seems advisable for the purpose of reaching agreement, the competent authorities may meet together for an oral exchange of opinions.

(4) In the event that the competent authorities reach such an agreement, taxes shall be imposed on such income, and refund or credit of taxes shall be allowed, by the Contracting States in accordance with such agreement.

Article 28

Exchange of information

(1) The competent authorities of the Contracting States shall exchange such information as is pertinent to carrying out the pro-

visions of this Convention and of the domestic laws of the Contracting States concerning taxes covered by this Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those (including a court or administrative body) concerned with assessment, collection, enforcement, or prosecution in respect of the taxes which are the subject of this Convention.

(2) In no case shall the provisions of paragraph (1) be construed so as to impose on one of the Contracting States the obligation—

(a) To carry out administrative measures at variance with the laws or the administrative practice of that Contracting State or the other Contracting State;

(b) To supply particulars which are not obtainable under the laws, or in the normal course of the administration, of that Contracting State or of the other Contracting State; or

(c) To supply information which would disclose any trade, business, industrial, commercial, or professional secret or trade process, or information, the disclosure of which would be contrary to public policy.

(3) The exchange of information shall be either on a routine basis or on request with reference to particular cases. The competent authorities of the Contracting States may agree on the list of information which shall be furnished on a routine basis.

(4) The competent authorities of the Contracting States shall notify each other of any amendments of the tax laws referred to in paragraph (1) of Article 1 (Taxes Covered) and of the adoption of any taxes referred to in paragraph (2) of Article 1 (Taxes Covered) by transmitting the texts of any amendments or new statutes at least once a year.

(5) The competent authorities of the Contracting States shall notify each other of the publication by their respective Contracting States of any material concerning the application of this Convention, whether in the form of regulations, rulings, or judicial decisions by transmitting the texts of any such materials at least once a year.

Article 29

Assistance in collection

(1) Each of the Contracting States shall endeavor to collect on behalf of the other Contracting State such taxes imposed by that other Contracting State as will ensure that any exemption or reduced rate of tax granted under this Convention by that other Contracting State shall not be enjoyed by persons not entitled to such benefits. The competent authorities of the Contracting States may consult together for the purpose of giving effect to this article.

(2) In no case shall this article be construed so as to impose upon a Contracting State the obligation to carry out administrative measures at variance with the regulations and practices of either Contracting State or which would be contrary to the first-mentioned Contracting State's sovereignty, security, or public policy.

Article 30

Extension to territories

(1) Either one of the Contracting States may, at any time while this Convention continues in force, by a written notification given to the other Contracting State through diplomatic channels, declare its desire that the operation of this Convention, either in whole or in part or with such modifications as may be found necessary for special application in a particular case, shall—

(a) In the case of the United States, extend to all or any of the areas (to which this Convention is not otherwise applicable) for whose international relations it is responsible and which impose taxes substantially similar in character to those which are the subject of this Convention, and

(b) In the case of Norway, extend to all or any of the areas (to which this Convention is not otherwise applicable) for whose international relations it is responsible and in which taxes are imposed which are substantially similar in character to those that are the subject of this Convention.

When the other Contracting State has, by a written communication through diplomatic channels, signified to the first-mentioned Contracting State that such notification is accepted in respect of such area or areas, and the notification and commnication have been ratified and instruments of ratification exchanged, this Convention, in whole or in part, or with such modifications as may be found necessary for special application in a particular case, as specified in the notification, shall apply to the area or areas named in the notification and shall enter into force and effect on and after the date or dates specified therein. None of the provisions of this Convention shall apply to any such area in the absence of such acceptance and exchange of instruments of ratification in respect to that area.

(2) At any time after the date of entry into force of an extension under paragraph (1), either of the Contracting States may, by six month's prior notice of termination given to the other Contracting State through diplomatic channels, terminate the application of this Convention to any area to which it has been extended under paragraph (1), and in such event this Convention shall cease to apply and have force and effect, beginning on or after the first day of January next following the expiration of the six-month period, to the area or areas named therein, but without affecting its continued application to the United States, Norway, or to any other area to which it has been extended under paragraph (1).

(3) In the application of this Convention in relation to any area to which it is extended by notification by Norway or the United States, reference to "Norway" or the "United States", as the case may be, shall be construed as referring to that area.

(4) The termination in respect of the United States or Norway of this Convention under Article 32 (Termination) shall, unless otherwise expressly agreed by both Contracting States terminate the application of this Convention to any area to which the Convention has been extended under this article by the United States or Norway.

CHAPTER VII

*Final provisions*

Article 31

Entry into force

(1) This Convention shall be ratified and the instruments of ratification shall be exchanged at Washington, D.C., as soon as possible. It shall enter into force two months after the exchange of the instruments of ratification. Its provisions shall for the first time have effect—

(a) in the case of the United States—

(i) As respects the rate of withholding tax, to amounts paid on or after the date on which this Convention enters into force;

(ii) As respects other income taxes, to taxable years beginning on or after January 1, 1971;

(b) in the case of Norway—

(i) As respects the rate of withholding tax to amounts paid on or after the date on which this Convention enters into force;

(ii) As respect other taxes, to income years beginning on or after January 1, 1971.

(2) The Convention between Norway and the United States of America for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income signed at Washington, D.C., on June 13, 1949, modified and supplemented by the Supplementary Convention signed at Oslo on July 10, 1958, shall terminate and cease to have effect in respect of income to which this Convention applies under paragraph (1) of this article.

Article 32

Termination

(1) This Convention shall remain in force until terminated by one of the Contracting States. Either Contracting State may terminate the Convention at any time after five years from the date on which this Convention enters into force provided that at least six months' prior notice of termination has been given through diplomatic channels. In such event, the Convention shall cease to have force and effect as respects income of taxable years or income years beginning (or, in the case of taxes payable at the source, payments made) on or after January 1 next following the expiration of the six-month period.

(2) Notwithstanding the provision of paragraph (1), and upon prior notice to be given through diplomatic channels, the provisions of Article 19 (Social Security Payments) may be terminated by either Contracting State at any time after this Convention enters into force.

DONE at Oslo duplicate, in the English and Norwegian languages, the two texts having equal authenticity, this Third day of December 1971.

For the United States of America:
[SEAL] PHILIP K. CROWE.
For the Kingdom of Norway:
[SEAL] ANDREAS CAPPELEN.

Mr. MANSFIELD. Mr. President, the Tax Convention with Norway was signed on December 3, 1971, and transmitted to the Senate on February 3, 1972. It is accompanied by an exchange of notes relating to understandings with respect to certain provisions of the Convention which are explained below. Upon entry into force, the Convention will terminate and replace the Convention of June 13, 1949, as modified and supplemented by the Convention of July 10, 1958.

According to the administration, the new Convention with Norway follows the general pattern of bilateral income tax Conventions now in force between the United States and a number of other countries. It takes into account changes in United States and Norwegian tax laws and developments reflected in recent tax treaties concluded by the two countries with other countries. In addition, so far as policy and technical considerations permit, the convention follows the model draft Convention of the Organization for Economic Cooperation and Development published in 1963, and its substance is similar to Conventions recently concluded by the United States with France, Belgium and Japan.

PROVISIONS OF CONVENTION

The Convention with Norway consists of seven chapters containing 32 articles which deal with such matters as taxation of business profits, shipping and air transport profits, dividends, interest, royalties, income from real property, capital gains, income from teaching or research, remittances of various kinds to students and trainees, remuneration for performance of governmental functions, private pensions and annuities, social security payments, and income of investment holding companies. It also contains general rules concerning taxation, relief from double taxation, and source of income, as well as special provisions regarding nondiscrimination, diplomatic and consular officers, mutual agreement procedure, exchange of information, as-

sistance in collection, and extension to territories.

Mr. President, this Convention was analyzed by the staff of the Joint Committee on Internal Revenue Taxation and Mr. Laurence N. Woodworth, the Chief of Staff of that Committee, informed the Committee that:

I see no problems with this treaty nor am I aware of any objections which have been raised to the treaty.

Accordingly, the Committee on Foreign Relations unanimously ordered it favorably reported to the Senate during an executive session which was held on August 8.

The PRESIDING OFFICER. Without objection, the Convention will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the convention between the United States of America and the Kingdom of Norway for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and property, signed at Oslo on December 3, 1971 (Ex. D, 92-2).

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## CONVENTION ESTABLISHING AN INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY

The Senate, as in Committee of the Whole, proceeded to consider Executive I, (92d Cong., second sess.), The Convention Establishing an International Organization of Legal Metrology, signed at Paris on October 12, 1955, as amended, which was read the second time, as follows:

CONVENTION ESTABLISHING AN INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY

The States Parties to the present Convention, wishing to resolve internationally the technical and administrative problems raised by the use of measuring instruments and aware of the importance of coordinating their efforts in order to achieve this end, have agreed to create an International Organization of Legal Metrology defined as follows:

CHAPTER I—PURPOSE OF THE ORGANIZATION

*Article I*

An International Organization of Legal Metrology is hereby established:

The purpose of this Organization is to:

1. Set up a center for documentation and information:

On the one hand, on the different national services concerned with the inspection and checking of measuring instruments subject or liable to be subject to legal regulation,

On the other hand, on the aforementioned measuring instruments considered from the standpoint of their conception, construction and use;

2. Translate and edit the texts of legal requirements for measuring instruments and their use in force in the different States, with all the interpretations stemming from the constitutional and administrative law of those States which are necessary for the complete understanding of such requirements;

3. Determine the general principles of legal metrology;

4. Study, with a view to the unification of methods and regulations, the problems of legal metrology, of a legislative and regulatory character, the solution of which is of international interest;

5. Establish model draft laws and regulations for measuring instruments and their use;

6. Draw up an organizational plan for a model service for the inspection and checking of measuring instruments;

7. Determine the necessary and adequate characteristics and standards to which measuring instruments must conform in order for them to be approved by Member States and for their use to be recommended internationally;

8. Promote closer relations between the Weights and Measures services or other services responsible for legal metrology in each of the Member States of the Organization.

CHAPTER II—CONSTITUTION OF THE ORGANIZATION

*Article II*

The State Parties to the present Convention shall be Members of the Organization.

*Article III*

The Organization shall comprise:

an International Conference on Legal Metrology,

an International Committee of Legal Metrology,

an International Bureau of Legal Metrology, which are dealt with below.

International Conference on Legal Metrology

*Article IV*

The purpose of the Conference shall be to:

1. Study questions concerning the aims of the Organization and to take all decisions with respect thereto;

2. Ensure the establishment of the directing bodies called upon to carry out the work of the Organization;

3. Study and approve the reports submitted upon conclusion of their work by the various legal metrological bodies set up in conformity with the present Convention.

All questions which concern the legislation and administration of a particular State shall be excluded from the competence of the Conference, except at the express request of that State.

*Article V*

The States Parties to the present Convention shall belong to the Conference as Members, shall be represented therein as laid down in Article VII and shall be subject to the obligations defined by this Convention.

Aside from the Members, the following may take part in the Conference as Corresponding Members:

1. States or territories which cannot or do not yet wish to become parties to the Convention;

2. International Unions pursuing an activity connected with that of the Organization.

Corresponding Members may not be represented at the Conference but may appoint observers to it in a purely advisory capacity. They shall not pay subscriptions as Member States, but they shall bear the cost of providing such services as they may request and the cost of subscriptions to publications of the Organization.

*Article VI*

Member States undertake to provide the Conference with all documentation in their possession which, in their opinion, will enable the Organization to carry out the tasks entrusted to it.

*Article VII*

Member States will delegate a maximum of three official representatives to meetings of the Conference. In so far as possible one of them shall be an official employed in his country in the Weights and Measures or other service dealing with legal metrology.

Only one of them may vote.

These delegates need not be provided with "Full Powers" except at the request of the Committee in exceptional cases and for matters clearly defined.

Each State shall bear the costs arising out of its representation at the Conference.

Members of the Committee not appointed by their Governments shall have the right to take part in meetings in an advisory capacity.

*Article VIII*

The Conference shall decide on recommendations to be made for common action by Member States in the fields specified in Article I.

Decisions of the Conference may become effective only if the number of Member States present is at least two-thirds of the total number of Member States and if they have received a minimum of four-fifths of the votes cast. The number of votes cast shall be at least four-fifths of the number of Member States present.

Abstentions and blank or null votes shall not be considered as votes cast.

Decisions shall immediately be communicated, for information, consideration and recommendation, to the Member States.

The latter are morally obligated to implement such decisions in so far as possible.

However, for all votes concerning the organization, management, administration, and rules of procedure of the Conference, the Committee and the Bureau and all analogous matters, an absolute majority shall suffice to give immediate effect to the decision in question, the minimum number of Members present and of votes cast being the same as above. The vote of the Member State whose delegate is in the chair shall be decisive in the event of a tie.

*Article IX*

The Conference shall elect from among its members, for the duration of each of its sessions, a President and two Vice-Presidents, assisted by the Director of the Bureau, as secretary.

*Article X*

The Conference shall be convened at least every six years by the President of the Committee or, if he is unable to do so, by the Director of the Bureau if the latter receives a request therefor from at least half the members of the Committee.

The Conference shall fix, at the end of its work, the place and date of its next meeting or shall delegate this responsibility to the Committee.

*Article XI*

The official language of the Organization shall be French.

However, the Congference may provide for the use of one or several other languages for its work and proceedings.

International Committee of Legal Metrology

*Article XII*

The tasks specified in Article I shal be undertaken and carried out by an International Committee of Legal Metrology, the working body of the Conference.

*Article XIII*

The Committee shall consist of one representative of each of the Member States of the Organization.

Those representatives shall be appointed by the Governments of their countries.

They shall be officials employed in the Service concerned with measuring instruments or individuals having official duties in the field of legal metrology.

They shall cease to be members of the Committee as soon as they cease to comply with the above conditions, and it shall then rest with the Governments concerned to appoint their replacements.

They shall give the Committee the benefit of their experience, advice and work, but shall not commit their Government or their Administration.

Members of the Committee shall take part of right and as advisers in meetings of the Conference. They may be one of the delegates of their Government to the Conference.

The President may invite to meetings of the Committee, as an adviser, any person whose attendance appears to him of use.

*Article XIV*

Individuals who have played a role in metrological science or industry or former members of the Committee may, by decision of the Committee, receive the title of Honorary Member. They may take part in meetings in an advisory capacity.

*Article XV*

The Committee shall select from among its members a President, a first, and a second Vice-President who shall be elected for a period of six years and shall be eligible for re-election. However, should their mandate expire in the interval between two sessions, it shall automatically be extended until the second of those sessions.

The Director of the Bureau shall assist them as secretary.

The Committee may delegate certain of its duties to its President.

The President shall discharge the tasks delegated to him by the Committee and shall replace the Committee when decisions are urgent. He shall bring these decisions to the attention of the members of the Committee and shall report on them in detail.

When questions of common interest to the Committee and related organizations are liable to be raised, the President shall represent the Committee before such organizations.

In the event of the absence, inability to serve, removal from office, resignation or death of the President, his duties shall be temporarily assumed by the first Vice-President.

*Article XVI*

The Committee shall be convened at least every two years by the President or, if he is unable to do so, by the Director of the Bureau, if the latter receives a request therefor from at least half the members of the Committee.

Except for special reasons, the regular sessions shall take place in the country where the Bureau has its administrative headquarters.

However, meeting for information purposes may be held in the territory of any of the Member States.

*Article XVII*

Committee members unable to attend a meeting may delegate their vote to one of their colleagues who shall then be their representative. In such event, a single member may not have more than two votes in addition to his own.

Decisions shall be valid only if the number of those present and represented is at least three-quarters of the number of persons appointed as members of the Committee and if they are supported by a minimum of four-fifths of the votes cast. The number of votes cast shall be at least four-fifths of number of those present and represented at the session.

Abstentions, blank and null votes shall not be considered as votes cast.

Between sessions, and in certain special cases, the Committee may deliberate by correspondence.

Resolutions adopted in this way shall be valid only if all members of the Committee have been called upon to give their opinions and if the resolutions have been approved unanimously by all those voting, on condition that the number of votes cast be at least two-thirds of the number of appointed members.

Abstentions and blank votes or null votes shall not be considered as votes cast. Failure to reply within the time-limit specified by the President shall be considered as an abstention.

*Article XVIII*

The Committee shall entrust the special studies, experimental research and laboratory work to the competent services of the Member States, after having first obtained their formal agreement. If such tasks entail certain expenditure, the agreement shall specify what proportion of such expenditure shall be borne by the Organization.

The Director of the Bureau shall co-ordinate and assemble such work.

The Committee may entrust certain tasks, permanently or temporarily, to working groups or to technical or legal experts, acting in accordance with the terms and conditions it has laid down. Should such tasks entail payment of any remuneration or compensation, the amounts shall be determined by the Committee.

The Director of the Bureau shall provide the secretariat for such working groups or groups of experts.

International Bureau of Legal Metrology

*Article XIX*

The operation of the Conference and of the Committee shall be ensured by the International Bureau of Legal Metrology, under the direction and control of the Committee.

The Bureau shall be responsible for preparing Conference and Committee meetings, for establishing liaison between the various members of those bodies, and for maintaining relations with the Member States or with the Corresponding Members and their services concerned.

It shall also be responsible for carrying out the studies and work defined under Article I as well as for keeping official records and editing a bulletin, which shall be sent free of charge to Member States.

It shall constitute the documentation and information center provided for under Article I.

The Committee and the Bureau shall be responsible for the implementation of the decisions of the Conference.

The Bureau shall carry out no experimental research or laboratory work. It may, however, have the use of rooms suitably equipped for the study of the form of construction and working of certain apparatus.

*Article XX*

The Bureau shall have its administrative headquarters in France.

*Article XXI*

The personnel of the Bureau shall consist of a Director and assistants appointed by the Committee as well as employees or agents, either permanent or temporary, recruited by the Director.

The personnel of the Bureau and, should the occasion arise, the experts referred to in Article XVIII shall be salaried. They shall receive salaries or wages, or compensation the amount of which shall be determined by the Committee.

The rules and regulations covering the Director, the assistants and the employees or agents shall be determined by the Committee, particularly with respect to conditions of recruitment, work, discipline, and pension.

The appointment, dismissal or removal of the Bureau's agents and employees shall be ordered by the Director, except in so far as regards assistants appointed by the Committee, who may only be subject to such measures by decision of the Committee.

*Article XXII*

The Director shall be responsible for the working of the Bureau under the control and the direction of the Committee, to whom he shall be responsible and to whom he must present, at each ordinary session, a report on the conduct of business.

The Director shall collect the revenue, prepare the budget, be responsible for all disbursements in respect of personnel and equipment, and control the funds.

The Director shall, by right, be secretary of the Conference and of the Committee.

*Article XXIII*

The Governments of the Member States declare that the Bureau shall be recognized as being of public utility, that it shall have legal status and that, in general, it shall benefit from the privileges and facilities commonly granted to intergovernmental bodies under the laws in force in each of the Member States.

CHAPTER III—FINANCIAL PROVISIONS

*Article XXIV*

For a financial period equal to the interval between its sessions, the Conference shall decide:

The overall amount of credits necessary to cover the Organization's operating expenses;

The annual amount to be placed in reserve to meet emergency expenses, and to ensure the execution of the budget in case of insufficient income.

The credits shall be calculated in gold francs. The parity of the gold franc and the French franc shall be that quoted by the Banque de France.

During the financial period, the Committee may call on Member States if it considers that an increase in credits is necessary in order to meet the obligations of the Organization or because of a change in economic conditions.

If, upon the expiration of the financial period, the Conference has not met or has not been able to hold a valid debate, the financial period shall be extended until the next valid session. The original credits shall be increased in proportion to the duration of this extension.

During the financial period the Committee shall determine, within the credit limits granted, the amount of its operating expenses pertaining to budget periods equal in duration to the interval between its sessions. It shall also supervise the investment of available funds.

If, upon the expiration of the budget year, the Committee has not met of has not been able to hold a valid debate, the President and the Director of the Bureau shall decide upon renewal, until the next valid session, of all or part of the budget for the financial year just ended.

*Article XXV*

The Director of the Bureau shall be authorized to undertake and make payments on his own authority in respect of the organization's operating expenditures.

But he may not:

Pay extraordinary expenses, or

Draw money from the reserve established for the purpose of ensuring the implementation of the budget in the event of insufficient receipts,

without first obtaining the consent of the President of the Committee.

Budget surpluses shall remain available for use throughout the entire financial period.

The Director's management of the budget must be submitted to the Committee which shall examine it at each of its sessions.

Upon the expiration of the financial period, the Committee shall submit the balance sheet of its management to the Conference.

The Conference shall decide what is to be done with any budget surplus. The amount of such surplus may either permit a corresponding reduction in the dues of the Member States or may be added to the reserve funds.

*Article XXVI*

The Organization's expenses shall be covered:

(1) By annual contributions of the Member States.

The total contributions for a given financial period shall be determined according to the amount of credits granted by the Conference, taking into account an evaluation of the receipts referred to in paragraphs 2 to 5 below.

To determine the respective shares of the Member States, the latter are divided into

four categories, according to the total population of the home country and territories represented.

*Class 1.*—population of 10 million inhabitants or less;

*Class 2.*—population between 10 million exclusive and 40 million inclusive;

*Class 3.*—population between 40 million exclusive and 100 million inclusive;

*Class 4.*—population of over 100 million.

The population figures are rounded off to the lower million.

When the use of measuring instruments in any State is clearly below the average, the State may apply to be put in a lower category than that assigned to it according to its population.

Depending on the class, contributions are proportional to 1, 2, 4 and 8.

The share of a Member State shall be equally distributed over all the years of a financial period in order to determine its annual contribution.

With a view to establishing a margin of safety from the very beginning in order to compensate for any fluctuations in receipts, the Member States agree to make advances on their future annual dues. The exact amount and duration of such advances shall be determined by the Conference.

If, upon the expiration of the financial period, the Conference has not met or has been unable to hold a valid debate, the annual contributions shall be renewed at the same rates until a valid session can be held:

(2) By proceeds from the sale of publications and proceeds from the rendering of services to Corresponding Members;

(3) By income from the investment of funds;

(4) By contributions for the current financial period and admission fees of new Member States—by retroactive contributions and admission fees of reinstated Member States—by the back dues of Member States resuming their payments after having interrupted them;

(5) By subsidies, subscriptions, donations or legacies and miscellaneous receipts.

To finance special work, extraordinary subsidies may be allotted by certain Member States. They shall not be included in the general budget but shall be placed in special accounts.

Annual contributions shall be calculated in gold francs. They shall be paid in French francs or in any convertible currency. Parity between the gold franc and the French franc shall be that quoted by the Banque de France, the applicable rate being that of the day of payment.

Contributions shall be paid at the beginning of the year to the Director of the Bureau.

*Article XXVII*

The Committee shall prepare financial regulations based on the general provisions of Articles XXIV to XXVI above.

*Articles XXVIII*

A State which becomes a member of the Organization during one of the periods indicated in Article XXVI shall be bound until the expiration of this period and shall be subject, from the time of its accession, to the same obligations as existing Members.

A new Member State shall become joint owner of the property of the Organization and must, therefore, pay an admission fee determined by the Conference.

Its annual contribution shall be calculated as if it had joined on the 1st of January of the year following that of the deposit of its instruments of accession or ratification. Its payment for the current year shall be as many twelfths of its contribution as there are months remaining to the year. This payment shall not modify the contributions laid down for the current year for the other Members.

*Article XXIX*

Any Member State which has not paid its contribution for three consecutive years shall be automatically considered as having resigned and shall be struck off the list of Member States.

However, the situation of certain Member States who may find themselves in a period of financial difficulty and may not for the time being be able to meet their obligations shall be examined by the Conference which may, in certain cases, grant them extensions of time or remissions.

Insufficiency of receipts resulting from the removal of a Member State from the list of Member States shall be compensated for by drawing from the reserve funds, constituted as indicated in Article XXIV.

Member States voluntarily resigning and Member States automatically considered as having resigned shall lose all rights of joint ownership of the property of the Organization.

*Article XXX*

A Member State which has voluntarily resigned may be readmitted at its own request. It shall then be considered as a new Member State, but the entry fee shall be payable only if its resignation took place more than five years previously.

A Member State automatically regarded as having resigned may be readmitted at its own request, on condition that it settle its unpaid contributions due at the time it was removed from the list of Member States. Such retroactive contributions shall be calculated on the basis of the contributions for the years prior to its readmission. It shall thereafter be considered a new Member State, but the admission fee shall be calculated by taking its previous contributions into account, in proportions to be fixed by the Conference.

*Article XXXI*

In the event of the dissolution of the Organization, the assets shall be distributed among all Member States proportionally to the total amount of their previous dues, subject to any agreement which may be made between those Member States which have paid their dues up to the date of dissolution and to the rights contracted or acquired by personnel in active service or retired.

CHAPTER IV—GENERAL PROVISIONS

*Article XXXII*

The present Convention shall remain open for signature until December 31, 1955, at the Ministry of Foreign Affairs of the French Republic.

It shall be ratified.

Instruments of ratification shall be deposited with the Government of the French Republic, which will notify each of the signatory States of the date of their deposit.

*Article XXXIII*

States which have not signed the Convention may accede to it upon the expiration of the time limit provided for under Article XXXII.

Instruments of accession shall be deposited with the Government of the French Republic, which will notify all signatory and acceding Governments of the date of their deposit.

*Article XXXIV*

The present Convention shall enter into force thirty days after the deposit of the sixteenth instrument of ratification or accession.*

It shall enter into force for each State which ratifies it or accedes to it after that date, thirty days after the deposit of its instrument of ratification or accession.

The Government of the French Republic will notify each of the Contracting Parties of the date of entry into force of the Convention.

*Formality fulfilled on May 28, 1958.

*Article XXXV*

Any State may, at the time of signature, of ratification or at any other time, declare, by notification addressed to the Government of the French Republic, that the present Convention is applicable to all or a part of the territories it represents internationally.

The present Convention shall apply to the territory or territories designated in the notification from the thirtieth day following the date on which the Government of the French Republic has received the notification.

The Government of the French Republic will transmit such notification to the other Governments.

*Article XXXVI*

The present Convention is concluded for a period of twelve years to be counted from the date it enters into force.

Thereafter, it shall remain in force for successive periods of six years as between those Contracting Parties that have not denounced it at least six months before the expiration of the preceding period.

Notice of termination shall be sent in writing to the Government of the French Republic, which will then advise the Contracting Parties.

*Article XXXVII*

The Organization may be dissolved by decision of the Conference, in so far as the delegates are provided with "Full Powers" to that effect at the time of the voting.

*Article XXXVIII*

If the number of parties to the present Convention is reduced to less than sixteen, the Convention may consult the Member States to decide whether the Convention should be considered to have lapsed.

*Article XXXIX*

The Conference may recommend amendments to this Convention to the Contracting Parties.

Any Contracting Party accepting an amendment shall notify the French Government of its acceptance in writing, so that the latter may, in turn, notify the other Contracting Parties of the receipt of such notification of acceptance.

An amendment shall enter into force three months after the receipt of notifications of acceptance from all the Contracting Parties by the Government of the French Republic. When an amendment has been accepted by all the Contracting Parties, the Government of the French Republic will advise all the other Contracting Parties as well as the signatory Governments, informing them of the date of its entry into force.

After an amendment has entered into force, no Gover ment may ratify the present Convention or accede to it without also accepting such amendment.

*Article XL*

The present Convention shall be drawn up in the French language in a single original, which shall be deposited in the archives of the Government of the French Republic, which will send certified copies to all the signatory and acceding Governments.

PARIS, October 12, 1955.

(Amended in January 1968 by amendment of Article XIII.)

Mr. MANSFIELD. Mr. President, the Convention Establishing an International Organization of Legal Metrology is designed:

To serve as a center for documentation and information; to foster close working relations with national weights and measures services and other concerned organizations; and to furnish advisory assistance to interested countries.

To determine the general principles of legal metrology; to recommend uniform international requirements for measur-

ing instruments; and to work out model laws and regulations for consideration by member countries.

The science of metrology comprises measuring units and their standards, measuring instruments, and the methods of measurement and legal metrology relates to the compatibility of standards of measurement and the legislation or regulations which may affect them. The Convention on Legal Metrology entered into force in 1958 and is now in force for 36 countries, mostly European, including all of Eastern Europe. The President states that:

Accession . . . would now be of clear advantage to the United States. As the world's largest trading nation and as a world leader in the standards field, we would be better able to assume a positive role in the setting of international standards for measurements, and in so doing, to expand our international trade.

According to the administration, the benefits to the United States of participation in this organization are:

To improve opportunities for exporting measurement instruments and help our balance-of-payments position;

To obtain better information regarding measurement techniques in the field;

To influence internationally adopted measurement techniques so U.S. procedures will not be put at a disadvantage;

To ensure that the United States can influence the adoption by developing countries of model laws and uniform procedures in order to avoid having the United States put at a disadvantage vis-a-vis European and other countries;

To facilitate the development of an international standards program for the United States in this area.

The 1972 budget of the organization is approximately $108,000. If the United States joins, its estimated contribution will be a little over $14,000, plus a one-time payment of the same amount as an entry fee.

The committee held a public hearing on this convention on August 3, 1972, and unanimously ordered it favorably reported to the Senate during an executive session held on August 8, 1972.

The PRESIDING OFFICER. Without objection, the convention will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

*Resolved* (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the accession of the United States of America to the Convention Establishing an International Organization of Legal Metrology, as amended. (Ex. I, 92-2.)

## QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. I ask unanimous consent that the order for the quorum call be rescinded.

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

## ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

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

(Later, this order was modified to provide for the Senate to convene at 10:30 a.m. tomorrow.)

## QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. HRUSKA. Mr. President, several weeks ago the Subcommittee on Federal Holidays, Charters, and Celebrations held legislative oversight hearings concerning the American Revolution Bicentennial Commission. This was in connection with the consideration of S. 3307, a bill now pending on the Senate calendar, calling for reauthorization of the Commission. A total of about 30 witnesses were heard, and there was general discussion and a disclosure of the plans of the Commission, of their progress, of some of the things they had done, and of some of the experiences they had had in developing a system of advisory panels as well as implementing the bill passed last year to enlarge the Commission.

By and large, the hearings were very informative. It was the conclusion of this Senator that good progress is being made, and that the concept originally embodied within the statute has been substantially followed in spirit as well as in letter.

The testimony of David J. Mahoney, chairman of the commission, was especially useful, and gave an overall picture of what was transpiring and what was being planned. I ask unanimous consent that a summary statement of his testimony be printed in the RECORD at this point.

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

STATEMENT OF DAVID J. MAHONEY

Mr. Chairman, Members of the Judiciary Committee, my name is David J. Mahoney, Chairman of the American Revolution Bicentennial Commission. I have a prepared statement which is before you that I would like to submit for the record. That statement goes into detail on specific aspects of the Commission, its advisory panels and on the programs being developed in the three theme areas of Horizons '76, Heritage '76 and Festival USA.

With your approval, Mr. Chairman, I will summarize the highlights of my statement and discuss some of the problems of the Commission. In particular, I will touch upon those matters of concern to the Committee as indicated in its favorable report on S. 3307, to amend the basic legislation of the ARBC.

First, I want to thank the Subcommittee for this opportunity to talk about the American Revolution Bicentennial Commission. I accepted the honor of serving as Commission Chairman without any illusions that the job would be easy, and with a deep commitment to the commemoration as an important milestone in our national life.

The President appointed me as Chairman of the ARBC in September 1970. Prior to that time, the Commission had existed primarily on paper. For most of the first three years of its life, the Commission was without appointees, without staff and funding. When I assumed the chairmanship in September 1970, the Commission had just submitted its blueprint for a national commemoration to the President, who transmitted it to the Congress with his strong endorsement. The Bicentennial guidelines were now fixed. The course was set. The time for action was now.

Our job was to mount a grassroots nationwide program in all 50 States, the Territories, the District of Columbia and the Commonwealth of Puerto Rico, involving all segments of our pluralistic society. At that time the Commission budget was $373,000 with a staff of about a dozen people.

The first need was for some kind of organization at the State level to organize the State Bicentennial effort. Few States had Bicentennial Commissions, and most were as yet not aware of the impending commemoration. The President had called for each State to establish a Bicentennial Commission and, under the national Bicentennial plan, these Commissions were to be the network upon which the Bicentennial was to be developed.

So we initiated legislation to authorize grant funds for the establishment and development of State Bicentennial Commissions to plan and develop their own programs. Grant funds for the State Bicentennial Commissions were finally appropriated in May of this year—14 months later. I might add that all grants were awarded by ARBC within 60 days.

The Commission's report had invited Philadelphia to stage an international exposition as a major focal point for international participation in the Bicentennial. At the President's direction the Commission was required to review the substantive exposition planning and the budget prior to final approval. The Commission, in good conscience, bent every effort to make the exposition a reality. Thousands of man-hours were devoted to this effort only to see the exposition fail because of an inability of the sponsors to agree to a suitable site and to an acceptable budget. Not only did the Philadelphia exposition issue drain a major part of the Commission's time and energy, but its unresolved status for almost two years inhibited the commitment of private industry, foreign governments and others in alternate Bicentennial plans until the fate of the exposition was settled in May of this year.

In early 1971, draft legislation was submitted to the Congress for a Bicentennial commemorative medals program. The program was important to the ARBC planning because it would provide a means of reaching the general public with a physical manifestation of the Bicentennial and because it would be a source of revenue for ARBC. The medals authorization bill was passed by the Congress only in February of this year—12 months later.

I might add that our first commemorative medal was designed, produced, promoted and on sale in four months. As a businessman I must admit I don't think that private industry can beat that record. Incidentally, more than 700,000 medals have been purchased to date.

I would also like to note in passing, that this commemorative medals program authorized by the Congress is the only ARBC program that can be considered "commercial." It also results in revenue available to ARBC for Bicentennial programs; thus, reducing the need for appropriations and spares the taxpayers.

In early 1971, draft legislation was submitted by ARBC to the Congress to authorize 8 additional public members to the Commission to permit a wider representation of minority and ethnic groups, youth, women, etc.

Only on March 17 of this year, one year later, was the legislation approved and 2 blacks, an Indian, 4 youths under 25, and 2 women were added to the Commission.

The legislation passed on March 1 also authorized a number of substantive ARBC activities such as a computerized Bicentennial Calendar of national, international, State and local Bicentennial events; an information clearinghouse on Bicentennial events; awards, competitions and the commissioning of Bicentennial literally, dramatic, historical and other works; exhibits, films, and publications, etc. After a year delay in enactment of this legislation, we are now further delayed in initiating these important programs because our FY 1973 appropriations have not yet been approved.

I point out these matters because the Committee, in its report, urges the Commission to speed its planning and programs without delay. We are keenly aware of the impending 1976 date and the need for accelerating our efforts. However, blame for the many delays in Bicentennial planning—and I readily admit such delays—have not all been the Commission's fault. Congress must share the blame with the Commission. Both the Commission and the Congress must cooperate fully to assure the required speed up in Bicentennial planning and programming.

I would hope that a recently approved ARBC National Historic Records Program will be given prompt and favorable congressional consideration as an example of such cooperation.

This program under the Heritage '76 theme was designed by 5 major national historical associations of the United States, concerned with the care and preservation of historical sources. This program is an example of ARBC reliance on the nation's historical sources, as specified in the Committee report. A bill to authorize this important historical program will soon be introduced in the Congress. I commend this program to you and submit that it is worthy of congressional support.

One of the purposes of this hearing, as stated by the Committee, is to give all groups a chance to air their views as to whether the Commission is proceeding in the right direction. I believe we are moving in the right direction. But we are receptive to suggestions and criticisms. May I point out that since my appointment as Chairman of the ARBC, we have made every effort to involve the active support, participation and approval of the Congress in all of our plans and programs. ARBC has made 11 appearances before 7 Congressional Committees during my 22 months as Chairman, an average of one appearance every two months.

Our plans, programs and activities have been explained and defended before the various Committees and without exception enacted into law. We have assumed that since our plans and programs have been sanctioned by the Congress, that they represent the collective judgment of the Congress as well as the judgment of the Commission.

The mission of the Commission has been a subject of public debate and considerable misunderstanding. I want to point out that the legislation initially passed by the Congress establishing the Commission, authorized it to *plan, encourage, develop* and *coordinate* a nationwide Bicentennial program.

The Commission *is not* an action agency to carry out projects of ecological improvements. The Commission is not an agency to find a cure for cancer or heart ailments. The Commission *is not* an agency for social action, civil rights or public welfare.

The Commission's function as determined by the Congress, is to encourage and coordinate the individual efforts of States, communities, patriotic and service organizations, historians and others and to channel them along the guidelines set forth in the ARBC national report. A major guideline of the report is that the Bicentennial be a time for Americans to review and reaffirm the basic principles on which the nation was founded. We believe that the ARBC emphasis in all 3 major theme areas, Horizons '76, Heritage '76 and Festival USA, are consistent with the Committee guidance that the Bicentennial program should be an enunciation of the basic principles upon which our Republic was founded.

At this time the Commission has no funds to support specific programs or activities of the patriotic and service organizations, women's groups and others, no matter how needy or meritorious. Groups and organizations with splendid ideas for the Bicentennial must be turned away when they request even minimal financial support. So the Commission is criticized by these groups for not providing funding for programs it has encouraged and promoted.

The enactment of S. 3307 favorably reported by the Judiciary Committee would provide for matching project-grants (using non-appropriated funds) to the States, local communities and non-profit groups and organizations for worthy Bicentennial programs and activities. Such grants would be funded with revenues and other non-appropriated funds and would be important far beyond their intrinsic worth as a commitment of the ARBC to such projects at no cost to the taxpayers. I urge the enactment of S. 3307 as soon as possible.

As urged by the Judiciary Committee report, the ARBC has created Advisory Panels consisting of more than 100 individuals and organizations to tap the rich, historical, patriotic resources of this country and is working with women, youth, minority and ethnic groups to assist in developing programs under each of its three themes: Horizons '76, Heritage '76 and Festival USA. These panels include major national historical, educational, professional, performing arts and other groups, and eminent individuals in the arts and humanities. It should be noted that both the Daughters of the American Revolution and the Sons of the American Revolution are represented on the ARBC Advisory Panel for Commemoration and Convocations. However, while we have attempted to involve all these groups, we have no funds to bring these people together. We are once more being criticized for inaction. It is a valid criticism, but our answer is—we don't have the funds to pay even the travel expenses of dedicated and concerned people who are willing to donate their valuable time and energy in the service of the Bicentennial.

As you know, ARBC is operating under a Continuing Resolution with no FY 1973 appropriation since the authorization for the appropriation is not yet approved by the Congress. Our FY 1972 appropriations became available in March, with only 3 months remaining in the fiscal year. While the need to operate under a Continuing Resolution may not be very damaging to the operations of an agency with a steady budget level, it is crippling when an agency such as ARBC is attempting to accelerate its programs with a substantial increase in appropriation level.

An important element in the concept of a 50-State Bicentennial commemoration is an ARBC-conceived series of urban-oriented Bicentennial Parks which could be constructed on federally owned lands. These Parks would serve as the focal point for Bicentennial activities, exhibits, performing arts, historical and commemorative activities, etc. during 1976 and remain as a permanent legacy of the Bicentennial for enjoyment of future generations. This concept is now being studied and if found feasible, may be recommended as a major Bicentennial program.

Whether or not the Bicentennial Parks plan will materialize (and that would ultimately be determined by the Congress) the State Bicentennial Commissions remain the key to a grassroots, nationwide program involving all of our citizens. The State Bicentennial Commissions, most of which are just now being organized, have now received $2.4 million dollars in Federal grant support. They have already invested $2.5 million of their own funds. This is just about the total amount appropriated for ARBC to date.

These State Bicentennial Commissions, created at the urging of the President and ARBC and now being staffed and funded, involve more than 1,000 persons who are actively engaged in the Bicentennial. This is where the action is and they need our help!

In my judgment, at long last, the vision of Congress in establishing the American Revolution Bicentennial Commission is to be fulfilled. The nationwide mechanism now exists for a Bicentennial commemoration that will result in a renaissance of our national spirit.

We are on the threshold of the Bicentennial. Many programs are in progress. Many more are in varying stages of development. The totality of these programs will result in a nationwide grassroots commemoration worthy of this great occasion.

I hope the Committee will agree with this assessment. The fate of the Bicentennial is in your hands and those of the entire Congress.

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## THE $30 BILLION REVENUE SHARING PROPOSAL

Mr. HARRY F. BYRD, JR. Mr. President, I have given a great deal of thought during the past several months to the State and Local Fiscal Assistance Act, the so-called revenue sharing legislation. I have kept an open mind.

This proposal, H.R. 14370, was passed by the House of Representatives on June 22 and since then has been under consideration by the Senate Committee on Finance.

It has been endorsed by President Nixon and has the support of most, if not all, of the Governors of the 50 States and most of the mayors throughout the Nation.

Under its provisions, the Federal Government, over a 5-year period, would distribute $30 billion in additional Federal funds to the 50 States and to 39,000 units of local government. Distribution in the current fiscal year would total $8.1 billion.

This, of course, would be helpful to

State and local governments. The Governors and mayors have told the Congress that they need additional assistance over and above the vast sums which already are being returned to the States in a multitude of Federal programs. The legislation assumes all States and localities have a fiscal crisis common in nature and magnitude with which they are equally unable to cope. Of course, such an assumption is not an accurate assumption.

I realize that it would be more popular to support than to oppose the State and Local Fiscal Assistance Act.

But in considering this matter there are at least three issues of major concern. The first and foremost is this: Where is the revenue to share?

The Federal funds deficit for fiscal year 1971 was $30 billion; for fiscal year 1972, the deficit was $32 billion; the administration estimates that the deficit for the current fiscal year will be at least $38 billion.

So in 3 fiscal years the Federal funds deficit will equal or exceed $100 billion.

This means that more than 20 percent of the total national debt will have been incurred during this 3-year period.

Never before in any other 3-year period in the history of the American Government have there been such deficits, except during World War II, when we were fighting in both Europe and the Pacific and when we had 12 million Americans under arms.

When 12 of the Nation's Governors testified before the Senate Finance Committee, I made this assertion: No State in the Union is in as bad shape financially as is the Federal Government. No Governor disputed this statement.

The annual interest on the national debt is $22.7 billion.

Of every personal and corporate income tax dollar paid into the Federal Treasury, 17 cents goes to pay the interest charges.

As I view it, the dominant domestic problem facing our Nation is the desperately bad condition of our Federal finances. As a result of increased deficit spending, the purchasing power of the American dollar has declined. Deficit spending by the Federal Government is the major cause of inflation, which is a hidden tax on the earnings of the working people.

What Congress is considering in the revenue-sharing legislation, is an additional program—over and above the present programs—with an average cost of approximately $6 billion per year for each of 5 years, beginning now.

The second issue of major concern is the division of public accountability. State and local governmental units would expend public funds which they have no responsibility for raising.

Under the House-passed legislation, 40 percent of the funds will be distributed to five States—New York, California, Illinois, Michigan, and Pennsylvania.

I might add, parenthetically, that under the Senate Finance Committee proposal, 35 percent of the total funds will go to those five States.

These States have gone into expensive programs which they find difficult to maintain. Now they are seeking assistance from the Federal Government.

Is it wise to separate the responsibility for collecting taxes from the authority to spend revenues? The 50 States and the 39,000 localities dispensing tax funds will be relieved of the obligation to weigh carefully the benefits of increased public expenditures against the burdens imposed on their community through increased taxation.

The third area of major concern is that the House-passed legislation seeks to dictate to the States the tax structure each State should have. It also requires each local government, as a condition of receiving funds under the bill, to obtain approval from the Secretary of the Treasury as to its wage rates on construction financed in whole or in part by revenue sharing funds.

Thus, from its inception, this new revenue sharing program incorporates dictation from Congress to the States and to the localities.

Through the years, Federal grants-in-aid and shared revenues to the various States have increased tremendously.

I had the Library of Congress prepare a table which shows the amounts of Federal grants-in-aid and shared revenues in Virginia over 5-year intervals beginning with 1950. The information derived from this compilation shows that the Federal Government has been sharing revenues on an increasingly large basis for a number of years.

Omitting the trust funds, namely, the Federal highway trust funds payments, the social security trust fund payments, and unemployment payments, Federal aid payments for Virginia were as follows:

| Year | *Amount* |
|---|---|
| 1950 | $27,347,603 |
| 1955 | 60,720,683 |
| 1960 | 72,490,049 |
| 1965 | 112,780,354 |
| 1970 | 353,385,602 |
| 1971 | 421,742,387 |

One will note from the above table that Federal aid to Virginia is 17 times as great as it was in 1950. The other States, I feel sure, have had similar increases.

To give a dramatic example of just how far out of hand some of these Federal programs have gotten, I cite the following:

A few years ago, legislation was enacted providing 75 percent Federal financing of social services. The States have discovered that, by expanding or changing programs that they were already paying for themselves, they can collect from Washington 75 cents out of every dollar spent.

When this proposal was enacted, it was estimated by its sponsor and by HEW that it would cost the Federal Government $40 million annually. It has soared to such an extent that the cost for the current fiscal year is now estimated to be $4.7 billion—more than 100 times the original estimate.

In the first year of this program, New York State received $57 million in matching grants for this program. This year, New York is asking for $854 million in Federal matching grants for this one program.

The State of Mississippi, which last year applied for $1 million of Federal funds to finance social services, this year is asking for $453 million—about the size of the State's entire budget last year. This is just one of many Federal spending programs.

If the revenue sharing proposal now under consideration were being recommended as a replacement for other, less flexible programs, I would greatly prefer the flexibility of the new program.

But the legislation now under consideration is in addition to all of the other programs.

The Federal Government obtains its funds from the same sources as do State and local governments, from working men and women. Costly Federal programs must be paid for by more taxes, or by more inflation, or both.

I feel I cannot vote for costly new programs at a time of unreasonably high deficit spending.

Last November, I felt compelled to take another unpopular stand; namely, in opposition to a tax reduction which lowered revenues at a time of large Federal deficits.

Similarly, this year, I must vote against the revenue sharing proposal, which calls for a large increase in Federal spending.

## QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY). 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.

## ORDER FOR CONSIDERATION OF S. 3307 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, at such time as S. 3307, a bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, is called up and made the pending business before the Senate, I ask unanimous consent that time for debate thereon be limited to 30 minutes, with the time to be equally divided and controlled by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Nebraska (Mr. HRUSKA); that time on any amendment be limited to 20 minutes, to be equally divided and controlled between the mover of such and the Senator from Nebraska (Mr. HRUSKA); that time on any amendment to an amendment be limited to 10 minutes, to be equally divided and controlled between the mover of such and the author of the amendment in the first degree, except in any instance in which the mover of the

amendment in the first degree favors such, in which case, time in opposition be under the control of the distinguished majority leader or his designee; that time on any debatable motion or appeal be limited to 10 minutes, to be divided between the mover of such and the manager of the bill.

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

## ORDER FOR ADJOURNMENT TO 10.30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, this agreement has been cleared on both sides of the aisle and I have discussed it with the able Senator from Massachusetts (Mr. KENNEDY), and the time agreement meets with the approval of all parties.

Mr. President, I also ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. tomorrow.

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

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, following the remarks of the two leaders under the standing order tomorrow, that there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair lay before the Senate S. 3307 and that the unfinished business, Senate Joint Resolution 214, be temporarily laid aside and remain in a temporarily laid aside status until disposition of S. 3307.

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

## ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL FRIDAY AT 9 A.M.; AND FROM FRIDAY TO 9 A.M. ON SATURDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 9 a.m. on Friday, August 11, 1972; and that when the Senate completes its business on Friday, it stand in adjournment until 9 a.m. on Saturday, August 12, 1972.

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.

## AUTHORIZATION FOR COMMITTEE ON FINANCE TO HAVE UNTIL MIDNIGHT TO FILE A REPORT ON THE REVENUE SHARING BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance may have until midnight tonight to file a report on the revenue sharing bill.

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

## ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON FRIDAY, AUGUST 11

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday next, following the remarks of the two leaders under the standing order, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

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

## ORDER TO LAY ASIDE TEMPORARILY THE UNFINISHED BUSINESS (S.J. RES. 241) TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business, the Interim Agreement between the United States and the U.S.S.R. (S.J. Res. 241), remain in a temporarily laid-aside status until such time on tomorrow as the distinguished majority leader or his designee may deem it advisable to call up that measure or until the close of business tomorrow, whichever is the earlier.

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

## PROGRAM

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

The Senate will convene at 10:30 a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair will lay before the Senate S. 3307, a bill to amend the joint resolution establishing the American Revolution Bicentennial Commission. There is a time limitation on that bill and on amendments thereto. It is possible and even likely that one or more yea and nay votes may occur on the bill and amendments thereto.

During the day, Mr. President, there will be a rollcall vote on the conference report on the HEW appropriation bill. I am not in a position to say at what time that vote will occur or what the order of business will be following the disposition of S. 3307, the bill to amend the joint resolution establishing the American Revolution Bicentennial Commission. However, it can also be stated Mr. President, that there will be three yea and nay votes on the following treaties:

Executive B, 92d Congress, second session, a Convention on Ownership of Cultural Property;

Executive D, 82d Congress, second session, the Tax Convention with Norway; and

Executive I, 92d Congress, second session, the Convention Establishing an International Organization of Legal Metrology.

In all likelihood, there will also be a vote or some votes on S. 3755, a bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act.

There is presently no time limitation on S. 3755, but at some time during the day the leadership will call up that bill and the Senate will proceed to work its will thereon.

In summation, Mr. President, there will be at least four yea-and-nay votes tomorrow and undoubtedly more, the four sure votes being the vote on the adoption of the HEW appropriations conference report and the three votes on treaties and conventions. And as I have already stated, a vote or votes are indicated on the Bicentennial Commission bill and on the Airport and Airway Development Act.

Tomorrow will be a busy day, a reasonably long day, and a day on which there will be several yea-and-nay votes.

## ADJOURNMENT TO 10:30 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 10:30 a.m. tomorrow.

The motion was agreed to; and at 6:11 p.m., the Senate adjourned until tomorrow, Thursday, August 10, 1972, at 10:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate August 9, 1972:

TREASURY DEPARTMENT

James E. Smith, of Virginia, to be a Deputy Under Secretary of the Treasury. (new position.)

U.S. ATTORNEY

Frank D. McCown, of Texas, to be U.S. attorney for the Northern District of Texas for the term of 4 years vice Eldon B. Mahon, resigned.

## WITHDRAWAL

Executive nomination withdrawn from the Senate August 9, 1972:

DIPLOMATIC SERVICE

William T. Hines, of the District of Columbia, for appointment as a Foreign Service Information Officer of Class five, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America, which was sent to the Senate on June 20, 1972.

# HOUSE OF REPRESENTATIVES—*Wednesday, August 9, 1972*

The House met at 12 o'clock noon.

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

*God is our refuge and strength, a very present help in trouble.*—Psalms 46: 1.

Eternal Father, who makest Thyself known not in the whirlwind nor in the earthquake, but in the still, small voice, we now quietly and reverently bow our spirits at this altar of prayer following the faith of our Founding Fathers. Before we talk to one another, before we plan for the welfare of our country, we would first open our hearts to Thee. In the midst of the demands of this difficult day and the differences which disturb us, we would be still and know that Thou art God.

As we pray, grant unto us the wisdom and the courage to favor and to fashion legislation which expresses the glorious ideals of faith and freedom. May we who here work for our Nation be exponents of Thy laws, possess an experience of Thy love, and give expression to Thy truth. Send us forth—

To serve the present age,
Our calling to fulfill;
O may it all our powers engage
To do our Father's will.

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.

## MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were 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 had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 755. An act to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes.

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

S. 484. An act to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1819) entitled "An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs and for an extension of the effective date of the act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MUSKIE, Mr. METCALF, Mr. CHILES, Mr. BROCK, and Mr. GURNEY to be the conferees on the part of the Senate.

The message also announced that the name of the late Senator from Louisiana, Mr. Ellender, be removed as a conferee on the bill (H.R. 15586) entitled "An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes."

The message also announced that the name of the late Senator from Louisiana, Mr. Ellender, be removed as a conferee on the bill (H.R. 15417) entitled "An act 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."

## RESIGNATION AND APPOINTMENT AS CONFEREE ON H.R. 15692, INTEREST RATE ON SMALL BUSINESS ADMINISTRATION DISASTER LOANS

The SPEAKER laid before the House the following resignation as a conferee:

AUGUST 9, 1972.

The SPEAKER,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. SPEAKER: I hereby resign as a conferee in connection with the conference between the Senate and the House of Representatives on the bill, H.R. 15692.

Sincerely,

THOMAS L. ASHLEY.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Pennsylvania (Mr. MOORHEAD) as a conferee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H.R. 15692, to fill the existing vacancy.

The Clerk will notify the Senate of the change in House conferees.

## DISASTER RELIEF SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON, from the Committee on Appropriations, reported the bill (H.R. 16254) making certain disaster relief supplemental appropriations for the fiscal year 1973, and for other purposes (Rept. No. 92-1318) which was read a first and second time and, with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. BOW reserved all points of order on the bill.

## PROVIDING FOR CONSIDERATION OF CONFERENCE REPORTS ON H.R. 15586, PUBLIC WORKS APPROPRIATIONS, 1973, AND H.R. 15097, DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1973, ON THURSDAY, AUGUST 10, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on tomorrow, Thursday, August 10, to call up the conference reports filed last Monday on the bill (H.R. 15586) public works appropriations, 1973, and the bill (H.R. 15097) the Department of Transportation appropriations, 1973.

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

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman if this is simply for the purpose of again avoiding the rules of the House as to the requisite number of days that such a report must be printed and in the hands of Members—or at least available to them—under the Reorganization Act of 1970?

Mr. MAHON. The reports were filed on Monday. The conference reports would be eligible for consideration on Friday. For the purpose of expediting the business of the House and for the convenience of the Members it was thought that tomorrow, if the schedule would permit, it would be well to bring these conference reports to the floor 1 day earlier than the rule provides.

Mr. HALL. In other words, the answer to my question is "Yes," and the gentleman further explains that for the expediency of the House, and to expedite our business, and to go along with the leadership and perhaps avoid a session on Friday, he requests this unanimous-consent permission. Is that a fair statement?

Mr. MAHON. Well, they could be. The reports could be brought up next week, but we have a heavy schedule next week, and I do not think these are conference reports about which there will be a great deal of controversy in the House.

Mr. HALL. Be that as it may—and the gentleman's word is certainly good enough for me—the answer to my question is still "Yes." Is that not correct?

Mr. MAHON. Well, I do not like the speaker to put words in my mouth. I am trying to say precisely what we are trying to do, and I think my friend from Missouri understands.

Mr. HALL. For that purpose I would like to be answered "Yes" or "No" without——

Mr. MAHON. I do not think we should require our colleagues to answer "yes" or "no" on questions.

Mr. HALL. That is quite within the prerogative, on a unanimous-consent request, of all 435 duly elected Members. I well remember the gentleman from Texas standing down there and fanning the air with arms and oratory about the prerogatives and rights of the individual elected Members when it comes to unanimous consent and waiving points of order in a recent bill affecting appropriations. I am simply asking the same question.

Mr. MAHON. I will be glad if the gentleman will phrase the question and let me use my own words in answer.

Mr. HALL. Well, of course, it is awfully easy for me just to say two words and stop this colloquy.

Mr. MAHON. Right.

Mr. HALL. I have asked twice, and in my opinion I have not received a direct answer either time.

Mr. MAHON. I thought you had.

Mr. HALL. My only question is this: Is it not the intent of the gentleman to expedite the business of the House by asking unanimous consent in violation of the rules of the House?

Mr. MAHON. The gentleman is correct. That word is exactly correct.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

## PROVIDING FOR CONSIDERATION OF CONTINUING APPROPRIATIONS JOINT RESOLUTION NEXT WEEK

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on any day after Monday of next week to consider a joint resolution making further continuing appropriations for the fiscal year 1973 beyond August 18, which is the expiration date of the present continuing resolution.

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

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the chairman of the Committee on Appropriations if it is contemplated that this will be a similar continuing resolution to the one last passed by this body?

Mr. MAHON. The resolution has been introduced and the Committee on Appropriations took action today authorizing this action. It simply provides for a continuation of the present continuing resolution except for a change in date. Of course, there is quite a bit of our appropriation business that will have been completed—at least six major bills—during the last 2 or 3 weeks prior to August 18.

Mr. HALL. So the simplistic answer to my question is again affirmative. Is that correct?

Mr. MAHON. The gentleman is correct.

Mr. HALL. Mr. Speaker, further reserving the right to object, may I ask the gentleman from Texas if he plans to have a copy of this continuing resolution in the hands of the Members before he calls it up next week?

Mr. MAHON. It is available at this time here, and it will be dropped into the hopper and I will be glad to provide any Member with a copy of the resolution at this time.

Mr. GROSS. Will the gentleman yield?

Mr. HALL. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. I ask the distinguished gentleman from Texas if this continuing resolution will give us any real clue to sine die adjournment of this dawdling session of Congress.

Mr. MAHON. The simplistic answer is probably "No," but I think——

Mr. HALL. I want to congratulate my friend from Iowa. He got a direct answer. I withdraw my reservation.

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

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 15580, DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15580), to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. McMILLAN, CABELL, STUCKEY, NELSEN, and BROYHILL of Virginia.

## PROGRESS MADE IN NEGOTIATIONS ON A FEDERAL-INTERSTATE COMPACT FOR THE HUDSON RIVER—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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 Interior and Insular Affairs:

*To the Congress of the United States:*

In accordance with Section 3, of Public Law 89–605 as amended by Public Law 91–242, I am pleased to transmit a report by the Secretary of the Interior on the progress made in negotiations on a Federal-Interstate Compact for the Hudson River.

RICHARD NIXON.

THE WHITE HOUSE, *August 9, 1972.*

## 1971 ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. DOC. NO. 92–338)

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 Banking and Currency and ordered to be printed with illustrations:

*To the Congress of the United States:*

The 1971 Annual Report of the Department of Housing and Urban Development is herewith transmitted to you.

RICHARD NIXON.

THE WHITE HOUSE, *August 2, 1972.*

## DEMOCRATIC PARTY NEEDS NO ENEMIES

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

Mr. STEED. Mr. Speaker, the woods are full of those who criticize some Democrats, especially Members of the House, who find some difficulty in being wildly enthusiastic about the Democratic national ticket. But after the blatant insult heaped upon House Democrats at the national committee session last night, a session carried on prime time national television, this situation has not improved. With Speaker CARL ALBERT sitting on the platform, with numerous House Democratic leaders in the audience, not one House Member was recognize or introduced. Even when Senator McGOVERN stepped in to bridge the gap his own handpicked party leaders had created in failing to recognize key Democratic Senators, the total disregard for the House continued. With this kind of planners and leaders for friends, the Democratic Party needs no enemies.

## THE CONSTRUCTION MIRACLE IN VIETNAM

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

Mr. SIKES. Mr. Speaker, the most massive construction program ever undertaken by this or any other nation now is drawing to an end in South Vietnam. Recent announcement has been made that the construction combine known as RMK–BRJ has ended Vietnam operations after more than 10 years of outstanding service to the United States and to the cause of freedom.

This combine, made up of the Morrison-Knudsen International Co. of Boise, Idaho, Raymond International and Brown & Root of Houston, and the J. A. Jones Construction Co. of Charlotte, N.C., accomplished tasks in Southeast Asia which, because of their enormity, were considered impossible. It was the biggest construction effort in world history and,

despite all the obstacles which had to be overcome, it was accomplished in a remarkably short time.

With more than $1.9 billion in Government contracts, the combine placed enough concrete to build a 5-foot wall around South Vietnam, laid enough asphalt to build a highway from Saigon to Paris, and built hundreds of facilities including airfields, deep-draft seaports, hospitals, bridges, radar sites, and hundreds of miles of highways, all under the most difficult conditions.

What is even more notable is that all of this was done without scandal and in keeping with the best standards of our mission in Vietnam. I like to remind my colleagues that the man who headed this giant undertaking was Bertram L. Perkins of Boise. He demonstrated some of the most effective leadership ever shown in the history of military construction projects. Bert Perkins enjoyed the confidence of coworkers and he earned the praise of our Nation's leaders for his outstanding services. Regretfully he lost his life in an automobile accident shortly after leaving his work in Vietnam and returning to his company in Boise.

Combine personnel and others who participated in this gigantic undertaking deserve the thanks of the Congress and of the American people. It has again been proven that private enterprise, when given the opportunity, can accomplish miracles.

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

Mr. WHITTEN. Mr. Speaker, I call up the 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, 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 gentleman from Mississippi?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 2, 1972.)

The SPEAKER. The gentleman from Mississippi (Mr. WHITTEN) is recognized.

Mr. WHITTEN. Mr. Speaker, we are here first, today, by reason of the kindness of the leadership and of my colleague on the Committee on Appropriations. Our colleague in the Senate who is my counterpart has an engagement which requires him to leave the country late this afternoon. I appreciate very much all those cooperating so that we might bring this conference report to your attention early.

In bringing this conference report to the House, I call attention once again to the fact that this subcommittee now has jurisdiction over quite a big segment of the national budget.

I shall not take up much time because we wrote a rather thorough report on this bill prior to when it passed the House. The other body likewise wrote a thorough report. I think all of the matters in the bill have been carefully explained.

There are several things I think it might be well to remember, for example, while we have created the Environmental Protection Agency—a comparatively new agency—as early as 1963, the Agricultural Yearbook recognized the need for paying attention to man's impact on his environment and the need for doing many of the things that are being done through that agency.

In addition, this committee handles consumer protection. Certainly all Members are aware of the efforts made by the Congress at the recommendation of this subcommittee on meat inspection and the thousand and one things that go toward giving fine food to the American consumer.

Also included in this bill is the Food and Drug Administration. The committee this year had an investigation to see what might be done to help this agency. This was reported to that agency and we went over it with Dr. Edwards and we feel the $39.4 million increase we are making in this bill will speed up that degree of protection that that agency gives to the American people all the time.

We also have the Federal Trade Commission with its responsibilities for keeping fair competition and riding herd on many of the activities in our form of business to see that competition is fair and open.

Here, too, we had an investigation and we made our recommendations to the chairman and we had cooperation in each of those instances with the committee. Here again we saw the need to add $2.1 million above the budget.

In the Environmental Protection Agency, we found that this new agency has not really gone through its shakedown period. We found, as we pointed out in our earlier report when the bill passed the House, that in many areas it appeared to the committee that they do not have experts who are trained to make these important decisions.

In many instances, as we there enumerated, we find substitutes required which had nothing like the degree of testing that the original has had which may be outlawed or prohibited by this agency.

In this bill by far, the greater part of the money that is provided goes to related or other activities rather than actual operation of the Department of Agriculture. In fact, the operation of the Department of Agriculture proper is $1,247,717,200. In addition $4,057,952,000 is chargeable in the final table to the Commodity Credit Corporation and $895,000,000 is chargeable to our export activities under Public Law 480.

Beyond the general and widespread impact of this bill I must again point out that if we did not have agriculture and those who are engaged in agriculture—if we did not have any food—then there would be no Environmental Protection Agency and there would be no work for it to do.

If the American people did not produce food and maintain a healthy agriculture, industry and labor would lose their best market. If it were not for the relative few, about 5 percent, and their work in the field of production for the American consumer, we would have no need for the Federal Trade Commission, because there would not be any money with which to buy. Nor would there be a need for the Food and Drug Administration because there would be no food to inspect. Behind it all is the necessity to keep that small group of agricultural producers in business so that we will have something to regulate, something to inspect, something to buy—in other words, our whole economy. It ties right back to the protection of agriculture, and while we have dealt with these other agencies and tried to take the actions that would help them best to do their job, we must not ever lose sight—and your committee has not lost sight—that it is all tied to healthy agriculture, healthy not only in terms of the economy, but to enable them to continue and improve their way of life at home on the farm and not crowded into big cities.

One of the saddest things from one point of view, and one of the most dangerous things viewed from another, is the fact that those on the farm continue to leave at the rate of 400,000 annually. If they ever all leave the farm—and there is no law yet that requires them to stay there—we are all going to feel it.

We bring you a bill that we think is well balanced and in the best interests of the country.

In many areas as you have to do in conferences, we have agreed with the other body to split differences to keep some items, to go along with other items and to reduce certain items. In order that we might be sure that nothing was done in the temper of the times and the mood of the Congress to jeopardize the food and fiber of this Nation, the conference, in my opinion, took a real sound action. I should like to read to you the last statement in our conference report:

> 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.

In other words, the increases that circumstances required us to agree to, or perhaps required us to include in the first instance, shall not be taken out of existing levels of agricultural operations. I think that is essential; otherwise some of these consumer programs in which we all believe might in turn dry up the source of that which we consume.

Mr. Speaker, in this connection I call attention to actions of the Appropriations Committee in the Report of Public Works, page 4, the following language:

Yazoo Basin: Within the funds provided the Committee directs that initial planning be undertaken on a pilot program to meet the soil erosion and bank caving problems of the streams in the Yazoo Basin, including the foothill area, in cooperation with the Soil Conservation Service, as authorized by Public Law 46, 84th Congress, as amended by Public Law 91-566, 91st Congress.

The allocation for the Yazoo Basin includes $845,000 for continued planning on the Upper Auxiliary Channel or other alternate means of main drainage facilities to meet the flood control needs of the Upper (Delta) Yazoo Basin, the Ascalmore-Tippo, and the Opossum Bayou drainage projects. The Committee reiterates its directive that planning shall proceed from South to North so as not to aggravate prevailing conditions.

I wish to point out here that the Soil Conservation Service is expected to use its appropriated funds to install measures determined necessary in the pilot program contemplated.

This is a big bill. It totals $13,434,032,700. Though there are reservations with regard to a number of programs, a majority of the Congress, as well as the American people, have provided legislation calling for the funding which this conference report provides.

It is this bill that includes the funds to keep the farmer producing for all of us, for it attempts to see that he has adequate return for the highest quality production. It is this bill that enables consumers to spend only 16 percent of their average income for food.

It provides clean, high-quality food products through agricultural grading, meat and poultry inspection, and the activities of the Food and Drug Administration. It provides for better marketing and marketing practices and it provides for the many activities for improving the environment, including the new activities undertaken with the rural environmental assistance program.

Though this bill is above the budget most of the increases are to make available funds which will not be expended except where necessary and which if used would be repaid with interest. In fact much represents programs and funds held up from last year's appropriations.

TITLE I—AGRICULTURAL PROGRAMS

The committee carefully reviewed the budget proposals and additions were primarily in the areas involving cooperative efforts with the States. Of the increase $12,500,000 was appropriated to the Extension Service to enhance its work in the proven 4-H program and to further make this program available to urban youth. The sum of $3,500,000 was added to the cooperative State research program principally for the forestry research grant program, which has rocked along at a fairly low level for several years as our forest requirements have skyrocketed. And $3,446,000 was added to the budget for the activities of the Animal and Plant Health Inspection Service, including $1.4 million above the budget for the tuberculosis indemnity program clearly made necessary by a change in the Department's regulations affecting the salvage value of infected animals. This program, too, is administered in cooperation with the States.

The most important addition to the Federal programs is represented by $800,000 added above the budget for the information activities of the Department. As the committee stated in its report:

Through the years, the Office of Information of the Department of Agriculture has concerned itself with publication of agricultural bulletins. Its news media efforts have been largely limited to programs for those engaged in agriculture.

The committee has earmarked these funds within the appropriation for departmental administration subject to all its former limitations, but with the intent that this office work more closely with the Secretary to get the agriculture message across to the American people.

Title I appropriates a total of $6,200,669,200. This is $521,141,350 below the 1972 budget and $21,040,800 above the 1973 budget request.

TITLE II—RURAL DEVELOPMENT

Included in this title are the loan programs of the Rural Electrification Administration. Loans—for which repayments will be made—to see that electric power keeps pace with the growth in demand for electric power and telephones in rural areas. In 1972 the Congress provided $545,000,000 for electric loans of which $107,000,000 was never released by the Office of Management and Budget. This action has received much attention in the Congress. This committee recommended and the House approved a loan program of $545,000,000; $107,000,000 above the budget, which really means the reappropriation of funds frozen last year. The Senate added $50,000,000 above the House figure. The conference went along with the Senate figure in recognition of the large and growing backlog of applications, placing first emphasis on getting the $545,000,000 released.

A similar backlog situation exists in the telephone loan program for which the conference added $20,000,000, with the expectation that it, too, will be released to meet the growing demands for communications in rural areas.

A similar fundamental need exists in rural areas for new and expanding water and sewer systems. Meeting this need requires many different approaches, all leading to better quality water and water resources. The conference agreed to add $50,000,000 more than was made available in 1972 and $92,000,000 more than the budget request for 1973. In providing for a total program of $150,000,000 the conference agreed 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. An amendment will be offered making this program level subject to further authorization. An adequate authorization level has passed the House in the rural development bill (H.R. 12931).

Title II includes a total of $1,026,436,000 for rural development programs. This is $80,044,000 above the 1972 appropriation, and $276,150,000 above the 1973 budget request.

TITLE III—ENVIRONMENTAL PROGRAMS

The major increases above the budget for environmental programs included in the bill are:

An increase of $3 million for training grants and fellowships for the Environmental Protection Agency to restore the program to its 1972 level; $15 million for solid waste demonstration grants as authorized by section 208 of the Resource Recovery Act; and $3 million for demonstration of a basinwide effort to control sediment pollution in the Great Lakes under section 15 of the Federal Water Pollution Control Act.

An increase of $85,500,000 to provide for a rural environmental assistance program of $225,500,000 in 1973. The House managers have agreed that in the announcement of the 1973 REAP program of the Department of Agriculture not more than $30 million 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.

An increase of $13,975,000 for the environmental programs of the Soil Conservation Service. Major changes are an increase of $5 million above the budget for conservation operations and $8,412,000 above the budget for watershed and flood prevention operations.

In addition, two other major actions have been taken by the committee which are not reflected in the amounts covered by the bill. In order to accelerate the special Great Lakes program, the committee directed that $100 million in water and sewer funds previously appropriated to the Department of Housing and Urban Development, and frozen by OMB, be used to fund this demonstration program. In connection with the HUD water and sewer programs, the budget had proposed using only $200 million in 1973 of the $500 million appropriated by Congress in 1972 and now frozen by OMB. The committee, however, directed that HUD use all $500 million of these funds in 1973.

This title includes $2,371,014,000 for the many programs of the Environmental Protection Agency, including $1.9 billion for waste treatment facilities. Both the House and Senate versions of the Federal Water Pollution Control Act amendments contain a provision for the use of contract authority; therefore, it would not be necessary to appropriate any additional funds for the waste treatment construction grant program at this time. However, the committee fully recognizes the importance of this program and has recommended $1.9 billion

be available until the new legislation becomes law.

I would like to call the attention of the House to several recommendations contained in our committee's report. We are not a legislative committee and, therefore, we are unable to provide for such legislation; nevertheless we feel that these proposals merit serious consideration by the House.

COST OF ENVIRONMENTAL IMPACT STATEMENTS

Testimony before the committee has indicated that in fiscal year 1973 Federal agencies will be required to spend approximately $65 million to prepare environmental impact statements as required by the National Environmental Policy Act. The estimated cost by agency follows:

RESOURCE REQUIREMENTS FOR PROSECUTION OF NATIONAL ENVIRONMENTAL POLICY ACT (SEC. 102(2)(C))

| Agency | 1971 | 1972 | 1973 |
|---|---|---|---|
| Department of Agriculture | 730,000 | 2,934,000 | 3,932,000 |
| Appalachian Regional Commission | 23,000 | 35,000 | 35,000 |
| Atomic Energy Commission | 1,376,000 | 6,823,000 | 8,194,000 |
| Department of Commerce | 558,000 | 659,000 | 1,593,000 |
| Department of Defense: | | | |
| Air Force | | 87,000 | 116,000 |
| Army | | 2,664,000 | 3,543,000 |
| Army Corps of Engineers | 4,860,000 | 12,330,000 | 19,870,000 |
| Navy | | 3,711,000 | 1,478,000 |
| Delaware River Basin Commission | 25,000 | 98,000 | 223,000 |
| Environmental Protection Agency | 1,140,000 | 2,028,000 | 2,601,000 |
| Federal Power Commission | 320,000 | 544,000 | 577,000 |
| Department of HEW | 450,000 | 450,000 | 450,000 |
| Department of HUD | 173,000 | 880,000 | 1,095,000 |
| Department of Interior | 4,249,000 | 8,995,000 | 14,267,000 |
| International Boundary and Water Commission, United States and Mexico | 35,000 | 43,000 | 61,000 |
| National Aeronautics and Space Adminstration | 436,000 | 506,000 | 498,000 |
| National Science Foundation | 8,000 | 9,000 | 15,000 |
| Tennessee Valley Authority | 1,425,000 | 2,138,000 | 1,888,000 |
| Department of Transportation | 1,296,000 | 2,972,000 | 4,219,000 |
| Department of Treasury | 5,000 | 171,000 | 281,000 |
| Total | 17,109,000 | 48,077,000 | 64,936,000 |

Note: Outlay estimates were compiled by the Office of Management and Budget from data submitted by the various agencies. The information was submitted in accordance with the April 1972 request by OMB for information on outlays associated with the cost of preparing, processing, reviewing, and commenting on environmental impact statements.

The committee is strongly opposed to the cost of preparing impact statements used as a part of the cost/benefit ratio and perhaps thereby defeat or prevent needed public works projects throughout the United States. In addition, undue delays associated with the preparation of impact statements on necessary public works projects could seriously affect the economy of our country. As we make the conversion to a peacetime economy, it is vital that we divert this extra effort to the good of our people.

The committee takes this position because of the increasing emphasis being placed on detailed impact statements. Requirements for additional information, if carried to extremes, can be a costly and time-consuming process. In order to hold requests for detailed information to only that necessary to evaluate the statement, the committee recommends that consideration be given to making EPA responsible for all or some portion of the cost of all environmental impact statements.

Therefore, the committee recommends that the Office of Management and Budget consider establishing procedures or regulations that would allow the Environmental Protection Agency to either finance or refund the cost of preparing impact statements.

INDEMNITY PAYMENTS FOR ECONOMIC OR PHYSICAL INJURY

The committee takes note of the action by the Administrator of the Environmental Protection Agency banning the use of DDT in this country effective December 31, 1972, except for use on green peppers, onions, and sweet potatoes in storage. In taking this action, the Administrator overrode the findings of the Federal hearing examiner, who ruled, based on the evidence at hand, that no reason existed for banning DDT.

In issuing his decision, the Administrator also urged quick passage of the pesticide legislation submitted by the administration which has been pending in Congress and stated.

The present law is completely inadequate to allow me to regulate the use of pesticides for beneficial uses on a restricted basis.

Such authority may well be used to further ban or at least restrict other essential pesticides prior to the development of satisfactory alternatives.

The committee also takes note of the fact that the Administrator's order does not affect export of DDT to other countries. However, by our action the Administrator is indirectly telling them that they should likewise ban its use. This raises the question as to whether we are following a course that will, if carried forward, allow the underdeveloped countries to develop toward our own level while we, at the same time, drift backward toward their level of health, length of life, and standard of living.

The committee is convinced that the Administrator's decision on DDT raises serious questions. DDT has been widely used throughout the world and has reportedly saved millions of human lives through increased food production and disease eradication. According to information provided to the committee, throughout the many years of use, DDT has produced no known harmful effect to human health when properly used. The decision is within the power of the Administrator though doubtless this matter will eventually have to be settled by the courts.

It is to be noted that the Administrator says that in many respects the best substitutes constitute a real hazard—so much so that he has asked the committee, and the committee has acted favorably, for a training program for the substitutes.

He plans to turn to substitutes with which we have far less experience, are readily admitted to be highly toxic, and require a far greater frequency of application for a lesser result. The committee believes that funds should be available for indemnity payments to individuals who suffer economic or physical harm from the use of Government-forced substitutes.

Therefore, the committee recommends that the Environmental Protection Agency give serious consideration to establishing an indemnity program, similar to others now in existence throughout the Federal Government.

TAX CREDIT FOR POLLUTION ABATEMENT COSTS

The committee is convinced that a tax credit should be made up to probably 50 percent of the cost of pollution abatement in many cases. The committee is without authority to provide for such legislation, but strongly urges both the EPA and the appropriate legislative committee to cooperate in the passage of such legislation.

While the committee did not specifically address this item in the conference report, we are convinced that the unique problems associated with the proposed sewer demonstration project at Bend, Oreg., may well be of national significance. Therefore, the committee urges the Environmental Protection Agency to carefully review this proposal in light of its possible application to similar problems of many cities across the Nation. The House concurs with the Senate report language on this item.

This title, which includes programs for environmental protection totals $2,951,648,000, which is $17,475,000 above the budget and $33,337,000 below the Senate bill.

TITLE IV—CONSUMER PROGRAMS

The conference committee has agreed with the Senate figure of $2,500,000,000 for the food stamp program, which is $300,000,000 above 1972 and $158,854,000 above the budget but has provided that the amount above the budget shall be placed in contingency reserve by the Office of Management and Budget to be released upon determination of need. The total nutrition programs funded in this bill are in excess of $4 billion.

While the committee recognizes the value of these food programs, it is disturbed at the great amount of criticism and charges of waste and violations of regulations and even the law partially

caused by the split responsibilities for the food stamp program. The House report noted that—

This complicated program, with divided responsibility, has created an almost impossible situation where charges of violations are so numerous that the Department of Justice in most cases has not had sufficient personnel to prosecute and still meet its responsibilities with major cases. With one agency certifying eligibility and another having to administer the program, it appears that correction of abuse is impossible.

In view of this, the committee considered transferring the funds for the food stamp program to the Department of Health, Education, and Welfare, the agency which, through welfare, certifies eligibility. Then in cases of violation, eligibility can easily be withdrawn, thus putting the program on a sound basis; however, it has been decided it would be better to make this change in an orderly manner.

The committee will expect serious consideration of this proposal to transfer the food stamp program before next year's budget is submitted to the Congress.

Although the dollar increases are not as large in absolute terms, in terms of potential impact on the average consumer the increases for the Food and Drug Administration and the Federal Trade Commission may be the most significant in the history of either agency and should help to greatly strengthen the programs of both.

The $159,623,000 for the Food and Drug Administration will provide for an additional 1,391 personnel, a 27-percent increase over the number of people available in 1972. The $39,365,000 increase is the largest yearly increase in the history of the agency. In fact, this increase exceeds the increases for the last 5 years combined.

When added to the $8,000,000 provided in the 1972 second supplemental, the total funds available will provide for over 19,000 inspections of food plants in 1973, as compared to only 8,000 in 1972. This dramatic increase should greatly reduce the problems of inadequate surveillance of food and drug plants.

The $5,285,000 increase in the Federal Trade Commission is also the largest single-year increase in its history and is equally significant. The increase will provide for an additional 205 employees, and will permit better program planning and increased economic analysis of major concentrated industries. Attorney and support personnel, especially in regional offices, have also been increased to assure that the Commission will be able to effectively enforce compliance with past orders and to pursue new orders where justified.

Title IV provides a total of $3,255,279,000 for consumer programs. This is $477,897,000 above 1972, and $167,176,500 above the budget request.

The following table shows the effect of the conference agreement in detail:

DEPARTMENT OF AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION—H.R. 15690

COMPARATIVE STATEMENT OF CONFEREE RECOMMENDATIONS AND NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1972 BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE HOUSE AND SENATE BILLS FOR 1973

| Agency and title | New budget (obligational) authority enacted to date, fiscal 1972 | Budget estimates of new budget (obligational) authority fiscal 1973 | New budget (obligational) authority recommended in House bill 1973 | New budget (obligational) authority recommended in Senate bill 1973 | New budget (obligational) authority recommended by Conferees | Increase (+) or decrease (−) Conferee recommendations compared with— | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | 1972 | 1973 budget | 1973 House bill | 1973 Senate bill |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| TITLE I—AGRICULTURAL PROGRAMS | | | | | | | | | |
| DEPARTMENT OF AGRICULTURE | | | | | | | | | |
| Departmental Management | | | | | | | | | |
| Office of the Secretary | $9,485,000 | $10,312,000 | $11,112,000 | $10,312,000 | $11,112,000 | +$1,627,000 | +$800,000 | ---------- | +$800,000 |
| Office of the Inspector General | 14,354,000 | 14,519,000 | 14,519,000 | 14,519,000 | 14,519,000 | +165,000 | ---------- | ---------- | ---------- |
| Transfer from Food Stamp | (4,077,000) | (4,250,000) | (4,250,000) | (4,250,000) | (4,250,000) | (+173,000) | (----------) | (----------) | (----------) |
| Total, Office of the Inspector General | (18,431,000) | (18,769,000) | (18,769,000) | (18,769,000) | (18,769,000) | (+338,000) | (----------) | (----------) | (----------) |
| Office of the General Counsel | 6,560,000 | 6,666,000 | 6,666,000 | 6,666,000 | 6,666,000 | +106,000 | ---------- | ---------- | ---------- |
| Office of Management Services | 3,889,000 | 4,147,000 | 4,110,000 | 4,174,000 | 4,147,000 | +258,000 | ---------- | +$37,000 | ---------- |
| Total, Departmental Management | 34,288,000 | 36,644,000 | 36,470,000 | 35,644,000 | 36,444,000 | +2,156,000 | +800,000 | +37,000 | +800,000 |
| Science and Education Programs | | | | | | | | | |
| Agricultural Research Service: | | | | | | | | | |
| Research | 176,746,500 | 177,814,000 | 181,922,000 | 201,018,400 | 188,036,600 | +11,290,100 | +10,222,600 | +6,114,600 | −12,981,800 |
| Transfer from Sec. 32 | (15,000,000) | (15,000,000) | (15,000,000) | (15,000,000) | (15,000,000) | (----------) | (----------) | (----------) | (----------) |
| Special fund (reappropriation) | 2,000,000 | (2,000,000) | (2,000,000) | (2,000,000) | (2,000,000) | −2,000,000 | (----------) | (----------) | (----------) |
| Scientific activities overseas | 10,000,000 | 20,000,000 | 10,000,000 | 20,000,000 | 10,000,000 | ---------- | −10,000,000 | ---------- | −10,000,000 |
| Total, Agricultural Research Service | 188,746,500 | 197,814,000 | 191,922,000 | 221,018,400 | 198,036,600 | +9,290,100 | +222,600 | +6,114,600 | −22,981,800 |
| Animal and Plant Health Inspection Service | 252,514,650 | 285,858,000 | 287,404,000 | 295,454,000 | 289,304,000 | +36,789,350 | +3,446,000 | +1,900,000 | −6,150,000 |
| Cooperative State Research Service | 82,948,000 | 87,938,000 | 89,938,000 | 94,138,000 | 91,438,000 | +8,490,000 | +3,500,000 | +1,500,000 | −2,700,000 |
| Extension Service | 172,279,000 | 181,831,000 | 191,831,000 | [1] 197,331,000 | 194,331,000 | +22,052,000 | +12,500,000 | +2,500,000 | −3,000,000 |
| National Agricultural Library | 4,142,750 | 4,226,750 | 4,226,750 | 4,226,750 | 4,226,750 | +84,000 | ---------- | ---------- | ---------- |
| Total, Science and Education Programs | 700,630,900 | 757,667,750 | 765,321,750 | 812,168,150 | 777,336,350 | +76,705,450 | +19,668,600 | +12,014,600 | −34,831,800 |
| Agricultural Economics | | | | | | | | | |
| Statistical Reporting Service | 21,088,000 | 22,836,000 | 22,800,000 | 22,936,000 | 22,834,200 | +1,746,200 | −1,800 | +34,200 | −101,800 |
| Economic Research Service | 16,471,000 | 18,022,000 | 17,086,000 | 18,572,000 | 17,829,000 | +1,358,000 | −193,000 | +743,000 | −743,000 |
| Total, Agricultural Economics | 37,559,000 | 40,858,000 | 39,886,000 | 41,508,000 | 40,663,200 | +3,104,200 | −194,800 | +777,200 | −844,800 |
| Marketing Services | | | | | | | | | |
| Agricultural Marketing Service: | | | | | | | | | |
| Marketing Services | 32,069,000 | 34,174,000 | 34,174,000 | 34,210,000 | 34,210,000 | +2,141,000 | +36,000 | +36,000 | ---------- |
| Payments to States and Possessions | 1,600,000 | 1,600,000 | 1,750,000 | 2,500,000 | 2,500,000 | +900,000 | +900,000 | +750,000 | ---------- |
| Total, Agricultural Marketing Service | 33,669,000 | 35,774,000 | 35,924,000 | 36,710,000 | 36,710,000 | +3,041,000 | +936,000 | +786,000 | ---------- |

DEPARTMENT OF AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION—H.R. 15690—Continued

COMPARATIVE STATEMENT OF CONFEREE RECOMMENDATIONS AND NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1972 BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE HOUSE AND SENATE BILLS FOR 1973—Continued

| Agency and title | New budget (obligational) authority enacted to date, fiscal 1972 | Budget estimates of new budget (obligational) authority fiscal 1973 | New budget (obligational) authority recommended in House bill 1973 | New budget (obligational) authority recommended in Senate bill 1973 | New budget (obligational) authority recommended by Conferees | Increase (+) or decrease (−) Conferee recommendations compared with— 1972 | 1973 budget | 1973 House bill | 1973 Senate bill |
|---|---|---|---|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| Commodity Exchange Authority | $2,843,000 | $2,906,000 | $2,906,000 | $2,906,000 | $2,906,000 | +$63,000 | | | |
| Packers and Stockyards Administration | 4,005,650 | 4,062,650 | 4,026,650 | 4,062,650 | 4,062,650 | +57,000 | | | |
| Farmer Cooperative Service | 1,909,000 | 1,955,000 | 1,955,000 | 2,155,000 | 2,055,000 | +146,000 | +$100,000 | +$100,000 | −$100,000 |
| Total, Marketing Services | 42,426,650 | 44,697,650 | 44,847,650 | 45,833,650 | 45,733,650 | +3,307,000 | +1,036,000 | +886,000 | −100,000 |
| International Programs | | | | | | | | | |
| Foreign Agricultural Service | 25,536,000 | 26,074,000 | 25,536,000 | 26,074,000 | 25,805,000 | +269,000 | −269,000 | +269,000 | −269,000 |
| Transfer from Sec. 32 | (3,117,000) | (3,117,000) | (3,117,000) | (3,117,000) | (3,117,000) | ( ) | ( ) | ( ) | ( ) |
| Total, Foreign Agricultural Service | (28,653,000) | (29,191,000) | (28,653,000) | (29,191,000) | (28,992,000 | (+269,000) | (−269,000) | (+269,000) | (−269,000) |
| Public Law 480 | 1,320,400,000 | 895,000,000 | 895,000,000 | 895,000,000 | 895,000,000 | −425,400,000 | | | |
| Total, International Programs | 1,345,936,000 | 921,074,000 | 920,536,000 | 921,074,000 | 920,805,000 | −425,131,000 | −269,000 | +269,000 | −269,000 |
| COMMODITY PROGRAMS | | | | | | | | | |
| Agricultural Stabilization and Conservation Service: | | | | | | | | | |
| Salaries and Expenses | 165,039,000 | 169,235,000 | 169,235,000 | 169,235,000 | 169,235,000 | +4,196,000 | | | |
| Transfer from CCC | (77,256,000) | (78,346,000) | (78,346,000) | (78,346,000) | (78,346,000) | (+1,090,000) | | | |
| Total, Expenses, ASCS | (242,295,000) | (247,581,000) | (247,581,000) | (247,581,000) | (247,581,000) | (+5,286,000) | | | |
| Sugar Act program | 86,000,000 | 84,500,000 | 84,500,000 | 84,500,000 | 84,500,000 | −1,500,000 | | | |
| Cropland adjustment program | 67,100,000 | 52,500,000 | 52,500,000 | 52,500,000 | 52,500,000 | −14,600,000 | | | |
| Dairy and beekeeper indemnity programs | 7,500,000 | 3,500,000 | 3,500,000 | 3,500,000 | 3,500,000 | −4,000,000 | | | |
| Federal Crop Insurance Corporation: | | | | | | | | | |
| Administrative and operating expenses | 12,000,000 | 12,000,000 | 12,000,000 | 12,000,000 | 12,000,000 | | | | |
| FCIC fund (premium income) | (3,587,000 | (3,654,000) | (3,654,000) | (3,654,000) | (3,654,000) | (+67,000) | ( ) | ( ) | ( ) |
| Total, administrative and operating expenses FCIC | (15,587,000) | (15,654,000) | (15,654,000) | (15,654,000) | (15,654,000) | (+67,000) | ( ) | ( ) | ( ) |
| Subscription to capital stock | 10,000,000 | | | | | −10,000,000 | | | |
| Total Federal Crop Insurance Corporation | 22,000,000 | 12,000,000 | 12,000,000 | 12,000,000 | 12,000,000 | −10,000,000 | | | |
| Commodity Credit Corporation: | | | | | | | | | |
| Reimbursement for net realized losses | 4,213,331,000 | 4,057,952,000 | 3,832,952,000 | 4,057,952,000 | 4,057,952,000 | −155,379,000 | | +225,000,000 | |
| Limitation on administrative expenses | (40,200,000) | (39,900,000) | (39,900,000) | (39,900,000) | (39,900,000) | (−300,000) | | | |
| Total, Commodity Credit Corporation | 4,213,331,000 | 4,057,952,000 | 3,882,952,000 | 4,057,952,000 | 4,057,952,000 | −155,379,000 | | +225,000,000 | |
| Total, Commodity Programs | 4,560,970,000 | 4,379,687,000 | 4,154,687,000 | 4,379,687,000 | 4,379,687,000 | −181,283,000 | | +225,000,000 | |
| Total, Title I, Agricultural Programs | 6,721,810,550 | 6,179,628,400 | 5,961,685,400 | 6,235,914,800 | 6,200,669,200 | −521,141,350 | +21,040,800 | +238,983,800 | −35,245,000 |
| TITLE II—RURAL DEVELOPMENT | | | | | | | | | |
| DEPARTMENT OF AGRICULTURE | | | | | | | | | |
| Rural Development Service | 250,000 | 500,000 | 250,000 | 500,000 | 400,000 | +150,000 | −100,000 | +150,000 | −100,000 |
| Resource conservation and development | 20,867,000 | 20,600,000 | 20,867,000 | 26,600,000 | 26,600,000 | +5,733,000 | +6,000,000 | +5,733,000 | |
| Rural Electrification Administration: | | | | | | | | | |
| Loan authorization: | | | | | | | | | |
| Electrification | 545,000,000 | 331,000,000 | 438,000,000 | 488,000,000 | 488,000,000 | −57,000,000 | +157,000,000 | +50,000,000 | |
| Unobligated balances available | | (107,000,000) | (107,000,000) | (107,000,000) | (107,000,000) | (+107,000,000) | | | |
| Total available | (545,000,000) | (438,000,000) | (545,000,000) | (595,000,000) | (595,000,000) | (+50,000,000) | (+157,000,000) | (+50,000,000) | |
| Telephone | 124,100,000 | 125,000,000 | 125,000,000 | 145,000,000 | 145,000,000 | +20,900,000 | +20,000,000 | +20,000,000 | |
| Total, loans (authorization to spend debt receipts) | 669,100,000 | 456,000,000 | 563,000,000 | 633,000,000 | 633,000,000 | −36,100,000 | +177,000,000 | +70,000,000 | |
| Rural Telephone Bank | 30,000,000 | 30,000,000 | 30,000,000 | 30,000,000 | 30,000,000 | | | | |
| Salaries and expenses | 16,706,000 | 16,720,000 | 16,720,000 | 16,720,000 | 16,720,000 | +14,000 | | | |
| Total, Rural Electrification Administration | 715,806,000 | 502,720,000 | 609,720,000 | 679,720,000 | 679,720,000 | −36,086,000 | +177,000,000 | +70,000,000 | |
| Farmers Home Administration: | | | | | | | | | |
| Direct loan account: | | | | | | | | | |
| Operating loans | (350,000,000) | (275,000,000) | (350,000,000) | (350,000,000) | (350,000,000) | ( ) | (+75,000,000) | ( ) | ( ) |
| Soil conservation loans | (8,700,000) | (24,000,000) | (24,000,000) | (24,000,000) | (24,000,000) | (+15,300,000) | ( ) | ( ) | ( ) |
| Total, direct loan account | (358,700,000) | (299,000,000) | (374,000,000) | (374,000,000) | (374,000,000) | (+15,300,000) | (+75,000,000) | ( ) | ( ) |

Footnotes at end of table.

| Agency and title | New budget (obligational) authority enacted to date, fiscal 1972 | Budget estimates of new budget (obligational) authority fiscal 1973 | New budget (obligational) authority recommended in House bill 1973 | New budget (obligational) authority recommended in Senate bill 1973 | New budget (obligational) authority recommended by Conferees | Increase (+) or decrease (−) Conferee recommendations compared with— 1972 | 1973 budget | 1973 House bill | 1973 Senate bill |
|---|---|---|---|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| TITLE II—RURAL DEVELOPMENT—Continued | | | | | | | | | |
| DEPARTMENT OF AGRICULTURE—Continued | | | | | | | | | |
| Farmers Home Admin.—Con. | | | | | | | | | |
| Rural Housing Insurance Fund: | | | | | | | | | |
| Reimbursement for interest and other losses | $23,663,000 | $51,461,000 | $51,461,000 | $51,461,000 | $51,461,000 | +$27,798,000 | ---------- | ---------- | ---------- |
| Direct loans | (10,000,000) | (10,000,000) | (10,000,000) | (10,000,000) | (10,000,000) | ---------- | ---------- | ---------- | ---------- |
| Insured loans | (1,605,000,000) | (2,114,000,000) | (2,144,000,000) | (2,144,000,000) | (2,144,000,000) | (+539,000,000) | ---------- | ---------- | ---------- |
| Total, Rural Housing Insurance Fund | (1,638,663,000) | (2,205,641,000) | (2,205,461,000) | (2,205,461,000) | (2,205,461,000) | (+566,798,000) | ---------- | ---------- | ---------- |
| Agricultural Credit Insurance Fund: | | | | | | | | | |
| Reimbursement for interest and other losses | 37,192,000 | 56,762,000 | 56,762,000 | 56,762,000 | 56,762,000 | +19,570,000 | ---------- | ---------- | ---------- |
| Insured real estate loans | (372,000,000) | (370,000,000) | (370,000,000) | (470,000,000) | (370,000,000) | (−2,000,000) | ---------- | ---------- | (−$100,000,000) |
| Insured water and waste disposal loans | (300,000,000) | (300,000,000) | (300,000,000) | (300,000,000) | (300,000,000) | ---------- | ---------- | ---------- | ---------- |
| Total, Agriculture Credit Insurance Fund | (709,192,000) | (726,762,000) | (726,762,000) | (826,762,000) | (726,762,000) | (+17,570,000) | ---------- | ---------- | (−100,000,000) |
| Rural water and waste disposal grants | 44,000,000 | ---------- | 42,000,000 | 142,000,000 | 92,000,000 | +48,000,000 | +$92,000,000 | $+50,000,000 | −50,000,000 |
| Unobligated balance available from previous years | (56,000,000) | [2] (58,000,000) | (58,000,000) | (58,000,000) | (58,000,000) | (+2,000,000) | ---------- | ---------- | ---------- |
| Total, rural water and waste disposal grants | (100,000,000) | (58,000,000) | (100,000,000) | (200,000,000) | (150,000,000) | (+50,000,000) | (+92,000,000) | (+50,000,000) | (−50,000,000) |
| Rural housing for domestic farm labor | 2,500,000 | 2,500,000 | 2,500,000 | 7,000,000 | 3,750,000 | +1,250,000 | +1,250,000 | +1,250,000 | −3,250,000 |
| Mutual and self-help housing | 2,000,000 | 3,000,000 | 3,000,000 | 3,000,000 | 3,000,000 | +1,000,000 | ---------- | ---------- | ---------- |
| Salaries and expenses | 110,114,000 | 112,743,000 | 112,743,000 | 117,743,000 | 112,743,000 | +12,629,000 | ---------- | ---------- | −5,000,000 |
| Transfer from loan accounts | (2,750,000) | (1,500,000) | (1,500,000) | (1,500,000) | (1,500,000) | (−1,250,000) | ---------- | ---------- | ---------- |
| Total, salaries and expenses | (102,864,000) | (114,243,000) | (114,243,000) | (119,243,000) | (114,243,000) | (+11,379,000) | ---------- | ---------- | (−5,000,000) |
| Total, Farmers Home Administration | 209,469,000 | 226,466,000 | 268,466,000 | 377,966,000 | 319,716,000 | +110,247,000 | +93,250,000 | +51,250,000 | −58,250,000 |
| INDEPENDENT AGENCIES | | | | | | | | | |
| Farm Credit Administration: | | | | | | | | | |
| Limitation on administrative expenses | (5,200,000) | (5,545,000) | (5,545,000) | (5,545,000) | (5,545,000) | (+345,000) | (----------) | (----------) | (----------) |
| Total, Title II, rural development | 946,392,000 | 750,286,000 | 899,303,000 | 1,084,786,000 | 1,026,436,000 | +80,044,000 | +$276,150,000 | +127,133,000 | −58,350,000 |
| TITLE III—ENVIRONMENTAL PROGRAMS | | | | | | | | | |
| INDEPENDENT AGENCIES | | | | | | | | | |
| Council on Environmental Quality and Office of Environmental Quality | 2,300,000 | 2,550,000 | 2,550,000 | 2,550,000 | 2,550,000 | +250,000 | ---------- | ---------- | ---------- |
| Environmental Protection Agency: | | | | | | | | | |
| Agency and regional management | 34,460,400 | 41,460,400 | 41,960,400 | 491,514,000 | 41,960,400 | +7,500,000 | +500,000 | ---------- | −24,500,000 |
| Research and Development | 168,154,018 | 167,223,700 | 185,223,700 | | 185,223,700 | +17,069,682 | +18,000,000 | ---------- | |
| Abatement and Control | 186,142,800 | 207,435,700 | [3] 240,935,700 | | 210,935,700 | +24,792,900 | +3,500,000 | −30,000,000 | |
| Enforcement | 21,345,100 | 28,894,200 | 28,894,200 | | 28,894,200 | +7,549,100 | ---------- | ---------- | |
| Facilities | 28,000,000 | 1,000,000 | ---------- | | ---------- | −28,000,000 | −1,000,000 | ---------- | |
| Employment savings | 2,418,000 | ---------- | ---------- | | ---------- | −2,418,000 | ---------- | ---------- | |
| Construction grants | 2,000,000,000 | 2,000,000,000 | 1,900,000,000 | 1,900,000,000 | 1,900,000,000 | −100,000,000 | −100,000,000 | ---------- | ---------- |
| Scientific activities overseas | 7,000,000 | 7,000,000 | 4,000,000 | 4,000,000 | 4,000,000 | −3,000,000 | −3,000,000 | ---------- | ---------- |
| Total, Environmental Protection Agency | 2,447,520,318 | 2,453,014,000 | 2,401,014,000 | 2,395,514,000 | 2,371,014,000 | −76,506,318 | −82,000,000 | −30,000,000 | −24,500,000 |
| National Commission on Materials Policy | 500,000 | 1,300,000 | 1,300,000 | 1,300,000 | 1,300,000 | +800,000 | ---------- | ---------- | ---------- |
| DEPARTMENT OF COMMERCE | | | | | | | | | |
| National Pollution Control Council | 316,059 | 323,000 | 310,000 | 323,000 | 323,000 | +6,941 | ---------- | +13,000 | ---------- |
| DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT | | | | | | | | | |
| Grants for basic water and sewer facilities | 500,000,000 | ---------- | ---------- | ---------- | ---------- | −500,000,000 | ---------- | ---------- | ---------- |
| Unobligated balance available from previous years | (200,000,000) | (500,000,000) | (500,000,000) | (500,000,000) | (500,000,000) | (+300,000,000) | (----------) | (----------) | (----------) |
| Less: Amounts frozen by OMB | (500,000,000) | (300,000,000) | (----------) | (----------) | (----------) | (+500,000,000) | (−300,000,000) | (----------) | (----------) |
| Program | (200,000,000) | (200,000,000) | (500,000,000) | (500,000,000) | (500,000,000) | (+300,000,000) | (+300,000,000) | (----------) | (----------) |

DEPARTMENT OF AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION—H.R. 15690—Continued

COMPARATIVE STATEMENT OF CONFEREE RECOMMENDATIONS AND NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1972 BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE HOUSE AND SENATE BILLS FOR 1973—Continued

| Agency and title | New budget (obligational) authority enacted to date, fiscal 1972 | Budget estimates of new budget (obligational) authority fiscal 1973 | New budget (obligational) authority recommended in House bill 1973 | New budget (obligational) authority recommended in Senate bill 1973 | New budget (obligational) authority recommended by Conferees | Increase (+) or decrease (−) Conferee recommendations compared with— | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | 1972 | 1973 budget | 1973 House bill | 1973 Senate bill |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| DEPARTMENT OF AGRICULTURE | | | | | | | | | |
| Soil Conservation Service: | | | | | | | | | |
| Conservation operations | $154,734,000 | $155,069,000 | 155,069,000 | $165,069,000 | 160,069,000 | $+5,335,000 | +$5,000,000 | +$5,000,000 | −$5,000,000 |
| River basin surveys and investigations | 10,091,000 | 11,607,000 | 11,607,000 | 11,607,000 | 11,607,000 | +1,516,000 | ---------- | ---------- | ---------- |
| Watershed planning | 6,740,000 | 7,122,000 | 7,122,000 | 8,122,000 | 7,622,000 | +882,000 | +500,000 | +500,000 | −500,000 |
| Watershed and flood prevention operations | 132,099,000 | 125,137,000 | 132,099,000 | 135,000,000 | 133,549,500 | +1,450,500 | +8,412,500 | +1,450,500 | −1,450,500 |
| Great Plains conservation program | 18,113,500 | 18,051,000 | 18,113,500 | 20,000,000 | 18,113,500 | ---------- | +62,500 | ---------- | −1,886,500 |
| Total, Soil Conservation Service | 321,777,500 | 316,986,000 | 324,010,500 | 339,798,000 | 330,961,000 | +9,183,500 | +13,975,000 | +6,950,500 | −8,837,000 |
| Agricultural Stabilization and Conservation Service: | | | | | | | | | |
| Rural environmental assistance program: | | | | | | | | | |
| Advance authorization (contract authorization) | 195,500,000 | 140,000,000 | 195,500,000 | 225,500,000 | 225,500,000 | +30,000,000 | +85,500,000 | +30,000,000 | ---------- |
| Transfer from Environmental Protection Agency | (----------) | (----------) | (30,000,000) | (----------) | (----------) | (----------) | (----------) | (−30,000,000) | (----------) |
| Program level | (195,500,000) | (140,000,000) | (225,500,000) | (225,500,000) | (225,500,000) | (+30,000,000) | (+85,500,000) | (----------) | (----------) |
| Liquidation of contract authorization | (150,000,000) | (195,500,000) | (195,500,000) | (195,500,000) | (195,500,000) | (+45,500,000) | ---------- | ---------- | ---------- |
| Water Bank Act program | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | ---------- | ---------- | ---------- | ---------- |
| Emergency conservation measures | 12,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | 2,000,000 | ---------- | ---------- | ---------- |
| Total, Agricultural Stabilization and Conservation Service | 217,500,000 | 160,000,000 | 215,500,000 | 245,500,000 | 245,500,000 | +28,000,000 | +85,500,000 | +30,000,000 | ---------- |
| Total, Title III—Environmental programs | 3,489,913,877 | 2,934,173,000 | 2,944,684,500 | 2,984,985,000 | 2,951,648,000 | −538,265,877 | +17,475,000 | +6,963,500 | −33,337,000 |
| TITLE IV—CONSUMER PROGRAMS | | | | | | | | | |
| INDEPENDENT AGENCIES | | | | | | | | | |
| Office of Consumer Affairs | 977,000 | 1,118,000 | 1,033,000 | 1,118,000 | 1,075,500 | +98,500 | −42,500 | +42,500 | −42,500 |
| Consumer Products Information Coordinating Center | 457,000 | 643,000 | 823,000 | 823,000 | 823,000 | +366,000 | +180,000 | ---------- | ---------- |
| National Commission on Consumer Finance | 625,000 | (4) | 320,000 | 413,000 | 365,000 | −260,000 | +365,000 | +45,000 | −48,000 |
| DEPARTMENT OF AGRICULTURE | | | | | | | | | |
| Food and Nutrition Service: | | | | | | | | | |
| Child Nutrition programs | 363,876,000 | 471,296,000 | 471,296,000 | 471,296,000 | 471,296,000 | +107,420,000 | ---------- | ---------- | ---------- |
| Transfer from sec. 32 | (232,043,000) | (119,165,000) | (119,165,000) | (119,165,000) | (119,165,000) | (−112,878,000) | (----------) | (----------) | (----------) |
| Total, child nutrition programs | (595,919,000) | (590,461,000) | (590,461,000) | (590,461,000) | (590,461,000) | (−5,458,000) | ---------- | ---------- | ---------- |
| Special milk program | 104,000,000 | 92,123,000 | 92,123,000 | 97,123,000 | 97,123,000 | −6,877,000 | +5,000,000 | +5,000,000 | ---------- |
| Food stamp program | 2,200,000,000 | 2,341,146,000 | 2,341,146,000 | 2,500,000,000 | 2,500,000,000 | +300,000,000 | +158,854,000 | +158,854,000 | ---------- |
| Total, Food and Nutrition Service | 2,667,876,000 | 2,904,565,000 | 2,904,565,000 | 3,068,419,000 | 3,068,419,000 | +400,543,000 | +163,854,000 | +163,854,000 | ---------- |
| DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE | | | | | | | | | |
| Food and Drug Administration: | | | | | | | | | |
| Food, Drug, and Product Safety: | | | | | | | | | |
| Appropriation | 112,258,000 | 148,423,000 | 154,123,000 | 154,123,000 | 154,123,000 | +41,865,000 | +5,700,000 | ---------- | ---------- |
| Prior year unobligated balance | (----------) | (----------) | (1,600,000) | (1,600,000) | (1,600,000) | (+1,600,000) | (+1,600,000) | (----------) | (----------) |
| Program level | (112,258,000) | (148,423,000) | (155,723,000) | (155,723,000) | (155,723,000) | (+43,465,000) | (+7,300,000) | (----------) | (----------) |
| Buildings and facilities: | | | | | | | | | |
| Appropriation | ---------- | 5,000,000 | ---------- | ---------- | ---------- | ---------- | −5,000,000 | ---------- | ---------- |
| Prior-year unobligated balances | (8,000,000) | (----------) | (3,900,000) | (3,900,000) | (3,900,000) | (−4,100,000) | (+3,900,000) | (----------) | (----------) |
| Program level | (8,000,000) | (5,000,000) | (3,900,000) | (3,900,000) | (3,900,000) | (−4,100,000) | (−1,100,000) | (----------) | (----------) |
| Total, Food and Drug Administration: | | | | | | | | | |
| Appropriation | 112,258,000 | 153,423,000 | 154,123,000 | 154,123,000 | 154,123,000 | +41,865,000 | +700,000 | ---------- | ---------- |
| Prior-year unobligated balances | (8,000,000) | (----------) | (5,500,000) | (5,500,000) | (5,500,000) | (−2,500,000) | (+5,500,000) | (----------) | (----------) |
| Program level | (120,258,000) | (153,423,000) | (159,623,000) | (159,623,000) | (159,623,000) | (+39,365,000) | (+6,200,000) | (----------) | (----------) |
| INDEPENDENT AGENCIES | | | | | | | | | |
| Federal Trade Commission | 25,189,000 | 28,354,000 | 30,474,000 | 30,474,000 | 30,474,000 | +5,285,000 | +2,120,000 | ---------- | ---------- |
| Total, Title IV, Consumer programs | 2,807,382,000 | 3,088,103,000 | 3,091,338,000 | 3,255,370,000 | 3,255,279,500 | +447,897,500 | +167,176,500 | +163,941,500 | −90,500 |

Footnotes at end of table.

| Agency and title | New budget (obligational) authority enacted to date, fiscal 1972 | Budget estimates of new budget (obligational) authority fiscal 1973 | New budget (obligational) authority recommended in House bill 1973 | New budget (obligational) authority recommended in Senate bill 1973 | New budget (obligational) authority recommended by Conferees | Increase (+) or decrease (−) Conferee recommendations compared with— | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | 1972 | 1973 budget | 1973 House bill | 1973 Senate bill |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| RECAPITULATION | | | | | | | | | |
| Title I—Agricultural Programs | $6,721,810,550 | $6,179,628,400 | $5,961,685,400 | $6,235,914,800 | $6,200,669,200 | −$521,141,350 | +$21,040,800 | +$238,983,800 | −$35,245,600 |
| Title II—Rural Development | 946,392,000 | 750,286,000 | 899,303,000 | 1,084,786,000 | 1,026,436,000 | +80,044,000 | +276,150,000 | +127,133,000 | −58,350,000 |
| Title III—Environmental Programs | 3,489,913,877 | 2,934,173,000 | 2,944,684,500 | 2,984,985,000 | 2,951,648,000 | −538,265,877 | +17,475,000 | +6,963,500 | −33,337,000 |
| Title IV—Consumer Programs | 2,807,382,000 | 3,088,103,000 | 3,091,338,000 | 3,255,370,000 | 3,255,279,500 | +447,897,500 | +167,176,500 | +163,941,500 | −90,500 |
| Total, New budget (obligational authority) | 13,965,498,427 | 12,952,190,400 | 12,897,010,900 | 13,561,055,800 | 13,434,032,700 | −531,465,727 | +481,842,300 | +537,021,800 | −127,023,100 |
| CONSISTING OF | | | | | | | | | |
| 1. Appropriations | 13,098,898,427 | 12,356,190,400 | 12,138,510,900 | 12,702,555,800 | 12,575,532,700 | −523,365,727 | +219,432,300 | +437,021,800 | −127,023,100 |
| 2. Reappropriations | 2,000,000 | | | | | −2,000,000 | | | |
| 3. Contract authorization | 195,500,000 | 140,000,000 | 195,500,000 | 225,500,000 | 225,500,000 | +30,000,000 | +85,500,000 | +30,000,000 | |
| 4. Authorizations to spend from debt receipts | 669,100,000 | 456,000,000 | 563,000,000 | 633,000,000 | 633,000,000 | −36,100,000 | +177,000,000 | +70,000,000 | |
| MEMORANDUMS | | | | | | | | | |
| 1. Appropriations to liquidate contract authority | 150,000,000 | 195,500,000 | 195,500,000 | 195,500,000 | 195,500,000 | +45,500,000 | | | |
| 2. Appropriations including appropriations to liquidate contract authority | 13,248,988,427 | 12,551,690,400 | 12,334,010,900 | 12,898,055,800 | 12,771,032,700 | −477,865,727 | +219,342,300 | +437,021,800 | −127,023,100 |
| 3. Transfers from Sec. 32 | 250,160,000 | 137,282,000 | 137,282,000 | 137,282,000 | 137,282,000 | −112,878,000 | | | |
| 4. Transfer from CCC | 77,256,000 | 78,346,000 | 78,346,000 | 78,346,000 | 78,346,000 | +1,090,000 | | | |

[1] The Senate approved a floor amendment which increased the "Payments for Rural Development work under Section 3(d)" by $3,000,000 over the Committee Bill. However, the amendment failed to increase the "in all" provision. Consequently there are no funds in the Bill to carry our the ncrease.

[2] The Budget proposed to use $42,000,000 of this amount.

[3] Includes $30,000,000 to be transferred to the Rural Environmental Assistance Program.

[4] Because of a lack of authorizing legislation, no formal budget request was submitted. However, OMB permitted testimony in support of a $500,000 appropriation.

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

Mr. WHITTEN. I will be glad to yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding. I direct the gentleman's attention to amendment 23 on page 8. This indicates that the conference report approves almost $200 million more in restoration of Commodity Credit Corporation resources, as contrasted with the House proposal.

Can the gentleman explain why this increase, and if this brings it up to the full reimbursement, why the House language did not seek full reimbursement?

Mr. WHITTEN. There is a difference of viewpoint as to the House and as to the Senate. In the House we were faced with certain realities of life. I, for one, have held that it is not necessary to add money to the capital reserves of this Corporation if present projection of need indicate that it is not warranted.

On the other side, they feel that the Corporation should be kept fully intact. I say to my friend from Illinois that I am one of those who, with all the things I see around me, cannot argue about having a completely solid Commodity Credit Corporation, in view of what I see in every direction I look. Here is a Corporation to which we can look in case hard times do come, and as we do get more and more urbanized.

So we yielded to the other body. In the first place, we had to, or we could not reach agreement. In the second place, money will not be drawn from the Treasury until it is used. It will not be spent until it is required under the law. So really it is a bookkeeping item and does not affect actual expenditures. It might be worth its weight in gold when we come to a period when we might not be able to get a proper appropriation for those who need it.

Mr. FINDLEY. Can the gentleman explain whether this fully reimburses all the impairment that was occurred during the previous year?

Mr. WHITTEN. To my knowledge it does and was so represented to the committee in our hearings.

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

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

Mr. KYL. Mr. Speaker, I am not trying to judge the goodness or the badness of the Wholesome Meat Act, at this time. But since this is an appropriation conference report, I do want to call to the chairman's attention a series of incidents.

Under the Clean Meat Act the State was supposed to come up with a program which was equal to the Federal program. Thus we might expect the State would end up having a State inspection or a Federal inspection as the result of that act. What we have now is a multiple inspection system. Illustration: The State man inspects a plant. The next day a Federal inspector inspects the plant to see if the State inspector has done his job properly, in an "equal to Federal" fashion. The next day someone from the Inspector General's Office comes out to see if the Federal inspector did his job properly. Finally the General Accounting Office comes to see if the three previous individuals functioned according to law. In other words, instead of one man we have four.

In another instance the State secretary of agriculture reported he had several different Federal people in his office at one time from a multiplicity of offices, checking up on the administration of the act.

Another small plant operator, in a very small plant, reported he had five different inspectors with five different automobiles at his plant at one time, all of them ostensibly inspecting the plant.

I would hope, I say to the gentleman, that the committee will give a little oversight to this operation, because regardless of the efficacy of this Wholesome Meat Act, the administration of it is becoming in many instances a ridiculous proposition and in other instances, it is intolerable. The operator does not know which master to serve.

Mr. WHITTEN. I thank the gentleman from Iowa. I, too, can see many problems arising in the area of meat inspection. I see some of the demands made by some of the consumer groups without any awareness of the processes which increase the cost, but the result will be in some instances that people will quit producing food, as I said earlier.

We have tried to do what we can in this area. As the gentleman knows, this is a program where if the State does not meet the standards the Federal Government steps in. I have had several other administrative problems which do deal with administration of these acts, and I think we have in the Secretary a very fine person to work with in trying to bring about a minimum of dislocation in these programs.

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

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

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

Mr. Speaker, as I recall the House ap-

propriation bill as presented to this body, was below the request of the executive branch. Of course, the President's budget request showed a total deficit of about $25 billion, but, nevertheless, a great many of us rejoiced that the appropriation bill for Agriculture and related agencies was within what the President had asked for. I take this time merely to point out to my colleagues that here is an example of how the budget deficit keeps growing. We started out here believing we were living within the President's request at least, and we wound up with a conference report which is almost one-half billion dollars more in the red than the House version. With the President's budget $25 billion in the red, the effect of this bill alone is to raise that to $25.5 billion.

Mr. WHITTEN. We must remember it is not only the expenditures involved, but also there is a restoration of the Commodity Credit Corporation, which will not be needed in the coming year. I know it will not be, but it does keep the corporation intact.

Mr. Speaker, I yield to my colleague, the ranking minority Member from North Dakota (Mr. ANDREWS).

Mr. ANDREWS of North Dakota. Mr. Speaker, I should like to join the chairman in the remarks he has made and commend to the House the report of the conferees, as well as the report of the House subcommittee in the first place.

I would point out again to our colleagues that the increase over the original House version includes $225.5 million, as has been pointed out, for reimbursement of the CCC. This is money which will have to be spent whether or not it is in this bill.

There is another $158 million increase over the original House version for food stamps. This amount of money for food stamps has been placed in a budgetary reserve to be used only if needed in an emergency.

These two items constitute almost $400 million, a majority of the half billion dollars we have talked about as being over the original House version.

There are increases of $50 million for REA and $20 million for RTA which are not grant funds but are loan funds and will be returned to the Treasury with interest.

I commend this bill to my colleagues and I urge support of the conference report.

Mr. MATSUNAGA. Mr. Speaker, the conference report on H.R. 15690 is a composite bill providing 1973 appropriations for a wide variety of programs. It is inevitable that the final version of the measure will contain so much that it is very difficult to focus on individual items, no matter how important.

However, there are relatively small sums included in H.R. 15690 for two vital programs, which I would like to bring to the attention of the House.

First, tropical and subtropical agriculture research authorized by the 1966 Food for Peace Act, and

Second, research into combating "smut," a sugarcane disease which has invaded Hawaii and threatens other sugar-producing areas of the United States.

The $500,000 for tropical agriculture research would begin to implement the program of research and training which Congress authorized 6 years ago when it adopted the Matsunaga amendment to the Food for Peace Act.

More than half of the world's population reside in warmer climates, and we find there large numbers of developing countries with basic problems in feeding their people.

In some of these areas research on a limited scale has already produced noteworthy results. The "Green Revolution" in cereal grains, for example, has diminished the specter of starvation. Now, it is necessary to make similar dramatic breakthroughs with regard to tropical fruits, vegetables, and livestock products. The research centers which the $500,000 in H.R. 15690 would be used to plan would deal with these present shortcomings.

Of course, the new technologies developed at the research centers would also be usable to a certain extent in those areas of the continental United States having a warm climate.

The other item contained in the conference report is $200,000, urgently needed to cobmat the spread of a devastating and fast-spreading sugarcane disease called smut. The result of smut infection is a serious reduction in sugar yield of any canefield in which smut is found.

There is no record of smut disease having been found in the United States before the recent outbreak in Hawaii. It is found, however, in many of the sugarcane-growing countries of the world.

It is possible that the spores of the disease organism arrived in Hawaii on the shoes or clothing of visitors. It is also possible that spores could soon find their way to other U.S. cane-growing areas in the same way. Thus, this disease poses a serious economic threat to the sugarcane-growing areas in Hawaii, Louisiana, Florida, and Puerto Rico.

Mr. Speaker, I urge the adoption of the conference report on H.R. 15690 so that work may be carried on in these important areas.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOLLING). The question is on the conference report.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 317, nays 80, not voting 35, as follows:

[Roll No. 308]

YEAS—317

Abbitt
Abernethy
Abourezk
Abzug
Adams
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Baker
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Blanton
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Celler
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Collins, Ill.
Conover
Cotter
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Dellums
Denholm
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Duncan
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Gude
Haley
Halpern
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Leggett
Link
Lloyd
Long, Md.
Lujan
McClory
McCollister
McFall
McKay
McKevitt
McMillan
Macdonald, Mass.
Madden
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Runnels
Ruppe
Ryan
Sarbanes
Scherle
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Udall
Ullman

| | | |
|---|---|---|
| Vander Jagt | Whitten | Wyman |
| Vanik | Widnall | Yates |
| Vigorito | Wilson, Charles H. | Yatron |
| Waggonner | Winn | Young, Tex. |
| Wampler | Wright | Zablocki |
| Whalen | Wydler | Zion |
| White | Wylie | Zwach |
| Whitehurst | | |

NAYS—80

| | | |
|---|---|---|
| Anderson, Calif. | Dulski | Pike |
| Archer | du Pont | Pirnie |
| Ashbrook | Edwards, Ala. | Robinson, Va. |
| Bell | Erlenborn | Rousselot |
| Betts | Eshleman | Ruth |
| Biaggi | Fascell | St Germain |
| Bow | Findley | Sandman |
| Burke, Fla. | Fish | Satterfield |
| Byrnes, Wis. | Frelinghuysen | Saylor |
| Cederberg | Frenzel | Scheuer |
| Clancy | Frey | Schneebeli |
| Clawson, Del | Grover | Shriver |
| Cleveland | Gubser | Smith, Calif. |
| Collier | Hall | Smith, N.Y. |
| Collins, Tex. | Hastings | Spence |
| Conable | Hosmer | Terry |
| Conte | Jonas | Van Deerlin |
| Conyers | Keith | Veysey |
| Corman | Landgrebe | Waldie |
| Coughlin | Latta | Ware |
| Crane | Lent | Whalley |
| Davis, Wis. | McCloskey | Wiggins |
| Delaney | McDade | Williams |
| Dellenback | McEwen | Wilson, Bob |
| Devine | McKinney | Wolff |
| Dickinson | Mailliard | Wyatt |
| | Mosher | Young, Fla. |

NOT VOTING—35

| | | |
|---|---|---|
| Addabbo | Gray | Nedzi |
| Badillo | Hagan | O'Neill |
| Blatnik | Hébert | Passman |
| Boggs | Lennon | Pelly |
| Broomfield | Long, La. | Powell |
| Colmer | McClure | Rarick |
| Davis, Ga. | McCormack | Rooney, N.Y. |
| Dowdy | McCulloch | Roybal |
| Dwyer | McDonald, Mich. | Schmitz |
| Edmondson | Miller, Calif. | Stuckey |
| Flynt | Minshall | Thompson, N.J. |
| Gallagher | | Tiernan |

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. Pelly.
Mr. Addabbo with Mr. Minshall.
Mr Boggs with Mr. Powell.
Mr. O'Neill with Mr. Miller of California.
Mr. Blatnik with Mr. Gallagher.
Mr. Lennon with Mr. McClure.
Mr. Thompson of New Jersey with Mrs. Dwyer.
Mr. Tiernan with Mr. McCulloch.
Mr. Gray with Mr. Roybal.
Mr. McCormack with Mr. Schmitz.
Mr. Nedzi with Mr. McDonald of Michigan.
Mr. Passman with Mr. Hagan.
Mr. Davis of Georgia with Mr. Colmer.
Mr. Edmondson with Mr. Badillo.
Mr. Flynt with Mr. Rarick.
Mr. Stuckey with Mr. Long of Louisiana.

Messrs. MIKVA and PEYSER changed their votes from "nay" to "yea."

Mr. BYRNES of Wisconsin changed his vote from "yea" to "nay."

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. 1: On page 2, line 14, strike "$11,112,000" and insert $10,312,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$11,112,000, of which $3,464,000 shall be available for the Office of Information and".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 30: On page 28, line 11, strike "$100,000,000" and insert "$200,000,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment insert "$150,000,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 31: Page 28, line 17, insert: "*Provided*, That this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973."

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 31 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. 35: page 31, line 18, strike out:

"RESEARCH AND DEVELOPMENT

"For research and development activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate of GS 18; purchase of reprints; library memberships in societies or associations which issue publications to members only at a price to members lower than to subscribers who are not members; $182,723,700, to remain available until expended: *Provided*, That this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973.

"For an amount to provide for independent grant and contract review advisory committees for the review of the Agency's priorities to assure that such contracts and grants are awarded only to qualified research agencies or individuals, $2,500,000."

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"RESEARCH AND DEVELOPMENT

"For research and development activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate of GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $182,723,700, to remain available until expended: *Provided*, That not later than the date set forth in section 102(c) of the joint resolution approved July 1, 1972 (Public Law 92–334), as amended, this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973.

"For an amount to provide for independent grant and contract review advisory committees for the review of the Agency's priorities to assure that such contracts and awards are awarded only to qualified research agencies or individuals, $2,500,000."

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 36: page 32, line 10, strike out:

"ABATEMENT AND CONTROL

"For abatement and control activities including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $208,935,700, to remain available until expended: *Provided*, That this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973.

"For an amount to provide for independent grant and contract review advisory committees for the review of the Agency's priorities to assure that such contracts and grants are awarded only to qualified research agencies or individuals, $2,000,000.

"For an amount to provide for conservation and pollution abatement practices including animal waste storage and diversion facilities and disposal of solid wastes, to be transferred to the Rural Environmental Assistance Program of the Department of Agriculture for liquidation of contracts under the 1973 program $30,000,000, to remain available until expended.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"ABATEMENT AND CONTROL

"For abatement and control activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $208,935,700, to remain available until expended: *Provided*, That not later than the date set forth in section 102 (c) of the joint resolution approved July 1, 1972 (Public Law 92–334), as amended, this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973.

"For an amount to provide for independent grant and contract review advisory commit-

tees for the review of the Agency's priorities to assure that such contracts and grants are awarded only to qualified agencies or individuals, $2,000,000.

"Not to exceed 7 per centum of any appropriation made available to the Environmental Protection Agency by this Act (except appropriations for "Construction Grants" and "Scientific Activities Overseas") may be transferred to any other such appropriation."

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 48: Page 45, line 9, strike "$2,341,146,000" and insert in lieu thereof "$2,500,000,000."

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 48 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$2,500,000,000, of which $158,854,000 shall be placed in contingency reserve by the Office of Management and Budget to be released upon determination of need."

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

Mr. WHITTEN. 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, and that I may revise and extend my own remarks and insert certain tables on the conference report just agreed to.

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

There was no objection.

## PROVIDING FOR THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON MONDAY, AUGUST 14, 1972

Mr. McFALL. Mr. Speaker, I ask unanimous consent that notwithstanding the provisions of clause 1, rule XXVII, it shall be in order for the speaker to entertain motions to suspend the rules on Monday, August 14, 1972.

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

There was no objection.

## CONFERENCE REPORT ON H.R. 15417, DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

Mr. FLOOD. Mr. Speaker, I call up the conference report 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, 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 gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 2, 1972.)

The SPEAKER. The gentleman from Pennsylvania (Mr. FLOOD) is recognized.

Mr. FLOOD. Mr. Speaker, I regret that we do not bring to the House a unanimous conference report. Three of the managers on the part of the House had reservations so serious that they did not sign this report. Of course, those who are opposed to it are quite capable of speaking for themselves, but, as I understand it, the major complaint is that the conference report is too high.

However, Mr. Speaker, in my opinion, the House conferees did a very good job within the range available to them. The bill that the House sent to the Senate was already about $1¼ billion above the President's budget, in large part because of the so-called Hathaway amendment which I opposed. Then, as you all know, the Senate added considerable sums to the House-passed bill.

It was, therefore, completely out of the realm of possibility for the conferees to bring back a report anywhere near the President's budget. I do not consider it a sin to deviate from the budget, but it is quite natural that those who are opposed to large increases over the budget would be opposed to this Conference Report.

Mr. Speaker, the House bill was $28,603,000,000 and the Senate bill was $31,355,00,000. The conference agreement was $30,539,000,000. This is a reduction of $816,000,000 from the Senate bill, and an increase of $1,936,000,000 over the House bill.

This comparison is misleading; however, since the Senate considered $1,449,000,000 of estimates not considered by the House, mostly due to the fact that they were not submitted until after the House had acted, I think it is quite realistic to assume that the House would have allowed these estimates had they been received in time for consideration.

Assuming this, the House bill would have been $30,052,000, and the conference agreement that is before the House now would be $487,000,000 over the House, and $816,000,000 under the Senate. It is this comparison on which I base the statement that the managers on the part of the House did a very good job within the range in which they could operate.

The conference report was printed as a House document and was in the CONGRESSIONAL RECORD on August 2. Thus, it has been available for a full week for Members to study. I, therefore, do not intend to take the time of the House to go into the details of this report. I will, however, place a table in the RECORD at the end of my remarks that will go into much more detail even than that included in the conference report and the joint explanatory statement.

The two areas that account for the considerable increase over the budget are the health and medical programs and the education programs. The group of appropriations under the heading, "Health Services and Mental Health Administration," total $2,391,000,000, which is $163,000,000 over the House bill, $150,000,000 under the Senate bill, and $427,000,000 over the budget. The group of appropriations under the heading, "National Institutes of Health," total $2,724,000,000, which is $183,000,000 over the House, $208,000,000 under the Senate, and $531,000,000 over the budget. The group of appropriations under the heading, "Office of Education," total $4,126,000,000, which is $126,000,000 over the House, $157,000,000 under the Senate, and $791,000,000 over the budget. These three groups total $1,749,000,000 more than the President's budget request, almost all of the net total of $1,762,00,000 by which the total bill exceeds the budget.

I am sure that no one at the conference realized, until after the conference had been completed and the staff had calculated the totals, that the increase over the budget, percentagewise, is almost exactly the same for the education programs as for the health and medical programs. The education programs are 24 percent over the President's budget, and the health and medical group is 23 percent over his budget.

So much for the dollar figures. There was more interest evidenced by Members of Congress, Governors, and many others, in amendment No. 63 than in any other amendment or group of amendments in the Senate bill. Amendment No. 63, as you will recall, Mr. Speaker, is the one that would limit the amount that could be spent for social services to $2½ billion of the amount carried in the bill for grants to States for public assistance.

I am happy to say that the conferees did not agree to this amendment. However, they did agree to include language in the joint explanatory statement indicating their agreement that some system of fiscal restraint with regard to these programs is needed. A pertinent portion of that language reads:

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.

I feel confident that such a report will be submitted, and, if legislative action is needed, that the Congress will take such action to assure a system of fiscal restraint that will be more equitable than the harsh provision of placing an arbitrary limit at this time when a portion of the fiscal year to which it would apply has already passed.

Mr. Speaker, in view of the fact that there has been some discussion concerning labor opposition to this conference report, I will place in the RECORD a telegram I received today from Andrew J. Biemiller, director of the Department of Legislation of the AFL–CIO indicating the strong support of that organization:

AUGUST 9, 1972.

Hon. DANIEL FLOOD,
*U.S. House of Representatives, Washington, D.C.:*

The AFL–CIO strongly supports the Labor-HEW appropriations conference report. The increased funding of education and health programs is needed by the Nation. AFL–CIO urges House to vote for the conference report.

Mr. Speaker, I think, under all the circumstances, that this conference report deserves the support of the House.

(Mr. FLOOD asked and was given permission to insert a table at this point in the RECORD.)

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1973 (H.R. 15417) NEW BUDGET (OBLIGATIONAL) AUTHORITY—CONFERENCE SUMMARY

TITLE I—DEPARTMENT OF LABOR

| Agency and item | 1972 comparable appropriation[1] | 1973 Budget estimate[2] | 1973 House bill | 1973 Senate bill | 1973 Conference agreement | Conference agreement compared with— 1972 | Budget 1973 | House | Senate |
|---|---|---|---|---|---|---|---|---|---|
| MANPOWER ADMINISTRATION | | | | | | | | | |
| Salaries and expenses | $36,852,000 | $37,904,000 | $37,704,000 | $37,704,000 | $37,704,000 | +$852,000 | −$200,000 | | |
| | (26,923,000) | (26,602,000) | (3) | (3) | (3) | | | | |
| Trust fund transfer | (25,847,000) | (26,989,000) | (26,989,000) | (26,989,000) | (26,989,000) | (+1,142,000) | | | |
| Manpower training services | 905,349,000 | 719,554,000 | 758,554,000 | 719,554,000 | 719,554,000 | −185,795,000 | | −$39,000,000 | |
| | (776,717,000) | (875,862,000) | (3) | (3) | (3) | | | | |
| Emergency employment assistance | 1,000,000,000 | 1,250,000,000 | 1,250,000,000 | 1,250,000,000 | 1,250,000,000 | +250,000,000 | | | |
| Federal unemployment benefits and allowances | 856,600,000 | 475,000,000 | 475,000,000 | 475,000,000 | 475,000,000 | −381,600,000 | | | |
| Advances to the extended unemployment compensation account | 600,000,000 | 120,000,000 | 120,000,000 | 120,000,000 | 120,000,000 | −480,000,000 | | | |
| Federal grants to States for employment services | | 66,700,000 | 66,700,000 | 66,700,000 | 66,700,000 | +66,700,000 | | | |
| Limitation on grants to States for unemployment insurance and employment services | (832,000,000) | (800,300,000) | (820,300,000) | (800,300,000) | (800,300,000) | (−31,700,000) | | (−20,000,000) | |
| Total, Manpower Administration | 3,398,801,000 | 2,669,158,000 | 2,707,958,000 | 2,668,958,000 | 2,668,958,000 | −729,843,000 | −200,000 | −39,000,000 | |
| LABOR MANAGEMENT SERVICES ADMINISTRATION | | | | | | | | | |
| Salaries and expenses | 22,568,000 | 25,624,000 | 25,202,000 | 25,202,000 | 25,202,000 | +2,634,000 | −422,000 | | |
| EMPLOYMENT STANDARDS ADMINISTRATION | | | | | | | | | |
| Salaries and expenses | 48,935,000 | 49,721,000 | 48,889,000 | 49,889,000 | 49,139,000 | +204,000 | −582,000 | +250,000 | −$750,000 |
| Federal workmen's compensation benefits | 112,000,000 | 81,992,000 | 81,992,000 | 81,992,000 | 81,992,000 | −30,008,000 | | | |
| Total, Employment Standards Administration | 160,935,000 | 131,713,000 | 130,881,000 | 131,881,000 | 131,131,000 | −29,804,000 | −582,000 | +250,000 | −750,000 |
| OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION | | | | | | | | | |
| Salaries and expenses | 35,884,000 | 69,207,000 | 69,207,000 | 80,000,000 | 72,207,000 | +36,323,000 | +3,000,000 | +3,000,000 | −7,793,000 |
| BUREAU OF LABOR STATISTICS | | | | | | | | | |
| Salaries and expenses | 37,300,000 | 45,984,000 | 44,784,000 | 45,240,000 | 45,240,000 | +7,940,000 | −744,000 | +456,000 | |
| DEPARTMENTAL MANAGEMENT | | | | | | | | | |
| Salaries and expenses | 20,619,000 | 25,406,000 | 24,156,000 | 24,196,000 | 24,196,000 | +3,577,000 | −1,210,000 | +40,000 | |
| Trust fund transfer | (772,000) | (797,000) | (797,000) | (797,000) | (797,000) | (+25,000) | | | |
| Special foreign currency program | 100,000 | 309,000 | 100,000 | 309,000 | 100,000 | | −209,000 | | −209,000 |
| Total, Departmental Management | 20,719,000 | 25,715,000 | 24,256,000 | 24,505,000 | 24,296,000 | +3,577,000 | −1,419,000 | +40,000 | −209,000 |
| Total, new budget (obligational) authority, Department of Labor | 3,676,207,000 | 2,967,401,000 | 3,002,288,000 | 2,975,786,000 | 2,967,034,000 | −709,173,000 | −367,000 | −35,254,000 | −8,752,000 |

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

| Agency and item | 1972 comparable appropriation[1] | 1973 Budget estimate[2] | 1973 House bill | 1973 Senate bill | 1973 Conference agreement | Conference agreement compared with— 1972 | Budget 1973 | House | Senate |
|---|---|---|---|---|---|---|---|---|---|
| HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION | | | | | | | | | |
| Mental health | 611,294,000 | 613,823,000 | 743,823,000 | 851,525,000 | 783,323,000 | +172,029,000 | +169,500,000 | +39,500,000 | −68,202,000 |
| Saint Elizabeths Hospital (indefinite) | 27,806,000 | 30,664,000 | 30,664,000 | 30,664,000 | 30,664,000 | +2,858,000 | | | |
| Health services planning and development | 467,856,000 | 330,187,000 | 462,073,000 | 510,573,000 | 489,573,000 | +21,717,000 | +159,386,000 | +27,500,000 | −21,000,000 |
| Health services delivery | 667,006,000 | 751,295,000 | 751,295,000 | 844,797,000 | 798,046,000 | +131,040,000 | +46,751,000 | +46,751,000 | −46,751,000 |
| Trust fund transfer | (4,719,000) | (4,719,000) | (4,719,000) | (4,719,000) | (4,719,000) | | | | |
| Preventive health services | 145,104,000 | 157,372,000 | 159,872,000 | 223,872,000 | 209,372,000 | +64,268,000 | +52,000,000 | +49,500,000 | −14,500,000 |
| National health statistics | 16,125,000 | 19,264,000 | 18,514,000 | 18,514,000 | 18,514,000 | +2,389,000 | −750,000 | | |
| Retirement pay and medical benefits for commissioned officers (indefinite) | 24,660,000 | 29,163,000 | 29,163,000 | 29,163,000 | 29,163,000 | +4,503,000 | | | |
| Buildings and facilities | | 19,457,000 | 19,457,000 | 19,457,000 | 19,457,000 | +19,457,000 | | | |
| Office of the Administrator | 12,497,000 | 13,126,000 | 13,126,000 | 13,126,000 | 13,126,000 | +629,000 | | | |
| Medical facilities guarantee and loan fund | 80,000,000 | | | | | −80,000,000 | | | |
| Total, Health Services and Mental Health Administration | 2,052,348,000 | 1,964,351,000 | 2,227,987,000 | 2,541,691,000 | 2,391,238,000 | +338,890,000 | +426,887,000 | +163,251,000 | −150,453,000 |
| Consisting of— | | | | | | | | | |
| Definite appropriations | 1,999,882,000 | 1,904,524,000 | 2,168,160,000 | 2,481,864,000 | 2,331,411,000 | +331,529,000 | +426,887,000 | +163,251,000 | −150,453,000 |
| Indefinite appropriations | 52,466,000 | 59,827,000 | 59,827,000 | 59,827,000 | 59,827,000 | +7,361,000 | | | |

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1973 (H.R. 15417) NEW BUDGET (OBLIGATIONAL) AUTHORITY—CONFERENCE SUMMARY—Continued

| Agency and item | 1972 comparable appropriation[1] | 1973 Budget estimate[2] | 1973 House bill | 1973 Senate bill | 1973 Conference agreement | Conference agreement compared with— 1972 | Budget 1973 | House | Senate |
|---|---|---|---|---|---|---|---|---|---|
| NATIONAL INSTITUTES OF HEALTH | | | | | | | | | |
| Biologics Standards | $9,294,000 | $9,528,000 | $9,528,000 | $9,528,000 | $9,528,000 | +$234,000 | | | |
| National Cancer Institute | 378,885,000 | 432,205,000 | 492,205,000 | 492,205,000 | 492,205,000 | +113,320,000 | +$60,000,000 | | |
| National Heart and Lung Institute | 232,688,000 | 255,280,000 | 300,000,000 | 350,000,000 | 320,000,000 | +87,312,000 | +64,720,000 | +$20,000,000 | −$30,000,000 |
| National Institute of Dental Research | 43,404,000 | 44,415,000 | 46,991,000 | 54,000,000 | 49,795,000 | +6,391,000 | +5,380,000 | +2,804,000 | −4,205,000 |
| National Institute of Arthritis, Metabolism, and Digestive Diseases | 153,325,000 | 159,089,000 | 167,316,000 | 182,000,000 | 173,190,000 | +19,865,000 | +14,101,000 | +5,874,000 | −8,810,000 |
| National Institute of Neurological Diseases and Stroke | 116,722,000 | 117,877,000 | 130,672,000 | 145,000,000 | 136,403,000 | +19,681,000 | +18,526,000 | +5,731,000 | −8,597,000 |
| National Institute of Allergy and Infectious Diseases | 109,156,000 | 112,649,000 | 113,414,000 | 135,000,000 | 122,048,000 | +12,892,000 | +9,399,000 | +8,634,000 | −12,952,000 |
| National Institute of General Medical Sciences | 173,472,000 | 175,960,000 | 183,171,000 | 206,000,000 | 192,302,000 | +18,830,000 | +16,342,000 | +9,131,000 | −13,698,000 |
| National Institute of Child Health and Human Development | 116,510,000 | 127,244,000 | 130,429,000 | 160,000,000 | 142,257,000 | +25,747,000 | +15,013,000 | +11,828,000 | −17,743,000 |
| National Eye Institute | 37,132,000 | 37,384,000 | 38,562,000 | 45,000,000 | 41,137,000 | +4,005,000 | +3,753,000 | +2,575,000 | −3,863,000 |
| National Institute of Environmental Health Sciences | 26,408,000 | 29,013,000 | 30,956,000 | 32,000,000 | 31,374,000 | +4,966,000 | +2,361,000 | +418,000 | −626,000 |
| Research resources | 74,981,000 | 75,009,000 | 75,073,000 | 83,000,000 | 78,244,000 | +3,263,000 | +3,235,000 | +3,171,000 | −4,756,000 |
| John E. Fogarty International Center for Advanced Study in Health Sciences | 4,357,000 | 4,545,000 | 4,666,000 | 6,000,000 | 5,200,000 | +843,000 | +655,000 | +534,000 | −800,000 |
| Subtotal, NIH research institutes | 1,476,334,000 | 1,580,198,000 | 1,722,983,000 | 1,899,733,000 | 1,793,683,000 | +317,349,000 | +213,485,000 | +70,700,000 | −106,050,000 |
| Health manpower | 673,562,000 | 533,628,000 | 738,628,000 | 927,178,000 | 846,428,000 | +172,866,000 | +312,800,000 | +107,800,000 | −80,750,000 |
| National Library of Medicine | 24,127,000 | 28,568,000 | 28,568,000 | 29,068,000 | 28,818,000 | +4,691,000 | +250,000 | +250,000 | −250,000 |
| Buildings and facilities | 3,565,000 | 8,500,000 | 8,500,000 | 33,480,000 | 12,580,000 | +9,015,000 | +4,080,000 | +4,080,000 | −20,900,000 |
| Office of the Director | 11,324,000 | 12,042,000 | 12,042,000 | 13,042,000 | 12,542,000 | +1,218,000 | +500,000 | +500,000 | −500,000 |
| Scientific activities overseas (special foreign currency program) | 25,545,000 | 25,619,000 | 25,619,000 | 25,619,000 | 25,619,000 | +74,000 | | | |
| Payment of sales insufficiencies and interest losses | 4,000,000 | 4,000,000 | 4,000,000 | 4,000,000 | 4,000,000 | | | | |
| General research support grants | (55,212,000) | (54,624,000) | (60,700,000) | (60,700,000) | (60,700,000) | (+5,488,000) | (+6,076,000) | | |
| Total, National Institutes of Health | 2,218,457,000 | 2,192,555,000 | 2,540,340,000 | 2,932,120,000 | 2,723,670,000 | +505,213,000 | +531,115,000 | +183,330,000 | −208,450,000 |
| OFFICE OF EDUCATION | | | | | | | | | |
| Elementary and secondary education | 1,776,893,000 | 1,786,893,000 | 2,034,393,000 | 2,036,393,000 | 2,034,393,000 | +257,500,000 | +247,500,000 | | −2,000,000 |
| School assistance in federally affected areas | 611,880,000 | 430,910,000 | 671,405,000 | 749,955,000 | 681,405,000 | +69,525,000 | +250,495,000 | +10,000,000 | −68,550,000 |
| Education for the handicapped | 110,090,000 | 131,109,000 | 143,609,000 | 181,859,000 | 162,359,000 | +52,269,000 | +31,250,000 | +18,750,000 | −19,500,000 |
| Vocational and adult education | 540,127,000 | 542,127,000 | 643,460,000 | 674,768,000 | 659,162,000 | +119,035,000 | +117,035,000 | +15,702,000 | −15,606,000 |
| Library resources | 211,209,000 | 122,730,000 | 184,500,000 | 274,500,000 | 247,000,000 | +35,791,000 | +124,270,000 | +62,500,000 | −27,500,000 |
| | (13,000,000) | (14,000,000) | (3) | (3) | (3) | | | | |
| Educational renewal | 168,390,000 | 215,500,000 | 219,190,000 | 259,240,000 | 238,315,000 | +69,925,000 | +22,815,000 | +19,125,000 | −20,925,000 |
| | (155,165,000) | (147,500,000) | (3) | (3) | (3) | | | | |
| Educational activities overseas (special foreign currency program) | 3,000,000 | 5,000,000 | 3,000,000 | 5,000,000 | 3,000,000 | | −2,000,000 | | −2,000,000 |
| Salaries and expenses | 64,160,000 | 68,360,000 | 68,360,000 | 69,360,000 | 68,360,000 | +4,200,000 | | | −1,000,000 |
| Student loan insurance fund | 12,765,000 | 29,047,000 | 29,047,000 | 29,047,000 | 29,047,000 | +16,282,000 | | | |
| Payment of participation sales insufficiencies | 2,961,000 | 2,921,000 | 2,921,000 | 2,921,000 | 2,921,000 | −40,000 | | | |
| Civil rights education | 19,799,000 | | | | | −19,799,000 | | | |
| Total, Office of Education | 3,521,274,000 | 3,334,597,000 | 3,999,885,000 | 4,283,043,000 | 4,125,962,000 | +604,688,000 | +791,365,000 | +126,077,000 | −157,081,000 |
| SOCIAL AND REHABILITATION SERVICE | | | | | | | | | |
| Grants to States for public assistance | 12,215,134,000 | 13,344,704,000 | 13,369,704,000 | 13,344,704,000 | 13,344,704,000 | +1,129,570,000 | | −25,000,000 | |
| Work incentives | 259,198,000 | 455,133,000 | (3) | 455,133,000 | 455,133,000 | +195,935,000 | | +455,133,000 | |
| Grants for construction and staffing of rehabilitation facilities | 3,051,000 | | | 20,000,000 | | −3,051,000 | | | −20,000,000 |
| Grants for the developmentally disabled | 49,540,000 | 44,465,000 | (3) | 102,825,000 | 51,250,000 | +1,710,000 | +6,785,000 | +51,250,000 | −51,575,000 |
| Nutrition programs for the elderly | | 100,000,000 | 100,000,000 | 100,000,000 | 100,000,000 | +100,000,000 | | | |
| Research and training activities overseas (special foreign currency program) | 8,000,000 | 10,000,000 | 8,000,000 | 8,000,000 | 8,000,000 | | −2,000,000 | | |
| Salaries and expenses | 44,817,000 | 60,215,000 | 60,215,000 | 60,215,000 | 60,215,000 | +15,398,000 | | | |
| Trust fund transfer | (400,000) | (600,000) | (600,000) | (600,000) | (600,000) | (+200,000) | | | |
| Total, Social and Rehabilitation Service | 12,579,740,000 | 14,014,517,000 | 13,537,919,000 | 14,090,877,000 | 14,019,302,000 | +1,439,562,000 | +4,785,000 | +481,383,000 | −71,575,000 |
| SOCIAL SECURITY ADMINISTRATION | | | | | | | | | |
| Payments to social security trust funds | 2,465,297,000 | 2,475,485,000 | 2,475,485,000 | 2,475,485,000 | 2,475,485,000 | +10,188,000 | | | |
| Special benefits for disabled coal miners | 591,839,000 | 1,526,500,000 | 557,788,000 | 1,526,500,000 | 1,526,500,000 | +934,661,000 | | +968,712,000 | |
| Limitation on salaries and expenses | (1,167,394,000) | (1,256,498,000) | (1,256,498,000) | (1,256,498,000) | (1,256,498,000) | (+89,104,000) | | | |
| Limitation on construction | (18,194,000) | (1,000,000) | (1,000,000) | (1,000,000) | (1,000,000) | (−17,194,000) | | | |
| Total, Social Security Administration | 3,057,136,000 | 4,001,985,000 | 3,033,273,000 | 4,001,985,000 | 4,001,985,000 | +944,849,000 | | +968,712,000 | |

See footnotes at end of table.

TITLE III—RELATED AGENCIES

| Agency and item | 1972 comparable appropriation[1] | 1973 Budget estimate[2] | 1973 House bill | 1973 Senate bill | 1973 Conference agreement | Conference agreement compared with— 1972 | Budget 1973 | House | Senate |
|---|---|---|---|---|---|---|---|---|---|
| SPECIAL INSTITUTIONS | | | | | | | | | |
| American Printing House for the Blind | $1,580,000 | $1,696,500 | $1,696,500 | $1,696,500 | $1,696,500 | +$116,500 | | | |
| National Technical Institute for the Deaf | 7,619,000 | 4,694,000 | 4,694,000 | 4,694,000 | 4,694,000 | −2,925,000 | | | |
| Model Secondary School for the Deaf | 17,491,000 | 4,625,000 | 4,625,000 | 4,625,000 | 4,625,000 | −12,866,000 | | | |
| Gallaudet College | 13,371,000 | 9,486,000 | 14,446,000 | 15,082,000 | 15,082,000 | +1,711,000 | +$5,596,000 | +$636,000 | |
| Howard University | 61,341,000 | 58,881,000 | 58,881,000 | 58,881,000 | 58,881,000 | −2,460,000 | | | |
| Total, Special Institutions | 101,402,000 | 79,382,500 | 84,342,500 | 84,978,500 | 84,978,500 | −16,423,500 | +5,596,000 | +636,000 | |
| OFFICE OF THE SECRETARY | | | | | | | | | |
| Office of Civil Rights | 10,816,000 | 13,587,000 | 13,587,000 | 13,587,000 | 13,587,000 | +2,771,000 | | | |
| Trust fund transfer | (1,049,000) | (1,180,000) | (1,180,000) | (1,180,000) | (1,180,000) | (+131,000) | | | |
| Departmental management | 52,141,000 | 56,893,000 | 56,893,000 | 56,893,000 | 56,893,000 | +4,752,000 | | | |
| Trust fund transfer | (5,955,000) | (6,875,000) | (6,875,000) | (6,875,000) | (6,875,000) | (+920,000) | | | |
| Total, Office of the Secretary | 62,957,000 | 70,480,000 | 70,480,000 | 70,480,000 | 70,480,000 | +7,523,000 | | | |
| Total, new budget (obligational) authority, Department of Health, Education, and Welfare | 23,593,314,000 | 25,657,867,500 | 25,494,226,500 | 28,005,174,500 | 27,417,615,500 | +3,824,301,500 | +1,759,748,000 | +1,923,389,000 | −587,559,000 |
| Consisting of— | | | | | | | | | |
| Definite appropriations | 23,540,848,000 | 25,598,040,500 | 25,434,399,500 | 27,945,347,500 | 27,357,788,500 | +3,816,940,500 | +1,759,748,000 | +1,923,389,000 | −587,559,000 |
| Indefinite appropriations | 52,466,000 | 59,827,000 | 59,827,000 | 59,827,000 | 59,827,000 | +7,361,000 | | | |
| Cabinet Committee on Opportunities for Spanish-Speaking People | 890,000 | 1,260,000 | 1,260,000 | 1,000,000 | 1,000,000 | +110,000 | −260,000 | −260,000 | |
| Commission on Railroad Retirement | 492,000 | 101,000 | 101,000 | 101,000 | 101,000 | −391,000 | | | |
| Federal Mediation and Conciliation Service | 10,410,000 | 10,650,000 | 10,650,000 | 10,650,000 | 10,650,000 | +240,000 | | | |
| National Commission on Libraries and Information Science | 200,000 | 406,000 | 406,000 | 406,000 | 406,000 | +206,000 | | | |
| National Commission on Marihuana and Drug Abuse | 1,228,000 | 1,140,000 | 1,440,000 | 1,140,000 | 1,440,000 | +212,000 | +300,000 | | +300,000 |
| National Labor Relations Board | 48,468,000 | 50,456,000 | 50,456,000 | 50,456,000 | 50,456,000 | +1,988,000 | | | |
| National Mediation Board | 2,796,000 | 2,888,000 | 2,888,000 | 2,888,000 | 2,888,000 | +92,000 | | | |
| Occupational Safety and Health Review Commission | 1,633,000 | 5,979,000 | 5,979,000 | 5,979,000 | 5,979,000 | +4,346,000 | | | |
| Railroad Retirement Board: | | | | | | | | | |
| Payments for military service credits | 20,757,000 | 21,645,000 | 21,645,000 | 21,645,000 | 21,645,000 | +888,000 | | | |
| Limitation on salaries and expenses | (19,663,000) | (19,822,000) | (19,822,000) | (19,822,000) | (19,822,000) | (+159,000) | | | |
| U.S. Soldiers' Home (trust fund appropriation): | | | | | | | | | |
| Operation and maintenance | 11,583,000 | 11,596,000 | 11,596,000 | 12,591,000 | 12,591,000 | +1,008,000 | +995,000 | +995,000 | |
| Capital outlay | 80,000 | 244,000 | 244,000 | 2,114,000 | 2,114,000 | +2,034,000 | +1,870,000 | +1,870,000 | |
| Corporation for Public Broadcasting | 35,000,000 | 45,000,000 | (3) | 65,000,000 | 45,000,000 | +10,000,000 | | +45,000,000 | −20,000,000 |
| Consisting of— | | | | | | | | | |
| Definite appropriations | (30,000,000) | (40,000,000) | (3) | (65,000,000) | (40,000,000) | (+10,000,000) | | (+40,000,000) | (−25,000,000) |
| Indefinite appropriations | (5,000,000) | (5,000,000) | (3) | | (5,000,000) | | | (+5,000,000) | (+5,000,000) |
| Total, new budget (obligational) authority related agencies | 133,537,000 | 151,365,000 | 106,665,000 | 173,970,000 | 154,270,000 | +20,733,000 | +2,905,000 | +47,605,000 | −19,700,000 |
| Consisting of— | | | | | | | | | |
| Definite appropriations | 128,537,000 | 146,365,000 | 106,665,000 | 173,970,000 | 149,270,000 | +20,733,000 | +2,905,000 | +42,605,000 | −24,700,000 |
| Indefinite appropriations | 5,000,000 | 5,000,000 | | | 5,000,000 | | | +5,000,000 | +5,000,000 |

TITLE IV—GENERAL PROVISIONS

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Office of Emergency Preparedness | | | | 200,000,000 | | | | | −200,000,000 |
| Grand total, new budget (obligational) authority | 27,403,058,000 | 28,776,633,500 | 28,603,179,500 | 31,354,930,500 | 30,538,919,500 | +3,135,861,500 | +1,762,286,000 | +1,935,740,000 | −816,011,000 |
| Consisting of— | | | | | | | | | |
| Definite appropriations | 27,345,592,000 | 28,711,806,500 | 28,543,352,500 | 31,295,103,500 | 30,474,092,500 | +3,128,500,500 | +1,762,286,000 | +1,930,740,000 | −821,011,000 |
| Indefinite appropriations | 57,466,000 | 64,827,000 | 59,827,000 | 59,827,000 | 64,827,000 | +7,361,000 | | +5,000,000 | +5,000,000 |

[1] Includes supplemental appropriations.
[2] Includes budget amendments and other estimates totaling $1,449,310,000 which were not considered by the House, but were considered by the Senate.
[3] Not considered.
[4] Budget amendment of $968,712,000 was not considered by the House

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

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from South Dakota.

Mr. ABOUREZK. Mr. Speaker, there is much that is good in this conference report, especially in the area of health and education. Despite the threat of veto, I feel that Members of Congress have the right and the duty to make known their sense of priorities. It is a good sign that Congress is willing to spend more to improve the quality of health care and education in this country and less to meddle in the affairs of people abroad where we have no business being in the first place. If the administration disagrees with this order of priorities, I would be more than willing to take the case to the people and let them decide what is more important.

I also know that there is a great deal of concern about the language added to the HEW-Labor appropriations bill which would prohibit use of any of the funds appropriated by this act to pay the salaries of any employees of the Federal Government who inspect firms employing 15 persons or less. There has been no sharper critic of the manner in which the OSHA law has been administered than I. The examples of bureaucratic blundering that have come to my attention from South Dakota alone are grounds to call this whole law into question.

Nonetheless, my constituents and I recognize that the workingmen of America are entitled to safe working condi-

tions. This is particularly so in the case of the construction industry which is a hazardous occupation in terms of both frequency of accidents and their severity. Both management and labor in this industry recognize this fact. I think that we in Congress must also do what we can to promote industrial safety in this field.

If this language is retained, both Congress and the Department of Labor will be given 1 year's notice that this matter must be looked at closely. Ways to promote safety for America's workingmen without harassing America's small businesses and farmers must be found. I would hope that this vote will be taken as a mandate for that kind of review. We must have a close examination of the OSHA law and a report from the Department of Labor on its management of that law. We must look at ways to amend and change that law that will protect areas like the construction industry while eliminating the kind of experiences that characterized its implementation in other businesses in South Dakota.

In support of the many quality programs in education and health which this appropriation will fund and in support of a meaningful revision of the OSHA law, I support this conference report.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chairman FLOOD has already given you the figures that indicate why this bill is a prime candidate for a Presidential veto. We are $958 million or 23 percent over the budget for the health items, and $791 million, or 23.6 percent over the budget for education.

And, so far as welfare is concerned, we have left a gaping hole in the U. S. Treasury which may cost an additional $3.5 billion or more over the budget request in payments to the States for social services.

Think about it for a moment. The estimated Federal deficit for fiscal 1973 is already $7 billion higher than the January estimate, and here we are preparing to send the President a bill that calls for spending a cool $5 billion or more over the budget.

And, this is only part of the problem. We still have nearly $5 billion in budget requests that have not even been considered because the authorizations were not ready when we worked on this bill this spring. We have not funded higher education, emergency school assistance, OEO, vocational rehabilitation, and some programs for the aging. How much above the budget are we going to wind up with for these items?

Normally, conference reports are handled in a rather perfunctory manner, and there is seldom any problem in getting Members to sign the report.

Several members of our subcommittee who signed this report, however, do have some very serious reservations about the bill, and consented to sign only for the purpose of bringing it to the floor for discussion and disposition. They, of course, can speak for themselves.

I did not sign the report because I feel that this bill is so terribly out of line in the aggregate that the President will have no recourse but to veto it.

I find myself in a rather peculiar position, though, because while I could not sign the report, even if it is defeated, I do not see how we could go back to conference and bring you a bill that the President could sign.

Chairman FLOOD said he thought the House conferees did a very good job within the range available to them. I would agree with several significant reservations. Your colleagues on the conference committee are to be commended for their contributions.

We dealt the best hand we could from a bad deck, and that is reflected in the fact that, if you add in the late budget estimates, the conference agreement is some $816 million under the Senate figure, and $487 million over the House, but, the House was nearly $1.3 billion over the budget before we even went into the conference, so the range of the conferees was definitely restricted.

And that is why I say that even if this conference report is defeated, I do not see how we could go back and bring you a bill that would not be vetoed.

It looks to me as though we are simply going to have to go through the motions here and adopt the conference report with what I hope will be a sufficient number of votes cast against it to sustain a veto when we get one. Then, it will be our laborious task to go back again over each and every one of these line items and do the best we can to bring it into line with what can be accommodated by those who have the responsibility of keeping expenditures in line with revenues.

In looking over the specific increases in this bill again, it occurs to me that there might have been more justification for some of these huge additions to the budget request if Congress or the President had been tight-fisted in the areas of health or education in prior years. But, just the opposite is true.

For instance, the President's request for fiscal 1973 for the Health Services and Mental Health Administration was some 52 percent over the comparable 1969 appropriation. For the National Institutes of Health it was 56 percent more. Those items had been increased by one-third last year and by more than 17 percent the year before.

Within those two appropriation items, between fiscal 1969 and 1972, Congress and the President increased mental health funding by some 75 percent, and health services delivery—including health centers and crippled children's services—by 44 percent.

Preventive health services have been more than doubled since 1969, and health services planning and delivery—including research and regional medical programs—have been increased some 50 percent.

The National Cancer Institute budget has been increased more than 100 percent, and the Heart and Lung Institute some 40 percent, with further sizable increases requested in the budget for fiscal 1973.

The President's budget request for the education items in this bill was 25 percent over the comparable 1969 level, and this does not even include higher education or the separate request this year for a billion dollar program of emergency school assistance for elementary and secondary education.

Within the education appropriation, impacted area aid—that granddaddy of boondoggles—was increased 18 percent between fiscal 1969 and 1972.

The Elementary and Secondary Education Act funds, most of which go through title I for educationally deprived children, have grown by about one-third.

Vocational and adult education funds have nearly doubled, and the appropriation for education for the handicapped has increased nearly 50 percent.

The programs now carried under the heading "Educational Renewal" have grown more than 100 percent since 1969, with further sizable increases requested in the budget for fiscal 1973.

Now, perhaps some will react to this with a "so what—that is all in the past, and what have you done for us lately?"

Others may say "you have not done enough—it does not meet the need." Either reaction would be wide of the mark, for the point is that health and education programs have not been neglected and are not being short-changed by either the legislative or the administrative branch.

And, as far as need is concerned, we could drain the Treasury dry and still not meet the needs in this country. If the administration has not done enough, then this Congress has not done enough by way of providing new tax revenues to pay for the doing, and I do not see any of the numerous candidates for public office around here falling all over themselves to increase taxes.

Now, let us just take a look at some of the specific increases that push this bill so far out of line with the budget.

The mental health appropriation is $169.5 million over the budget request. One of the major increases—$63 million—is for the alcoholism grant program. We all recognize the seriousness of alcoholism, but there are limits to the rate that a program can expand and still operate effectively. This bill would represent almost a 1,000 percent funding increase for this program in just 2 years.

An additional $60 million would go for construction and staffing of community mental health centers—a worthy objective, certainly, but can a 40 percent increase over the budget be justified?

The bulk of the $159 million add-on for health services planning and development is for hospital construction programs. We have had a running debate on this one, but the fact of the matter is that we have a loan guarantee program now through which much more construction can be supported by each Federal dollar. But, it is not as attractive, because it is not free money, as in the grant programs. The question is whether those health institutions that are capable of generating the resources for repayment should be asked to assume a greater part of the health facilities construction bur-

den. As of July 31, HEW had received requests for 78 loan guarantees, and awards have been made to 31 of the applicants, with a total loan value of $241 million. The budget requested enough in Federal guarantees to support more than $600 million worth of construction loans, but despite this fact, this bill would continue to fund this program through direct grants costing more than $197 million.

Much of the extra $47 million for health services delivery is added to programs already expanded in the budget request, as is the case with the additional $52 million for preventive health services.

The President has given the Nation his clear and unequivocal commitment to ask for all the funds that can be put to effective use in the fight against cancer, yet an unrequested $60 million is included in this bill for the National Cancer Institute. The budget request for the Institute this year is $432 million, $53 million over the 1972 level and nearly $200 million over 1971.

In like manner, the National Heart and Lung Institute would receive some $65 million over the budget request.

In the education area, the $247.5 million addition to the budget request for elementary and secondary education ignores the administration's request for a billion dollar emergency school assistance program, a portion of which would be used for the same purposes.

And, I have expressed my feelings here many times as to the inequities of the impact aid program. But, now, hidden down in that $250 million add-on to the budget for impact aid, we have a seemingly insignificant little $10 million item that may just blast you out of your chair in a year or two. This is the public housing provision—the "C" students—funded in this bill for the first time. Do not blink your eyes, or you may open them to find a $200, $300, or $400 million item here in a year or two.

I would be willing to wager that nine out of 10 Members of this House supporting the Hathaway amendment had no idea that secreted away in that amendment was this money for public housing. The whole program itself is bad enough without opening up this new boondoggle. This was badly conceived in the first place and we only compound the felony by making this initial token appropriation. Those of you who are receiving legitimate impacted aid funds for military personnel in your district surely ought to see the inherent dangers in our getting off onto this tangent.

There is a $117 million add-on for vocational and adult education. As I mentioned earlier, this appropriation has nearly doubled since 1969, and now some serious questions have been raised as to how well these programs are really meeting current needs. The administration requested $55 million in new money this year in several programs to test new approaches to career education, yet here we are increasing the old ones as well.

Now, let me turn to two very controversial items—OSHA in the Department of Labor and social services.

Members will recall our having adopted a limitation here in the House excluding employers from OSHA who had 25 employees or less. The Senate bill carried a similar limitation excluding employers with 15 or fewer employees. Your conferees agreed on the lower figure, but I think the important thing to remember here is this is only a limitation on an appropriations bill and if it is to be vetoed, we will undoubtedly be operating for an extended period of time under the continuing resolution, so this limitation will have no effect in the foreseeable future, and your small employers who have been so concerned about this thing should be made aware that they still have to comply with the law as it is presently written, with no modification or exclusion, as we wrote into this appropriation bill originally.

I think it is fair to state, however, that in any reworking of this bill, there will probably be some kind of limitation for Members of both bodies were simply reflecting the grave concern of their people back home.

Now, let me turn to this festering problem of social services.

The social services program is authorized by the Social Security Act (49 Stat. 620) and finances numerous forms of assistance to recipients of aid to families with dependent children—AFDC—and persons who qualify for welfare in the aged, blind or disabled adult categories.

Between 1956 and 1967 Congress approved three major amendments to the Social Security Act. The 1962 and 1967 amendments set forth the basic purpose of public assistance social services in very broad terms as provided in this language: "Services to a family or any member thereof for the purpose of preserving, rehabilitating, reuniting or strengthening the family, and such other services as will assist members of a family to attain or retain capability for the maximum self-support and personal independence." Furthermore, such services may be provided not only to current welfare recipients but, since 1965 to former or potential recipients as well.

The 1967 amendments authorized 75 to 25 percent Federal-State matching for State and local costs of providing these social services, specified in an approved State plan, to public assistance recipients and former recipients.

Also approved in 1967 was a purchase-of-service provision, providing that State welfare agencies could purchase services from other public or private agencies, and quality for the 75- to 25-percent matching reimbursement rate.

You do not have to stretch your imagination very far to see that practically the entire gamut of services provided by State and localities for their citizens—including vocational rehabilitation, job training and counseling, child care, foster care, family planning, family counseling and referral, protective services for dependent persons, mental health and mental retardation services, community health services, homemaker services, nonformal or compensatory education, and information and referral services of all sorts—could qualify under the amendments.

Federal costs for the social services program are skyrocketing as States are finding new ways to qualify for reimbursement. Outlays amounted to about $354 million in 1969. By 1970, they had risen to $522 million and they reached $750 million in fiscal year 1971.

Although the HEW budget estimated fiscal 1972 costs at $1,710 million, it is possible that they could reach $3.5 billion or higher with no limitation as written into the Senate bill.

Costs for fiscal 1973 are currently estimated by HEW at $2,162 million—May estimate—but recent State projections indicate a possible $4.8 billion cost figure.

This program is simply out of control, and remember that in this conference report is an overall figure of $13.3 billion in grants to the States for public assistance.

There is an almost complete lack of accountability in the present system. We do not know how the money is being spent, nor how effective the funds are in reducing dependency.

For instance, I find that on the purchase of services provision, there is no accountability requirement whatsoever, so there is no way to tell if the people who are supposed to be receiving the services are actually getting them.

We find that States can contract away their responsibilities to other State or private agencies without those other agencies being subject to the same standards as the State welfare department.

We also find that some contracts did not require any progress reports by the contractors, and some failed to specify who has title to equipment or supplies purchased under the contract.

Contracts are not awarded on a competitive basis, with no documentation available to determine whether or not the negotiated amounts were reasonable.

An investigation will disclose open-end contracts with provision for funding increases without any corresponding change in the number of people served or the time period covered by the contract.

There are contracts calling for lump-sum payments with no minimum performance requirements.

Many cases can be cited where ineligible clients are served because the contractor has been given the responsibility of determining eligibility, and has used very liberal standards; and on top of that, families with excessive income receiving services because the contractor did not verify or update the income information it had on those families.

It is very clear to me that many States are using purchased services as a means of multiplying funds. And it looks as though about 80 percent of the increase in this whole social services item for fiscal 1973 will be in purchased services.

This is the only service program not subject to congressional control, accountability, and limitation. It is so wide open that about the only real limit on it is the ingenuity of the States in identifying social programs which meet the

broad requirements of the law, and in finding ways to fit them within the Federal regulations.

It is possible now for the States to finance almost anything under this system. For example, one State financed a half million dollar TV documentary with social services money.

In another State, social service funds have gone into the State highway department.

In one State program funds are going for advice on personal grooming to potential parolees from the State prisons.

Another State is financing a prekindergarten education program with these funds.

And the list goes on and on. In many States as much as 80 percent of their Federal funding under this program is going for refinancing of what were formerly State-financed services. State welfare departments, who are supposed to exercise control over these expenditures, are becoming little more than fiscal conduits. Some States have even gone so far as to formally appropriate private funds—like UGF, and so forth—so they will qualify for Federal matching money.

A big part of the problem, too, is that there is no formula for insuring an equitable distribution of social services money among the States. What we have done is open up a wild chariot race among the States for Federal funds, with the strongest and most aggressive getting the lion's share.

You have Alaska, for example, spending nearly $1,400 per welfare recipient for social services, compared with $242 in New York, $237 in Florida, $35 in Texas, and $7 in Mississippi.

And, of course, that is why we have this tremendous pressure against a limitation of any kind. Because every State wants an equal chance to get a piece of the action.

But, that is just exactly why we must get a handle on this thing, because this is a race that has no finish line—it just goes on and on with the only real limit being the size of the U.S. Treasury. I have taken the floor several times now in recent weeks to point out the manner in which the Federal Government is being taken to the cleaners by the States. Whether you are for or against revenue sharing, you have it here—in spades—and none of us in this Chamber has any opportunity whatsoever to determine how this is spent.

We are nullifying our own budget decisions, our own priorities by allowing this to continue, because the social service programs become the place where programs can be financed that are not successful in competing for Federal dollars in other Federal programs.

At this juncture, I am happy to yield to the gentleman from Maryland.

Mr. LONG of Maryland. I think the gentleman came close to answering the question that I wanted to ask.

All of these things are presented to us in terms, of course, which evoke our sympathies. We have sympathy for the blind and for the crippled and so on and we want to help them. But I get the impression that this is a program which really does not so much help these people whom we want to help as it does to divert sums into all kinds of programs which we have no intention of helping and no way of controlling.

Mr. MICHEL. The gentleman is absolutely correct. As I indicated, it is just completely wide open.

Mr. LONG of Maryland. It is back-door revenue sharing.

Mr. MICHEL. And we have no control whatsoever. You know, when we sat in that conference and I heard these members pleading, "Surely you have got $10 million or $20- or $30 million for something like crippled children, or aid to this group or that group," and you are fighting for a compromise on a figure, before you know it, you are opening up the back door here, and you are letting $3½ billion go out of here, and we do not even have one nickel's worth to say about how it is to be spent. It is unconscionable; it is just terrible.

Mr. LONG of Maryland. This is back-door revenue sharing.

Mr. MICHEL. It surely is.

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

Mr. MICHEL. I would be happy to yield to the gentleman from Texas, my chairman.

Mr. MAHON. Mr. Speaker, I commend the gentleman from Illinois for making a very interesting and helpful statement. I also commend the chairman of the subcommittee, the gentleman from Pennsylvania, (Mr. FLOOD), for the statement he has made.

The gentleman from Illinois has pointed out very clearly that the President, himself, in his budget has asked for increases all along the line.

The President, in his recent special message of July 26, proposed that the Government spend some $18.4 billion more in the current fiscal year than the Government spent in the fiscal year 1972 just recently closed. The problem on the pending bill is that Congress is adding so much beyond the budget estimates that it is adding to an already aggravated fiscal situation. As recently as June 5, the executive branch reestimated the budget deficit for the current fiscal year—at $27 billion on the unified basis and at $37.8 billion on the more significant Federal funds basis.

At this stage on the pending bill, as a member of the conference committee faced with the very practical necessity of getting a vital appropriation bill out of conference and sent to the President, I know of nothing to do other than vote for the conference report. The bill total is too high under present circumstances.

I opposed the $364 million Hathaway amendment in the House. I supported the lower House amounts in the conference. The House conferees did their best to scale this bill down. But to get a conference report, the House conferees had to compromise with the Senate. We did the best we reasonably could under difficult circumstances.

Mr. Speaker, I commend the gentleman from Pennsylvania and the gentleman from Illinois for bringing into the discussion on this conference report certain vitally important facts that should be surfaced before the House of Representatives and the American people.

Mr. MICHEL. I thank my chairman for his comments. I think we certainly want to make it clear here that much as we think our recommendations as a subcommittee to the full Committee of the Whole House on the State of the Union are pretty good ones, we do not foreclose Members from making amendments to our bill. However, I hope we will learn one thing, if we have not learned something from all of this procedure by the time it runs its course, and that is that this package amendment routine has just got to go. It does not augur well for the future in expressing the will of this House and its individual Members on some really very important items. Lumping them all together in this package kind of thing that runs into unconscionable hundreds of millions of dollars is the wrong way of doing business. I hope Members will speak out against this kind of thing whenever it rears its ugly head and vote that kind of proposition down. Members should offer individual amendments on items they are specifically interested in and know something about. That is the way this body ought to enact legislation.

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

Mr. MICHEL. I will be happy to yield to the gentleman from Ohio (Mr. BOW).

Mr. BOW. I thank the gentleman for yielding. I would like to commend him for the very excellent attempt he has made here today in pointing out the reasons why this conference report should be voted down. The gentleman has gone into detail after detail; many standing alone would be sufficient. Where we have here a conference report with $1,726,000,000 over the budget, I would urge that the gentleman be followed and that this conference report be voted down.

It seems to me that a vote for this conference report is a vote for higher taxes, and that is something I am sure we do not want.

Mr. MICHEL. I thank the gentleman for his comments.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I will be happy to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I, too, would like to join the distinguished chairman of the Appropriations Committee and the others who have spoken this afternoon, and applaud the gentleman from Illinois for the very excellent statement he has just made.

It just has occurred to me that the details he has provided this House on the open-ended nature of the funding of these very social services programs under the various titles of the Social Security Act—those facts alone provide sufficient documentation to support a vote against this conference report, and I think that regardless of party or regardless of how worthwhile we may feel, and we do feel, many of the items in this bill are, the matters to which he has addressed himself this afternoon are of

such consequence that I think there is only one clear vote, and that is against this conference report.

When the President formally embraced the full-employment budget concept, and by implication deficit spending during periods of economic slack, in his budget message of 1971, he was widely acclaimed by many who had been persistent critics of Republican economic policies; his position was widely praised as a major step forward toward effective and enlightened economic management policies. I strongly supported the President's position and the concept of the full-employment budget, and think we can see today in the vigorously recovering economy the fruits of the stimulative fiscal policy that followed from it.

But this afternoon I want to remind you that there is another side to the full-employment budget coin. And that is when the economy begins to move rapidly down the road to recovery and full utilization of resources the happy days of spending more than we take in come to an end. As I am sure all of my colleagues recall, the essence of the full-employment budget concept is to peg expenditures to the approximate level of revenues at full employment. In times of economic slack and recession this allows for a considerable Federal budget deficit. But as the economy moves toward full employment, the gap between actual revenues and hypothetical full-employment revenues diminishes and eventually disappears. And if the economy is to be managed responsibly, if new demand-pull inflationary pressures are not to be unleashed, the budget deficit must shrink correspondingly.

Now obviously, the economy has not yet recovered completely and there is still considerable room for expansion of economic activity. But it is also the case that we are in the midst of a strong recovery: last quarter real GNP rose at the nearly unprecedented rate of 9 percent; in the last year total civilian employment has risen by almost 3 million; since last August the index of industrial production has climbed 20 percent; and in contrast to the almost static level of new investment spending last year, businesses expect to increase investment outlays by almost 15 percent during 1972. There are, of course, many other indicators that could be cited to demonstrate the strong expansionary path on which the economy is moving; but the fundamental point is this: by the end of this fiscal year we will no longer be just in the early stages of recovery, but rather will be nearing the approach to full employment. And at that point it is essential that fiscal policy not get out of control. For if it does, it is almost guaranteed that this Nation will be destined for a repeat of the whole agonizing process of first an overheated economy, and then the subsequent need for deflation, that began under the reckless fiscal policies of the Johnson administration in 1967–68. Nobody, I am sure, wants to go through that again.

Yet if we allow the potential $5 billion overrun of the President's budget that is contained in this Labor-HEW appropriations bill to go into effect, I am afraid that this is exactly what we are heading for. According to the latest estimates the gap between full-employment revenues and actual revenues during fiscal year 1973 will be in the range of $20 to $25 billion, and in adherence to the full-employment concept, the President's budget allows for a deficit of about that magnitude. Yet by adding $5 billion today on top of the social security increase, the overwithholding that will have to be refunded next spring, appropriations increases that have already been enacted, and potential further expenditure increases resulting from enactment of pending legislation like the water pollution control amendments, by doing these things we are asking for, indeed probably guaranteeing, a Federal deficit in the range of $35 to $40 billion for fiscal year 1973.

And such a development would mean two things which fly squarely in the face of the full-employment budget concept that has been such a comfort to some advocates of big spending during the last 2 years: we would incur a full-employment deficit, not just a Federal budget deficit, of about $15 billion, and instead of moving in a decreasing direction that deficit would be increasing. Now there is only one other period during the recent past in which you had that kind of situation—a growing deficit at a time of rapid economic expansion—and that was during late 1967 and the first half of 1968. At that point the economy was moving toward full capacity, yet the Johnson administration incurred full-employment deficits of almost $15 billion. And you know the result well: the economy quickly became overheated and the worst inflation this country has experienced since World War II was touched off—an inflation that only 4 years later have we been able to get under control.

So to repeat, when the economy is recovering rapidly, as it is now, and when it begins to approach full employment, as it will be toward the end of this fiscal year, you simply cannot incur a large full-employment deficit; and even more essential, you can not be in a position in which the size of that deficit is increasing. Yet by approving this bill, along with the other budget over-runs that I have mentioned previously, we run the risk of a $15 billion full-employment deficit, and perhaps a $35 to $40 billion Federal deficit that is almost guaranteed to touch off a new round of runaway inflation, and undo the difficult and painful progress that we have made since last August in stabilizing prices and wages.

Mr. Speaker, if every penny of funds appropriated by this bill was absolutely essential, the considerations I have just outlined would not carry so much weight this afternoon. Certainly, the threat posed by the kind of deficit I have mentioned would be just as great; but if these appropriations were absolutely essential, we would simply have to take it upon ourselves to find other areas in which offsetting reductions could be made.

Yet in looking over the increases called for by this measure, I find it difficult to draw such a conclusion.

You have already heard much about the dangers posed by the conference deletion of the $2.5 billion limit on the open-ended social services appropriations, and it would serve no useful purpose to dwell on it further. I can only observe that when you have a program growing at a geometric rate, or with expenditures nearly doubling every year, a program over which there is little accountability or Federal control, and concerning which there is an almost complete lack of knowledge as to the purposes for which millions are being spent, then I think it is very difficult indeed to say that these expenditures are absolutely essential and that solutions to our great national problems are vitally dependent upon them.

But even if we look at the $1.7 billion overrun in the remainder of the bill, I am not firmly persuaded that every increase called for by the conference is beyond question. The conference report for instance, calls for an addition to the President's budget for mental health of almost $170 million. Now no one would deny the importance of these programs or suggest that they should bear the entire burden of fiscal responsibility and budgetary restraint. But let me point out that during the Nixon administration—since fiscal year 1969—expenditures for these programs have increased by more than 83 percent, or three times more rapidly than the budget as a whole. So the record is clear that this administration has made strong efforts in the mental health area; and it is also clear that there is a limit as to how fast you can expand programs like these and still retain their effectiveness. Thus, in light of the need for budgetary restraint, and in light of the fact that there will always be greater demands on the budget than can possibly be satisfied, there is some question in my mind as to the need for the large increase recommended by the conference in this area.

Much of the same can be said for a number of similar programs. For example, in the area of preventive health programs, the $157 million requested by the administration is increased by an additional $52 million. Yet even at the level requested by the administration, program expenditures for preventive health will have doubled since fiscal year 1971—just 2 years ago.

Or to take a final example, the conference report increases institutional aid under the Health Profession Assistance Act by nearly $58 million or 22 percent above the President's request. Yet again, the fact is that expenditures will have increased by more than 111 percent since 1971 for that program, even at the funding level proposed by the administration.

Mr. Speaker, if we were starving these programs, if there were sufficient revenues to finance the endless series of demands on the budget, and if the fiscal situation were different than it is today, all of these appropriations increases might be justifiable. But the fact is, none

of these conditions actually pertain. Many of these programs have already experienced rapid increases in funding during the last few years; others need to be phased out or changed as the President has proposed, for instance, in the case of the Hill-Burton program; and in the final analysis the revenues just are not there to finance them no matter how worthy they may appear in the abstract.

So in light of the fiscal considerations I mentioned at the outset, and in light of the thus far unproven need for all of these additional appropriations I think I have no choice but to vote no on this appropriations bill, and would urge my colleagues to do likewise.

Mr. MICHEL. I thank the gentleman.

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

Mr. MICHEL. I will be happy to yield to the gentleman from California.

Mr. ROUSSELOT. I wish to compliment the gentleman for pointing out today many of the so-called sacred cow areas where the Congress has "overappropriated" and overspent hard earned taxpayers' dollars. Members individually may be misled into believing that if they oppose either part of this appropriation legislation or the whole bill, even though it is billions of dollars over what the budget is supposed to be, that they will be voting against education or they will be voting against health services. As the gentleman from Illinois has shown today, that implication is unfair and incorrect. A local government unit or a local private institution has to live within given budget restrictions. Why should this Congress not have to act under like constrictions?

We have gone mad here in this House in not being willing to stand up to some of these so-called sacred cow institutions. We have allowed ourselves to be cowed into the position of overspending to escape the reputation of being against "education" or "health care." When are we going to consider the taxpayer who must pay for this?

By increasing this huge U.S. debt and continuing this wild spending spree, we could well put this country into the kind of disastrous shape that, say, Germany was during the twenties. If this country does not, as our distinguished chairman (Mr. MAHON) has said and the distinguished gentleman (Mr. MITCHELL) has said, begin to face up to its responsibilities, we will find ourselves in increasing difficulty. We are voting our taxpayers into a hole, and every Member eventually is going to be held accountable for this kind of irresponsible action.

Mr. Speaker, I compliment the gentleman for his remarks.

Mr. MICHEL. Mr. Speaker, I thank the gentleman from California for his kind remarks. He is a very valuable Member of the House, and I could not applaud him more highly for the remarks he has just made.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Iowa, my colleague, a member on the subcommittee who has some ideas of his own, and who worked very hard to try to reach a reasonable compromise. I think the gentleman would agree, too, that we had a bad deck to start with.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, some say we should vote the conference report down, but the parliamentary situation is such that if we were to go to conference, we could not come back with a bill that would coincide with the gentleman's ideas anyway. Is that not correct?

Mr. MICHEL. Correct. I tried to make that clear in my opening remarks. Certainly it is clear what this Member's views are, because I did not sign the conference report, but what I was trying to do in asking Members to vote against it is to gain a sufficient number of votes against it to insure that a veto would be sustained.

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

Mr. MICHEL. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I associate myself with the remarks of the gentleman in the well, and I rise in opposition to the conference report.

Mr. Speaker, I rise in opposition to the adoption of the Labor-HEW appropriations conference report. As the debate today has clearly pointed out, the $1.76 billion in increases over the President's budget requests are neither prudent, nor are they, in my judgment, in the best interests of the taxpayers and the Nation.

I am also deeply disturbed by the approach of the legislation in the area of occupational safety and health. Safety and health hazards are not simply a factor of the size of a business or the number of employees. A more constructive approach to the legitimate concerns that have been raised by small businessmen lies in the area of providing technical assistance to those who request help in how the standards apply to their operations. I will be introducing in the immediate future an amendment to the Williams-Steiger Occupational Safety and Health Act of 1970 that will allow the Department of Labor to provide on-site consultation in a responsible and effective way. I am confident that this is the approach that should prevail in the Congress to deal with this important matter.

For these reasons, I hope the conference report will be defeated. I do so with some reluctance because I was particularly pleased with the provisions adopted concerning the National Institute for Arthritis, Metabolism, and Digestive Diseases (NIAMD). The conference report provides for a needed increase in funds and personnel in the area of diabetes research, and includes the language of the Senate report calling for the initiation of four to six regional research centers throughout the Nation. It also calls for a report of the progress made in these matters to be presented at next year's appropriations hearings.

My colleagues may remember the debate on the floor of the House on May 3, 1972, concerning diabetes research. At that time, the gentleman from Michigan (Mr. VANDER JAGT) offered an amendment to elevate the level of research on diabetes within the Institute. He was joined in this effort by Minority Leader FORD, the gentleman from Florida (Mr. FREY), and myself. The amendment was withdrawn on the assurances of the distinguished chairman of the Interstate and Foreign Commerce Committee (Mr. STAGGERS) that hearings would be held on this problem. I strongly feel that these provisions in the Labor-HEW appropriations bill are another solid step in the right direction, and I hope that they will be included in any further legislation considered by this body.

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

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

Mr. GROSS. Mr. Speaker, I join in commending the gentleman on his excellent presentation of his opposition to the conference report.

Mr. Speaker, when the bill was before the House, the gentleman from Pennsylvania (Mr. FLOOD) gave us some figures indicating that the total funding for these purposes would be in the neighborhood of more than $100 billion. Is it true that this bill, involved with deficiencies of the supplementaries, plus the social security trust fund would be in the neighborhood of $100 billion?

Mr. MICHEL. As the chairman has pointed out, it is the biggest bill we have to contend with, over and above the defense bill, when we take into account the social security trust fund. It is now at an overall level of $96 billion but then as I indicated, we have not funded higher education and emergency school assistance and OEO and vocational rehabilitation and some programs for the aging, and that will take it well over $100 billion. This is a whopping big bill.

(Mr. FINDLEY asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. FINDLEY. Mr. Speaker, H.R. 15417 as reported by the conference committee includes a provision which has the effect of exempting employers with 15 or fewer employees from enforcement of the Occupational Safety and Health Act for 1 year. This provision resulted from floor amendments in both the House and Senate which reflected the deep concern of a majority of Representatives and Senators over the treatment of small business under OSHA. The House amendment provided:

> 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 twenty-five persons or less for compliance with the Occupational Safety and Health Act of 1970.

An identical amendment was rejected by the narrow margin of only three votes in the Senate. Senator CURTIS then offered an amendment, which differed only in that it specified firms employing 15 persons or less, and this amendment was approved by the Senate. The conference committee has adopted the number of "15 or fewer" employees.

As the author of the amendment, it

was my intention that the term "firms" as it appears in the provision be used in the broadest sense as a term applicable to any type of employer in any type of business or manufacturing establishment regardless of his association or affiliation with larger entities, whether they be corporate, partnership or other.

The debate during consideration of my amendment supports this interpretation. Discussion focused exclusively upon the number of employees of businessmen who should be subject to OSHA inspection. The supporters of the amendment mentioned a wide variety of small businesses which have faced severe difficulties in attempting to comply with the requirements of OSHA, including automobile dealers, farmers, body shops, homebuilders, wash plants, barber shops, grocery stores, sheet metal and roofing companies, petroleum marketers, country grain elevators, service stations, plumbing and heating companies, paint shops, and boat yards. It was my intention, and that of those Congressmen who mentioned the above businesses, that they be excluded for 1 year if the number of employees in each business establishment is 15 or fewer. The problems arose because of the small size of the business establishment involved and the relief sought should be extended equally to those small businessmen who are affected.

Both the supporters and opponents of the provision in both Houses used the terms "firms," "employers," "businesses," "operators," and "establishments" interchangeably indicating a common understanding that the provision is not concerned with the nature of the business involved or its relationship with other businesses. There was no discussion relating to whether the exemption should be based on any other factor than size.

Debate on the provision centered around the question of whether there should be any exemption on the basis of size, and if so where the cutoff should be. As one supporter of the provision acknowledged, the figure 25 was chosen because the "figure of 25 employees is one commonly used in Federal legislation to denote small businesses and is a reasonable one." Opponents estimated that placing the cutoff at 25 would exempt 90 percent of the firms now covered by OSHA. This estimate seems clearly based on the assumption that all employers with 25 or fewer employees would be exempt. Opposition based on the large number of employers which would be exempt appears to have been the determining factor in the Senate defeat of the amendment setting the cutoff at 25, and an amendment setting the cutoff at 15 was later approved.

Mr. Speaker, I make these comments at this time in order to help clarify the intent of Congress in enacting this 1-year moratorium on OSHA inspections of small businessmen. It is my firm belief that it is the intention of the Congress that the most inclusive definition possible be given to the term "firms." And I know it is also the hope of the Congress that the rules and regulations which have been drawn up pursuant to the Occupational Safety and Health Act will be reviewed carefully to eliminate all unnecessary burdensome aspects.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Speaker, I have a question concerning conference item No. 70 which you might clear up. The language in question provides that appropriations to special institutions, such as Howard, Lighthouse for the Blind, and Model Secondary School for the Deaf, be treated as lump-sum grants.

My question is, "Will this language effect in any way the existing contracts between the Secretary of HEW and Gallaudet College for the Deaf and NTID which were required in the provisions of Public Law 89–694 and Public Law 89–36 for the purpose of supervising the establishment of our programs for deaf education?" As you will recall, Mr. Speaker, HEW is now supervising the establishment of our mandated programs for these two institutions.

Mr. FLOOD. I can say to the gentleman that the purpose of this language is to allow the special institutions to account for their funds on the same basis that other colleges and universities across the Nation, who receive federally appropriated funds, do. It is not our intention to contravene preexisting contracts which were undertaken by HEW at our direction to supervise our mandated program for MSSD and NTID. This language does not affect the contracts between HEW and NTID and Gallaudet College for MSSD.

Mr. SHRIVER. I thank the gentleman.

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

Mr. FLOOD. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman from Pennsylvania. I certainly feel that the gentleman from Illinois made a very presentable case, but we worked long and hard in the committee. We thought we brought out a good bill here.

I voted against the Hathaway amendment when it was offered on the floor.

I might say that the chairman and the committee have worked hard in the conference, laboriously hour after hour and day after day. I do not like everything in this bill, but it is the best we could get, therefore I am voting for the conference report.

Mr. Speaker, I rise in support of the conference report on the fiscal 1973 Labor-HEW appropriations bill. The bill represents literally thousands of hours of work on the part of both the House and Senate subcommittee members and I would hope my colleagues will endorse our efforts. I believe the House conferees did a commendable job in eliminating $816 million of the Senate increases which were written into its version of the bill.

There is no need to catalog all the many important programs for which funds are contained in this measure. These were discussed in sufficient detail during floor consideration in June. Suffice it to point out that this bill contains funds for such important actvities as mental health; alcoholism and drug abuse programs; disease prevention; assistance to our hard-pressed medical and nursing schools; elementary, secondary, and vocational education; libraries and instructional equipment.

These programs affect the lives of millions of people in a vital and immediate way.

There are those who claim that this bill which contains $30.5 billion in controllable expenditures is unconscionably high. I reject that assertion. The administration is requesting over $85 billion in defense spending for fiscal 1973. Is 35 percent of that figure too much to spend on the health, education and working conditions of our citizens?

There are those who claim that adding $1.7 billion to the administration's budget request, which this bill admittedly does, is irresponsible. Yet the administration itself has added some $4 billion to its defense program requests since the beginning of this year. Moreover the Federal Government provides billions of dollars each year in the form of direct and indirect subsidies to private industries. Weighed in balance, is a $1.7-billion increase for the welfare of the public an irresponsible action? I think not.

I urge the House to adopt the conference report on H.R. 15417 by an overwhelming margin.

Thank you, Mr. Speaker.

Mr. VEYSEY. Mr. Speaker, the House has before it today a bill intended to continue and expand important social and educational programs. Unfortunately, the pressures to "look good while doing good" seem to have triumphed at the expense of responsible action to deal with our real needs.

The schools, colleges, and hospitals in my district urgently need the funds the President requested for this bill. But election-year politics have pressured the other body into promising much more than we can deliver. President Nixon requested a $28.77 billion Labor-HEW appropriation this year; nearly $8 billion more than we spent in this area just 2 years ago. The proposed budget includes major increases for mental health, health research, elementary and secondary education, vocational education, jobs for welfare recipients, and social security programs.

The House of Representatives added new funds for disadvantaged children, bilingual education, impact aid, and vocational education. I think these increases were justified. I supported them and will continue to support them.

But the tendency to pile promises higher and deeper brings to us today a bill nearly $2 billion more than the President requested. And this bill does not include the massive costs of the new Higher Education Act, $2 billion; the new 20-percent social security increase, $3.7 billion; the new desegregation aid bills, $2 billion; and the new vocational rehabilitation and aging bills—all of

which would properly be funded in a Labor-HEW appropriation bill.

Title IV of the Social Security Act, the "social services" section is included, however, and, as recent newspaper articles have demonstrated, this program alone is expected to end up overrunning the budget up to $3.5 billion more.

The dollar figures glitter before us, but what we are really facing is the probability of a veto, a long delay, and a tax increase if we pass this bill. My friends in education know how much a veto costs them in time and effectiveness and therefore I am confident they will understand why I will not support this conference report.

The only way we will get the funds educators desperately need is to send the President a responsible bill. The one before us is not.

Mr. Speaker, for the benefit of my colleagues I would like to include some background material on the budget figures and recent investigations that underlie my decision on this bill.

THE SECRETARY OF
HEALTH, EDUCATION, AND WELFARE,
*Washington, D.C., August 7, 1972.*

Hon. VICTOR V. VEYSEY,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. VEYSEY: The HEW part of the FY 73 Labor and HEW Appropriation Conference Report is $1.8 billion over the Administration's budget request and fails to limit the rapidly increasing and uncontrolled spending under Title IV of the Social Security Act. The Federal deficit would be seriously enlarged by enactment of this bill, an analysis of which is enclosed.

It is anticipated that the Conference Report on the FY 73 Labor and HEW Appropriation Bill will reach the Floor of the House of Representatives next Tuesday, August 8. I urge you to vote against the Conference Report when it comes before you.

With best regards,
Sincerely,

ELLIOT RICHARDSON,
*Secretary.*

FACTS ABOUT LABOR-HEW APPROPRIATION BILL—H.R. 15417

1. THE FIGURES

| | |
|---|---|
| 1972 appropriation | $27,403,058,000 |
| 1973 appropriation: | |
| President's budget | 28,776,633,000 |
| Conference action | 30,538,919,000 |
| Excess over budget | +1,762,286,000 |
| *1973 President's request compared to House, Senate, and conference action* | |
| President's original request | $27,344,351,000 |
| Presidential amendments resulting from new legislation | +1,432,282,000 |
| President's request, as amended | 28,776,633,000 |
| Congressional increases: | |
| House increase | +1,269,856,000 |
| Senate increase over House | +1,308,441,000 |
| Senate bill | 31,354,930,000 |
| Less: Conference Action | −816,011,000 |
| Conference bill | 30,538,919,000 |
| Net increase of conference over President's amended request | +1,762,286,000 |

In summary, the Conference bill would appropriate $30.5 billion for programs of the Departments of Labor and Health, Education, and Welfare, and related agencies. This is nearly *$1.8 billion higher* than the President's budget request. This increase is entirely in the HEW portion of the bill.

2. THIS IS NOT THE WHOLE STORY ON HEW APPROPRIATIONS

A. There remains $4.7 billion requested last January—but not yet considered by Congress and not included in this bill because of lack of timely authoriaztions—for higher education, emergency school assistance, economic opportunity programs, vocational rehabilitation, and programs for the aging. Only time will tell what final Congressional action produces by way of budget overruns for these items.

B. The dollar totals carried in the bill do not show an increase for so-called social services for welfare recipients that will have the effect of increasing Federal matching in 1973 by as much as $3.5 billion over the President's request. This is a hidden time bomb. The Senate bill attempted to put a ceiling on social service expenditures which would have reduced this hidden overrun by $2.3 billion. The Conference rejected the Senate proposal, thus setting the stage for a 1973 supplemental of as much as $3.5 billion.

C. *The Conference bill ignores the President's appeal to restrain Federal spending.* The appropriations recommended would aggravate the Federal deficit which must be brought under control. In a special message of July 26, the President said that the estimated 1973 deficit is already $7 billion higher than the January estimate. He also said: "Let there be no misunderstanding: If bills come to my desk calling for excessive spending which threaten the Federal budget, I will veto them."

[Dollars in millions]

| | 1971 comparable | 1972 comparable | 1973 President's budget | 1973 Conference bill |
|---|---|---|---|---|
| Department of Labor | $1,342 | $3,676 | $2,967 | $2,967 |
| Department of Health, Education, and Welfare: | | | | |
| Health: | | | | |
| Mental health | 412 | 639 | 645 | 814 |
| Other health delivery and services | 1,111 | 1,413 | 1,320 | 1,577 |
| Health manpower | 429 | 674 | 534 | 846 |
| Health research | 1,253 | 1,544 | 1,659 | 1,878 |
| Subtotal, Health | 3,205 | 4,270 | 4,158 | 5,115 |
| Education: | | | | |
| Elementary and secondary education | 1,723 | 1,777 | 1,787 | 2,033 |
| School assistance in federally affected areas | 550 | 612 | 431 | 681 |
| Vocational and adult education | $484 | $540 | $542 | $659 |
| Other education | 467 | 592 | 575 | 752 |
| Subtotal, Education | 3,224 | 3,521 | 3,335 | 4,126 |
| Social and Rehabilitation Service: | | | | |
| Public assistance | 9,682 | 12,215 | 13,345 | 13,345 |
| WIN | 98 | 259 | 455 | 455 |
| Other SRS | 74 | 106 | 215 | 219 |
| Subtotal, SRS | 9,854 | 12,580 | 14,015 | 14,019 |
| Social Security Administration | 2,942 | 3,057 | 4,002 | 4,002 |
| Other DHEW [1] | 131 | 164 | 149 | 155 |
| Total, DHEW | 19,356 | 23,592 | 25,659 | 27,417 |
| Related agencies | 85 | 134 | 151 | 154 |
| Grand total, Labor-HEW bill | 20,783 | 27,403 | 28,777 | 30,538 |

[1] Includes special institutions (e.g., Howard University and Gallaudet College) and the Office of the Secretary.

[From the Washington Post, Aug. 7, 1972]

BACK DOOR REVENUE SHARING—AND ON A BIG SCALE

(By Jodie Allen)

While debate rages in the halls of the Congress and the administration over revenue sharing and welfare relief for hard-pressed states and localities, a multi-billion dollar program of fiscal relief for states is quietly being implemented under a little noticed provision of the Federal welfare law which provides federal matching for state expenditures on "social services" for needy persons. A recent action by the Senate-House Conferees on the 1973 HEW appropriation bill on August 2 seems to assure that almost $4 billion for "social services" will be added to the President's budget with little debate and with virtually no public attention.

Program increases of this magnitude are usually front page news, particularly in an administration highly concerned over the prospect of a record-breaking budget deficit. The reason for this strange turn of events lies in the peculiar history and characteristics of the social service program.

There are three features of the social service authority which explain its unique potential for breaking the federal bank. The first is that the language of the social service provisions, as modified by a series of liberalizing amendments during the 1960s, is remarkably broad. The services covered include any "services to a family or any member thereof for the purpose of preserving, rehabilitating, reuniting or strengthening the family, and such other services as will assist members of a family to attain or retain capability for the maximum self-support and personal independence." Furthermore such services may be provided not only to current welfare recipients but, since 1965 to former or potential recipients as well.

Without even stretching the imagination it would seem that practically the entire gamut of services provided by state and localities for their citizens—including vocational rehabilitation, job training and counselling, child care, foster care, family planning, family counselling and referral, protec-

tive services for dependent persons, mental health and mental retardation services, community health services, homemaker services, nonformal or compensatory education, and infomation and referral services of all sorts—might easily be justified at least in part as deserving of federal support under the amendments. In fact the only services specifically excluded from support are public school education and institutional care and the only additional limitation appears to be a vaguely worded caveat in a HEW memorandum to the states that they must "significantly expand" not merely re-fund existing services. And to make it all easier, since 1967 the law has allowed the states not only to provide such services themselves but to purchase such services from other public and private agencies with federal support.

The second striking feature is that the terms of the federal support are extremely attractive. For every $25 the states or localities proffer for these services the Feds will supply another $75. The Talmadge amendments of 1971 went this one better and allowed 90 federal dollars for every 10 state or local dollars if the services provided were such as to enhance the employability of current, former or potential welfare recipients. (This largesse should be compared the relatively miserly 50 per cent matching which is all most large states can receive on actual cash grants to recipients.)

Last and best there is the "open-end" financing provision—which means exactly what it sounds like. Unlike most federal authorizations for which a fixed amount is appropriated by Congress each year, the social service fund is essentially a bottomless pit. As is the case for public assistance cash payments, whatever amount of money states and localities express willingness and ability to spend for social services in a given year, the federal government must stand ready to match at $3 or more for 1.

Given these generous provisions, the only thing that is hard to understand about the social service program is why it is not already the largest domestic program in the federal budget. In fact most states were slow to recognize the potential of the social service program. In 1964 only $75 million in federal dollars went to social services. By 1963 the federal cost had risen to the still modest level of $230 million and by 1969, even after a one year increase of 59 per cent the federal share was still only $366 million. A few sharp state officials however were beginning to catch on. One state, California, had by 1970 managed to corner almost 40 per cent of the total service budget of $500 million for that year largely through the cleverness of a consultant to the California State Assembly, Tom Joe. In a fascinating article in the June 17, 1972, issue of the "National Journal," John Iglehart has traced the subsequent involvement of the ingenious Mr. Joe who, as part of the entourage accompanying former HEW Secretary Finch to Washington from California, has subsequently stayed on at HEW. There, in an informal capacity, he has spread the glad tidings of largesse to other less favored states—to the ultimate discomfort of the adminstration.

For discomforted indeed are HEW budget managers. From a sleepy little sub-billion dollar program, social services has in the last several months skyrocketed with a multi-billion dollar flare likely to eclipse in importance both the much heralded revenue sharing propsals now being debated in the Senate Finance Committee and the now beleaguered welfare reform package with its promise of some $2 billion in state welfare savings.

Picking up the thread of our chronology we find that by fiscal year 1971 the federal share of social service expenditures had climbed to almost $700 million with the Congress ignoring a request by the administration in its budget for that year to impose a 10 per cent ceiling on expenditure increases over the previous year (a request repeated and again denied in the administration FY 72 budget). In FY 72 social services again surprise deveryone by outstripping the original administration estimate of $838 million by at least another $450 million and, by some estimates by perhaps, as much as $750 million. In either case the federal government is thus already spending at the rate of over $1.3 billion a year on social services—an amount almost twice that expended in the previous year and already larger than the administration's $1.2 billion request for the upcoming fiscal year, 1973.

But that discrepancy must be counted as minor. For while the Congress has been considering the HEW request, the states have quietly been revising drastically their estimates of federal dollars required in FY 73. In May to the consternation of HEW officials a new estimate of $2.2 billion, almost twice the administration's 1973 budget request of $1.2 billion, was computed. The Senate Appropriations Committee, alerted to the danger added to the HEW appropriation bill a ceiling of $2.5 billion on social service expenditures. But pressure from governors and state officials anxious to cash in on the bounty proved too strong and, wtih virtually no public attention, the limitation was dropped in the Conference Committee despite assertions in the conference report issued on August 2 that 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 prudentally and effectively."

But the conferees literally didn't know the half of the matter. For by the end of June the states had set their sights far higher than a mere $2.2 billion—in fact having doubled the estimate once, they decided to do it again this time submitting a total FY 73 request of almost $5 billion, a quadrupling in expenditures over the previous year to an amount equal to the much publicized revenue sharing program. And there is unanimous agreement on the Hill and in HEW that that estimate is probably too low.

Fortunately it is not necessary to question the efficacy or relative utility of social services in order to question the desirability of this turn of events. It is fortunate in that no one seems to have any clear idea of what the money is being spent on.

But apart from the merits of social services per se three things are abundantly clear:

1. A huge sum of taxpayer money is being distributed among states in a quixotic fashion unrelated either to relative need or to the ability and willingness of states to use the money constructively.

2. It is not possible for states and local governments to achieve a four-fold expansion in services of any kind in one year (on top of a doubling the previous year) and particularly not in services of a type for which no clearly successful record of performance has yet been demonstrated, even on a modest scale.

3. Even if the money is in fact expended for the purposes intended, serious imbalances are occurring within state expenditures patterns between social service activities for low income populations and other forms of assistance and service both to this population and to other groups in the population.

To illustrate these points one need only look at a few states. In 1971 Mississippi spent about $950,000 on social services. Its estimated expenditures for 1972 increased by 88 per cent to $1.8 million. In 1973 Mississippi now estimates it will spend some $460 million on social services, over 250 times the amount it spent the previous year.

Two other comparisons are equally interesting. If Mississippi's social service benefits were spent entirely on welfare recipients, it would turn out that Mississippi would be spending some $1,625 per welfare recipient on social services, or about $6,500 per year on a family of four (a number familiar to the National Welfare Rights Organization). Apart from the striking generosity of this allotment it is interesting to compare this expenditure with the maximum welfare cash grant which such a family if it had no other income could receive in Mississippi. That amount is $720. And lastly it is interesting to observe that if, as is likely, most of the $460 million in federal dollars is used simply to support existing state and local services in Mississippi, this amount alone will account for over half of the current total Mississippi state budget.

Other examples abound. Maryland's estimated expenditures will grow from a 1971 level of $15 million to an estimated level of almost $420 million in 1973. At this point Maryland will be spending some $1,650 per welfare recipient or about $6,600 for a family of four. Georgia plans to expand its program from a 1971 level of $12 million to a 1973 level of over $220 million. New York will expand from $67 million 1971 to $850 million, Illinois from $24 million to over $180 million. Faced with an unplanned increase in the President's budget of at least $3.6 billion and the frightening potential of even more staggering increases to come (the estimates are from $6 to 8 billion in the next fiscal year) there appears to be little that the administration can or, perhaps, wants to do to stem the flowing tide. To "close the end" on social services would require legislative action and, as has already been demonstrated by the recent action of the appropriation conferees, such action is unlikely to be forthcoming, particularly in an election year, given the opposition to such a change that would be generated by enthusiastic state and local officials who have suddenly discovered that there is indeed a pot of gold at the end of the federal rainbow.

There is also the difficult problem of devising a formula which, at once, distributes the fund among the states in at least some vague relationship to need and current fiscal effort; maintains each of the states at least at their current level of expenditures and probably allows some increase (a practical necessity to ensure acceptance of any formula); and, at the same time sets a reasonable dollar limit on the total budget.

Despite the practical and political difficulties involved, however, it is clear that something constructive must be done, not simply to control a runaway program, but to insure that the monies are distributed equitably among states and that real and needed public services are produced in the process. Surely some more rational basis must exist for distributing several billion dollars of taxpayer money than one depending upon the relative ambition and ingenuity of a few state and federal officials.

Mr. RYAN. Mr. Speaker, I urge the passage of the conference report on H.R. 15417, appropriating funds for fiscal year 1973 for the Departments of Labor and Health, Education, and Welfare.

No section of the entire Federal budget deals more directly with the well-being of every citizen than does the legislation now before us. The more than $30 billion which it provides fund essential programs in employment, manpower training, health, and education—programs that constitute the very guts of our struggle to turn around our Nation's priorities.

There is a long list of specific items in this legislation which, given time, I would like to discuss in detail. However, I would like to make special note of one pro-

gram in particular—the Federal assault against childhood lead poisoning, for which this bill provides $14 million.

Undoubtedly, there are some who feel that lead poisoning is a small thing—a little horror compared to the war in Southeast Asia or the fact that many of our urban centers resemble the barren craters of the moon. But as Jack Newfield has written, this "little horror" of lead poisoning in a very special prism through which we can see with piercing clarity, a rainbow of the much larger horrors that plague our society: Racism, decaying cities, inadequate health care, demented priorities.

Sometimes it is called the "silent epidemic," sometimes it is referred to as "ghetto malaria." But no matter what it is called, the fact remains that childhood lead poisoning continues needlessly to plague the children of America. Each year thousands of young children are afflicted by this dread disease. The exact number of youngsters poisoned remains unknown, for there are still far too few programs to screen children for this disease. Even so, the Department of Health, Education, and Welfare has estimated that each year some 400,000 children are subjected to lead-based paint poisoning.

As a result, some 16,000 youngsters require treatment. An additional 3,200 suffer moderate to severe brain damage. And 800 are so severely afflicted that they require institutionalization for the remainder of their lives.

And for another 200 children there is no future at all—not even the empty existence of a lifetime of hospital care—for they will die as a result of this crippler of young children. Two hundred children a year.

In the words of HEW's Bureau of Community Environmental Management, what this adds up to is a "disease more prevalent than polio before the advent of the Salk vaccine."

But the real tragedy is that the disease of childhood lead poisoning is totally manmade and totally preventable. It is not some rare malady waiting for a miracle cure. It exists only because we let it exist.

Three years ago I introduced legislation to begin a Federal program to come to grips with this crippler and killer of young children. Subsequently, Senator KENNEDY introduced companion legislation in the Senate. Finally, after 2 years of intensive effort, with the special aid of our distinguished colleague from Pennsylvania (Mr. BARRETT) our Lead-Based Paint Poisoning Prevention Act was signed into law on January 13, 1971. In enacting this law, President Nixon committed this Nation to a massive assault to eradicate the plight of childhood lead poisoning. That commitment remains unfulfilled.

Much of the reason for this is as simple as it is intolerable: The victims of lead poisoning are the poor and disadvantaged youngsters of our inner cities, destined to live in slum housing, without enough to eat, and without adequate medical care. They are America's forgotten children, her invisible children. And the attitude of this administration toward these youngsters has been one of cruel and callous disregard. This unconscionable neglect can only be measured in the unnecessary suffering of thousands of young children.

For far too long, this Government has been allowed to close its eyes to the plight of these children. It is imperative that the Congress now sustain a comprehensive and meaningful program which will safeguard their health from this dread disease.

In good part the reason that lead poisoning continues to be a national peril is that neither the Congress nor the administration has been willing to provide sufficient funding to meet the menace of lead-based paint poisoning. Despite the fact that the Lead-Based Paint Poisoning Prevention Act authorized $30 million for fiscal years 1971 and 1972, the Nixon administration steadfastly refused to request any money to fund this act for fiscal year 1971 and only after great pressure from myself and other concerned citizens did it belatedly submit an amended budget request for $2 million for fiscal year 1972. The Congress—with great credit to the distinguished chairman, Mr. FLOOD, and the members of the subcommittee which helped shape the legislation now before us—recognized the total insufficiency of this request. But still it provided only $7.5 million in appropriations for fiscal year 1972—still woefully inadequate to meet the need. For fiscal year 1973, the fiscal year which is the subject of the conference report now before us, the administration requested $9.5 million. Fortunately both the House and Senate committees recognized the inadequacy of that request and the bill which we are now considering has a total of $14 million for fiscal year 1973.

While I commend the conferees for not being constrained by the administration's totally insufficient budget request, I do not believe that $14 million is yet anywhere near sufficient. For fiscal year 1972, which ended on June 30, the regional health directors of HEW had received—as of May 5, 1972—61 grant applications from communities totalling about $16 million. This means that actual grant requests—with 2 months of the fiscal year still remaining—exceeded by more than 100 percent the available funds. And certainly the amount of requests would have been much greater but for the discouragement potential applicants received upon finding how little moneys were available and how dilatory the administration was being in releasing funds. I understand, for instance, the city of Philadelphia had originally planned to apply for $3 million in grant aid, but in light of the little funding available revised that request to $700,000.

Clearly, all factors indicate that grant requests for fiscal year 1973 will far, far exceed the $14 million provided in the conference report.

The most compelling testimony to the need for far greater funds was registered, perhaps, by the administration itself. At page 428 of the House Appropriations Subcommittee's hearings, part 3, an administration statement acknowledges that—

> An expenditure of $25 million would support a program for approximately 60 percent of the children at risk.

Thus, even an appropriation almost twice that provided by H.R. 15417 would still leave 40 percent of the children, who risk lead poisoning, unscreened and untreated.

And at page 473 of the same volume, another administration statement acknowledges that, given the administration's request of $9.5 million, which is only $4.5 million less than that provided in the bill before us, only "40 percent of the estimated high risk population will be under surveillance as a result of the screening programs."

The figures are clear. We are simply consigning children to total lack of screening for lead poisoning, and care, if they in fact have this dread disease.

On the first day of this session of the 92d Congress, I introduced legislation (H.R. 12466) to extend and expand the Lead-Based Paint Poisioning Prevention Act. And I am pleased to note that subsequently, Senator Kennedy introduced companion legislation (S. 3080) in the other body.

It is my firm belief that passage of this legislation is an integral part of the program which we must launch to eradicate the plight of lead based paint poisoning from the face of this country. This legislation provides the bare minimum in funding necessary to carry out the program under the Lead-Based Paint Poisoning Prevention Act—$50 million for fiscal year 1973 and each fiscal year thereafter. I am pleased to note that this legislation—amended to make it even more potent—has already passed the Senate. My bill has been reported out by the Subcommittee on Housing to the full House Banking and Currency Committee, with much credit going to that subcommittee's distinguished chairman, Mr. BARRETT, a gentleman who has consistently been in the forefront of the battle against this tragic crippler and killer of young children. Hopefully this legislation will soon reach the House floor, so that we can begin to truly combat this dread disease.

I would like to note that 65 members of the House have joined with me in cosponsoring legislation to greatly increase the lead poisoning authorization. I believe that both bipartisan nature and widely differing geographic representation of these cosponsors indicates the growing awareness throughout this Nation that childhood lead poisoning must be eliminated and that the Federal Government must lead the way in that effort.

Edmund Burke once remarked that all that is necessary for the forces of evil to win the world is for enough good men to do nothing. So it is with lead poisoning. Either we embark upon a meaningful effort to eradicate this disease or we fail. The devasting menace of childhood lead poisoning will not fade away by our ignoring it.

Mr. HARRINGTON. Mr. Speaker, I intend to vote for the Labor-HEW appropriations conference report, but I am very disturbed by one section of the bill.

On one hand, it contains badly needed money for health and education and so-

cial welfare programs, programs essential for a decent life in America. The bill continues our commitment to improving medical aid by encouraging construction of facilities and providing grants to institutions and individuals engaged in the training of doctors, nurses, dentists, and related health professions. The bill continues our commitment to raising the quality of education through direct aid to school systems and schools of higher learning, as well as scholarships for students, and special innovative programs. The bill continues our belief that every American is entitled to a decent living when he or she is unable to work. It provides money for the aged, for the disabled, for the veteran, for the unemployed.

But amendments 8 and 9, Mr. Speaker, are pernicious, regressive measures that would negate the effects of the Occupational Safety and Health Act by exempting business who employ less than 15 workers.

Two years ago, this House passed that act by an overwhelming vote of 309 to 60. It intended that every American worker be protected from unsafe working conditions. It realized that an average of 55 workers a day were being killed on the job. It realized that more than 2.2 million people were injured annually on the job. It realized that a yearly average of 390,000 workers reported occupational diseases, such as lung cancer, asbestosis, and heart disease, with thousands of cases unreported.

Now, the Congress would exclude approximately 15 million workers from safety rules and inspections provided for under the Occupational Safety Act.

These amendments are wrong, but I will vote for the bill because under House rules it cannot be amended and, I would not deny the benefits under the education, health, and social welfare provisions to the many millions of citizens who need the chance those programs provide to break out from the viciousness of poverty, illiteracy, ill health, and unemployment.

The President has threatened to veto this appropriations bill not because it exempts so many workers from safety standards but because he claims it allocates too much money. I would hope that the Congress would override any veto, realizing that if the President spent less money on wasteful defense budgets that help to finance stupid, immoral wars, and spent more money on trying to improve the quality of human life, his budget would eventually balance.

H.R. 15417 is not a great bill, but it is better than any administration alternative, and I reluctantly reiterate my support for it.

Mr. ROSTENKOWSKI. Mr. Speaker, today I rise in support of the conference report on H.R. 15417, the Labor and Health, Education, and Welfare appropriations request for fiscal year 1973. Incorporated in this report is a $269.9 million request for maternal and child health care.

Mr. Speaker, on June 24, 1972, I introduced a bill which would amend title V of the Social Security Act to extend for 1 year the period within which certain special project grants, namely, maternal and child health care, could be made. This bill (H.R. 9410) was signed into law by the President on July 10, 1972, and it provides the necessary authorization for this particular health care appropriation.

At this time I would like to congratulate the members of the appropriations conference committee for their concern and awareness in the area of maternal and child health care. The proposed increase of $18 million over last year's funding for this program represents a significant step for infant health care in the United States.

For too long now, our national pediatric health care programs have fallen short of the demand. In both urban and rural areas alike, our children have been grossly neglected by the overall national health scheme. Only recently have we begun to fund special programs to insure all of our children the basic right to preventive, as well as corrective medical services.

Mr. Speaker, I strongly urge the full support of all of my distinguished colleagues for this conference report.

Mr. BADILLO. Mr. Speaker, I rise in support of this urgently needed legislation and urge that we adopt this conference report without delay.

I am very gratified that the House and Senate conferees have had the wisdom and foresight to increase the appropriations for bilingual education by $15 million beyond that originally appropriated by the House in June. I am especially pleased as this is the amount by which I sought to amend the original bill.

As I have observed on countless occasions, the bilingual education program has been seriously underfunded from its inception. Only a very small percentage of the estimated 5 million children who are considered to be in need of special bilingual education have been reached. Although the need is far more critical today than when the bilingual education program was initiated some 5 years ago, the administration requested hardly more than 30 percent of the amount authorized for such programs.

Therefore, it is appropriate that the Congress take the initiative—in the absence of any leadership from the administration—in renewing our commitment to providing meaningful bilingual/bicultural education and in seeing to it that there are sufficient funds to implement these programs. While the total amount is still less than half of the $135 million authorization, it will still enable the Office of Education to expand bilingual programs to locations now denied this aid or where there are only a limited number of programs. By increasing title VII—ESEA—appropriations by $15 million, to a level of $60 million, it has been estimated that 110 new projects can be initiated and approximately 90,000 more children—almost double the present number—can be reached. These additional funds will be particularly important in enabling the Office of Education to achieve a greater degree of balance in the allocation of title VII moneys without having to shortchange certain areas. Furthermore, significantly increased funds are desperately required if the needs of Spanish-speaking and other foreign language-speaking children are to be met and if these youngsters are to be afforded full and equal educational opportunities.

Mr. Speaker, in calling upon our colleagues to support this and certain other increases agreed to by the conferees, I also want to express my very grave concern over some speculation that this measure may be vetoed. Such an ill-conceived move can only do irreparable damage to countless educational, social welfare, job training, employment, and manpower programs. While the conference report is higher than the President's budget request, it is only because the administration has failed to take substantive action to reorder its own distorted program priorities and to furnish any semblance of leadership. A veto of this critical money bill would be wholly unjustified and I would urge the President and his advisers to very carefully reconsider any possible moves in this direction.

Mr. ROGERS. Mr. Speaker, after working for many months on various pieces of health legislation, both I and the members of the Subcommittee on Public Health and Environment were pleased to see the Appropriations Subcommittee on Health give health legislation proper funding levels.

When the House passed the Labor-HEW appropriations bill, I voted for it because of the need to improve the health of Americans.

But now we are about to vote on the conference report on this appropriation which includes considerably more money than the House approved in areas in which I believe the House adequately funded. For example a single item in this conference report—benefits for coal miners—is the cause for a $1 billion increase over the level which the House approved.

Increases resulting from a conference are to be expected as the natural result of honest compromise.

In reading the report, I find that the increases are not the result of even increases for worthy programs, but instead the total figure is boosted radically by this one item.

Despite the merits which I feel are contained in almost all other portions of this bill, the extreme increase of $1 billion forces me to vote against the conference report. I certainly feel that the health funding figures as agreed to in the conference are appropriate and I support the agreements reached in conference on this portion of the bill.

I think this is another example of how the vast bureaucratic maze of HEW is thwarting the Congress opportunity to draw clear-cut decisions on pressing important domestic issues.

Despite the overall benefits that would be realized by major portions of this bill, we find ourselves voting up or down without being able to correct ourselves on specific items. Additionally this points up the need for a separate Department of Health. Only by separating all health

programs from this giant bureaucratic maze can we move forward.

Mrs. GREEN of Oregon. Mr. Speaker, I agree with many of the statements made by the gentleman from Illinois (Mr. MICHEL). Adding this additional $2 billion does not necessarily improve the health, education, or welfare of the American people.

Fewer categorical programs with high administrative costs might well be one way we could get more of the dollars and more of the help to the intended beneficiaries. But, Mr. Speaker, a higher degree of accountability also must be demanded from the Office of Education.

For the past 2 years I have been conducting a study of contracts and grants administered by the U.S. Office of Education. I focused on the Office of Education—OE—and on selected programs within the Department of Health, Education and Welfare—HEW—because I believe we must not let the headlines of defense misspending dull our senses. We must be made aware that the Pentagon is not the only place where Federal mismanagement occurs. In fact, in my investigation of OE and HEW I have found mismanagement that rivals and in many cases exceeds the reports of slipshod management of Defense.

Unfortunately attention has not focused on the administration of Federal social and educational programs, because their noble goals have shielded from outside examination and adverse public criticism the Federal bureaucracies responsible for their administration. My position has been that waste of our tax dollars in the social sector is more heinous than waste in defense, where our goals are obviously of a less noble nature.

Former Secretary of Defense Robert McNamara once stated that competition among defense firms for Government contracts saved the Government 25 percent over the price of noncompetitive contracts. The Defense Department today, according to the latest figures available, has let 43.7 percent of the total worth of all its contracts on a competitive basis. The Office of Education, on the other hand, let many millions of dollars in contracts and grants between July 1, 1971, and April 30, 1972, of which only 10.5 percent went through the competitive process. Without competitive bidding in 90 percent of their transactions, OE has cleared the way for numerous ill-conceived and over-priced projects which have been negotiated quickly and quietly. On the receiving end of these agreements are the consultants, think tanks, university based groups and other research organizations, many of them on the rebound from Federal cutbacks in the "hard sciences."

The 90 percent lack of competitive procurement mentioned previously includes all of OE's so-called discretionary contracts and grants for the first 10 months of fiscal 1972. Discretionary awards encompass all of the education laws we have passed which give the Office of Education some say over the administration of programs. On the other end of the scale are the nondiscretionary programs where the money is usually allocated to the States for their administration.

In recent hearings I conducted on OE's contracting activities, I asked the agency's top officials for the total number of "live" contracts and grants which require some kind of Federal stewardship. The figure these officials gave at the hearings was 50,000. That's 50,000 contracts and grants, either this year or continuing from past years, all requiring some kind of monitoring by OE. To this monumental task, the OE officials added, they have assigned a contracts and grants staff of 51 strong.

With the no-priority given contracts and grants management, it is no wonder that good management and useful educational research have been elusive goals for the Office of Education. I am particularly irked because at a time when local school districts are scraping for thousands of dollars, OE at the Federal level allows millions of educational dollars to fall between the cracks. To explain what I mean by bad management and useless educational projects, let me give a small sampling of the "lemons" in OE's files. These are not necessarily the worst projects, in fact, one OE official recently confided to me that I have just begun to scratch the surface.

The National Reading Center. After 2 years and $3 million of OE's money, the center has produced: a stack of press releases and reports 18 inches high; two national surveys on the extent of illiteracy—and a third one on its way—1,000 people who are supposed to train a corps of volunteer reading tutors; and, one and a half million milk cartons carrying messages designed to encourage children to read.

The Center was first funded in August 1970 by OE's discretionary money under the Cooperative Research Act. Congress intended the act, as its title implies, to fund educational research. Instead, the Center's well paid staff set themselves up in Washington, D.C., office space that put all congressional offices to shame. After the Center had allegedly misspent $305,300 of their first year's budget, OE finally caught up with them, followed shortly thereafter by the General Accounting Office.

What the OE auditors found was an executive director of the Center who was making $50,000 a year—$14,000 more than the Commissioner of Education—$113,300 for public relations expenditures, and $176,900 for architects' fees and redecorating expenses. After months of negotiations, OE quietly agreed to collect only one-third the alleged misexpenditures of $305,300 that OE, itself, had outlined in its original audit. Not only is OE unwilling to enforce its own audit report, it also maintains there is a need to continue the Reading Center. The Commissioner of Education has taken the position that the Nation needs something such as the National Reading Center to stimulate involvement of the private sector in ending the Nation's illiteracy. Meanwhile, the Office of Education has its own program, called Right to Read, also directed at the Nation's illiteracy problem.

The $3 million already poured down a hole in funding the National Reading Center, if placed in Multnomah County could have nearly quadrupled the $800,000 we recently had to take out of our library budget where funds actually go for reading. The $1.5 million Portland must take out of our school budget to cut teaching slots—including remedial reading teachers—has been the average annual budget of the National Reading Center. As we keep cutting our library and education budgets, the National Reading Center keeps grinding out press releases, holding useless conferences, and turning out reports which are never read.

A $198,759 contract with System Development Corp., to conduct a set of "traveling reading seminars." Of all places, OE dipped into discretionary funds under the Vocational Education Act of 1963 to fund this project. The idea behind this contract was for OE to drum up local support for its right to read program.

System Development Corp.—this think tank is an offshoot of Rand Corp.—held conferences in eight cities around the country where Federal officials came and klatched with local officials over what could be done to improve the Nation's reading skills. After the chatting sessions were over, System Development produced a 269-page report which, in its bulk, contains page after page on the minute arrangements that went into the sessions. On educational grounds, the report is useless.

Actually, OE was supposed to get, for its money, seminars in 10 cities. But after the contract was let, SDC submitted a "potential cost overrun in the amount of $40,029." So OE cut the number of seminars from 10 to 8. There is considerable question whether there was need for any of these talkathons or if, in fact, they served any constructive purpose.

In Multnomah County the nearly $200,000 spent on this contract could have helped finance the operation of Edgefield Lodge. The facility is the only publicly supported one in the State for emotionally "disturbed children." Instead, the money for traveling reading seminars supported a myriad number of conferences, seminars, and discussion groups, all with the associated expenditures of travel, hall rentals, and staff reports—three of the conferences lasted 2 days.

NEDC fund, in cooperation with the National Economic Growth and Reconstruction Organization. This project was supposed to be for drug rehabilitation, $300,000 worth. In this instance, the Office of Education was so anxious to spend the $300,000 before July 1 that it sent a letter on June 23 offering the organization $15,000 in Federal money even before it had received from the organization a satisfactory work statement required by OE regulations. Fortunately, the money was never spent. Why? Not because of OE's acumen, but because the letter OE sent the organization was returned with "addressee unknown" and "moved, left no forwarding address."

The reason OE was so anxious to get rid of $300,000 is that it was faced with its annual, enigmatic problem known as "end of year fiscal rush." This is compulsion of a Federal agency to spend by

June 30 all of the funds Congress has appropriated for it in a given fiscal year. Each year this rush results in incomprehensible mountains of paperwork—where correct contracting procedures are discarded out of expediency—during 2 weeks in mid-June.

A grant of $198,000 to an organization for the study of the needs of American Indian school libraries. This could have been a worthy goal had OE officials known of any special unmet needs of Indian school libraries. But the contracting officials were again hurrying at the end of the fiscal year. Shortly after OE awarded the grant, the organization turned around and subcontracted $124,000 out of the $198,000 total to a university to do most of the work, a bald admission that the organization had little competence in the field. Ironically, OE gave me the file on this grant because they considered it to be a "model" of OE administration. An OE official later told me that after searching OE for "model" contracts and grants for 2 days this project and four others—just as bad if not worse—were the best they could produce

I had hoped that the hearings I conducted in April and May would provide an incentive for the Office of Education and its parent, the Department of Health, Education, and Welfare to improve their contracts and grants administration. Since then, I have witnessed gestures in the direction of reform, but nothing more.

What is even more disconcerting is that before OE and HEW accomplish any reform, we must witness the creation of the latest idea for a new cornucopia of educational research and development—the National Institute of Education (NIE). The recently enacted legislation promises that over the next 3 years we are going to plug $550 million additional into the same research organizations, think tanks, consultants, and other, which the Office of Education has managed to keep solvent under 105 existing Federal education programs.

Imagine what the $550 million spent on NIE could do at the local level. In comparison to the NIE authorization, the following cuts we face in our Portland school budget appear minuscule: $100,000 from career education; $110,000 out of supplementary programs for disadvantaged children and community school programs; $129,000 from summer school; $144,000 out of our counseling program.

It does not make much sense to dramatically increase the funding for educational research and development when existing Federal research programs are being badly mismanaged. And why create new programs for research at the Federal level when school districts can barely buy erasers and chalk, let alone the latest educational materials produced through research?

We must begin an effort to divert Federal money misspent and mismanaged at the Federal level to the local level where the need is greatest. Our Federal education programs have become too numerous and complicated to administer in Washington. We must consolidate these programs, eliminate the bad ones, and direct more aid directly to States and localities.

Mr. BADILLO. Mr. Speaker, I rise in support of this urgently needed legislation and urge that we adopt this conference report without delay.

I am very gratified that the House and Senate conferees have had the wisdom and foresight to increase the appropriations for bilingual education by $15 million beyond that originally appropriated by the House in June. I am especially pleased as this is the amount by which I sought to amend the original bill.

As I have observed on countless occasions, the bilingual education program has been seriously underfunded from its inception. Only a very small percentage of the estimated 5 million children who are considered to be in need of special bilingual education have been reached. Although the need is far more critical today than when the bilingual education program was initiated same 5 years ago, the administration requested hardly more than 30 percent of the amount authorized for such programs.

Therefore, it is appropriate that the Congress take the initiative—in the absence of any leadership from the administration—in renewing our commitment to providing meaningful bilingual/bicultural education and is seeing to it that there are sufficient funds to implement these programs. While the total amount is still less than half of the $135 million authorization, it will still enable the Office of Education to expand bilingual programs to locations now denied this aid or where there are only a limited number of programs. By increasing title VII (ESEA) appropriations by $15 million, to a level of $60 million, it has been estimated that 110 new projects can be initiated and approximately 90,000 more children—almost double the present number—can be reached. These additional funds will be particularly important in enabling the Office of Education to achieve a greater degree of balance in the allocation of title VII moneys without having to short-change certain areas. Furthermore, significantly increased funds are desperately required if the needs of Spanish-speaking and other foreign language-speaking children are to be met and if these youngsters are to be afforded full and equal educational opportunities.

Mr. Speaker, in calling upon our colleagues to support this and certain other increases agreed to by the conferees, I also want to express my very grave concern over some speculation that this measure may be vetoed. Such an ill-conceived move can only do irreparable damage to countless educational, social welfare, job training, employment and manpower programs. While the conference report is higher than the President's budget request, it is only because the administration has failed to take substantive action to reorder its own distorted program priorities and to furnish any semblance of leadership. A veto of this critical money bill would be wholly unjustified and I would urge the President and his advisers to very carefully reconsider any possible moves in this direction.

Mr. VANDER JAGT. Mr. Speaker, while I oppose adoption of the conference report on appropriations for the Departments of Labor, and Health, Education, and Welfare, I want to express my strong support for the provisions included therein that would expand Federal research activities in the field of diabetes.

The conferees retained language adopted by the Senate Appropriations Committee calling upon the National Institute of Arthritis, Metabolism, and Digestive Diseases to utilize an increase in its funding to initiate four to six regional diabetes research centers throughout the Nation. The Senate committee expects to receive a report on the development of this program in next year's hearings.

Members of the House of Representatives may recall that during the debate of May 3, 1972, on legislation renaming this component of NIH, Congressmen GERALD R. FORD, WILLIAM A. STEIGER, and LOUIS FREY, JR., joined me in urging expansion of research on diabetes within the Institute. Upon receiving the assurances of Chairman STAGGERS of the Committee on Interstate and Foreign Commerce that comprehensive hearings would be held on Federal research efforts on this disease, I withdrew an amendment that I had offered aimed at this objective.

Mr. Speaker, I look forward to this extensive congressional inquiry, and urge that it be convened at the earliest opportunity. And I am very pleased that the need for further Federal activities in this field has been recognized by members of the appropriations committees. The regional diabetes research centers would represent a major step forward, and would bring new hope to millions of Americans afflicted with this disease.

Mr. KOCH. Mr. Speaker, today we are voting on the Labor-HEW appropriations bill (H.R. 15417), which some have said President Nixon will veto. It therefore becomes even more essential that Congress now indicate its overwhelming support for the health, education, welfare, and labor programs embodied in this bill—programs which Congress has spent considerable time debating and authorizing.

Earlier in the legislative process, I supported the Hathaway Quality Education Amendments, which are included in the present bill and which made important increases in the administration's funding request for the Office of Education's disadvantaged children, title I programs and its school libraries, vocational education, and adult education programs. Without such a real commitment to the educational needs of our country's children, we will not even begin to provide every child an equal educational opportunity so that he or she can share in the future of this country.

Similarly, if the funding levels provided in this bill for health manpower training, medical facilities construction, and biomedical research are not enacted into law or are rejected by a Presidential veto, the American public will be denied the benefits of improved health delivery programs, additional medically trained personnel, and potentially lifesaving medical research. Inadequate funding of

health programs now will lead to greater expenses for disability, welfare, medicare, and medicaid later. I consider the improvement and extension of our health-care system to be one of the most important priorities we have, and I am appalled at the callous threats of a veto.

One program in particular which will have a better chance for receiving Federal funding because of these increased appropriations is the Laboratory for Experimental Medicine and Surgery in Primates—LEMSIP. This laboratory has functioned since 1965 as an interuniversity facility connected with the Associated Medical Schools of New York and New Jersey and under the administration of the New York University Medical Center, and has proved to be a valuable facility for medical research. This laboratory's continuance is now in jeopardy; and though it has so far operated without significant Federal funding, it now requires Federal funding to assure that its quality contributions to medical research will continue. I hope that Federal financial assistance for LEMSIP will be forthcoming shortly.

The President complains that H.R. 15417 appropriates $1.9 billion over his budget request. These increases in funds were made in several important areas—in particular, for health and mental services and for the National Institutes of Health—$126 million of the total increase was in education, including $15 million for bilingual education, $19 million for education of the handicapped, $63 million in reenacted programs in NDEA title III, and $20 million for State adult and vocational education programs.

If the administration is really intent on reducing the level of the national debt, it ought to begin first in paring down its overwhelming military expenditures. How can the President conceivably veto the constructive programs incorporated in this bill—programs which will improve, enrich, and extend the lives of American citizens—and at the same time request this year an additional $3.25 billion for the destruction of life and property in Vietnam?

I support H.R. 15417, and I hope the Congress will register by its vote its determination to see this bill enacted into law.

Mr. CLEVELAND. Mr. Speaker, I rise in opposition to the conference report on the Labor-HEW appropriations bill. I do so with reluctance, because included in it are funds for many desirable programs.

When this appropriations bill first came before the House, I voted for the so-called Hathaway amendment, which added $364 million for certain educational programs. These included vocational and adult education, libraries, impacted aid, and title I ESEA for disadvantaged children, areas of the greatest need. Then I voted for final passage of the House version of the appropriations bill, although it was more than $1.2 billion above President Nixon's budget request. This was a considerable increase but despite the need for fiscal restraint, I felt these programs were important.

The Senate, however, then proceeded to add another $1.3 billion. The bill as it emerged from the conference committee contained over $500 million more than the House version and over $1.8 billion more than the President requested. It is not as if we are not spending very much on these programs. The President has increased his budget request for Labor–HEW by $8 billion since 1971.

NEW REVELATIONS

An important additional consideration is the recent revelation that the States have discovered a program in this bill which gives them a blank check to spend as much as they want for loosely defined "social services" for welfare recipients. The cost of this program has increased by 280 percent in the last 2 fiscal years and although there is no way to tell how much it will increase this coming year, estimates are that this single program may exceed its budget by as much as $3.6 billion. In 1969 it cost the Federal Government $354 million; in 1971, $750 million; in 1972, is estimated to cost about $2 billion, and for next year more than $4 billion.

As the Washington Post recently pointed out, if the money were all being spent wisely on programs that actually lifted families out of poverty, the States could justify this great outpouring. But there are no Federal controls or standards on the quality of the State programs that it finances. It even appears that the Federal authorities do not know with any precision on what it is being spent. A situation like this is not only expensive, it is a runaway threat to fiscal restraint. Estimates indicate that a supplemental request of at least $2 billion more will be necessary to cover these now uncontrollable expenditures.

FISCAL RESTRAINT

Up to this point, Congress has in fact exercised considerable budget restraint. Appropriations bills have been under budget requests in four of eight cases and up less than 1 percent in two of those remaining. Only two have ben substantially over the amounts requested and Labor-HEW is by far the most. This record is commendable, and necessary if we are not to undermine President Nixon's efforts to get our economy moving forward without massive and destructive inflation. It would be regrettable for the House to now throw this record to the wind, and approve this conference report.

Mr. McKEVITT. Mr. Speaker, I do not oppose funds for education just as I do not oppose motherhood, the flag, or apple pie.

However, I must vote against the conference report on the Labor-HEW appropriations bill. Those of us who oppose this conference report will be criticized. This vote will be an issue in some political campaigns. However, facts are facts and the truth is truth even though there are times when the latter hurts.

Fiscal responsibility is more than a cliche—more than just a catchword. It is vital to the economic security of this Nation. The total budget, which includes education as only one of its multitude of segments, has to be kept in the confines of the budget. The same goes for defense spending; the same holds true for every area of the Federal Government, especially at a time when we are attempting to curb inflation.

The Labor-HEW appropriation bill approved by the House increased the administration's amended fiscal 1973 request by $1.27 billion. Additional increases agreed upon by the conference committee added $492 million, bringing the total appropriations increase to $1.76 billion. We are not talking about peanuts. We are talking about an increase over the budget of $1.76 billion Where does this money come from? The already overburdened taxpayer. That is where it comes from. It does not come from some "money tree," it does not come from the Bureau of Printing and Engraving which simply prints more money. It comes from the taxpayer. Those are the people we are supposed to be representing. Those are the people who pick up the tab. Those are the people "where the buck stops" and where it begins.

Mr. Speaker, I could go on to list the various segments of this bill, where the increases are flagrantly above budget and committee recommendations. However, there is no need to go into such detail.

On occasion, I have voted for increases in spending. Those votes have been cast in good conscience and in areas of vital social concern.

But this conference report is different. I do not make any accusations. I do not point a finger at anyone. But in this instance I see increases included for the sake of politics and with little thought on how the money will be spent, administered or eventually used.

The President has also made it clear that he will veto any bill which exceeds his budget estimates excessively. This bill was $1.2 billion over the budget when it cleared the House. It is nearly $1.8 billion over as it comes out of conference. A veto seems certain.

The bill holds out empty hopes. I simply believe we should "go back to the drawing board" on this appropriations bill and come up with something more realistic and responsible.

Mr. FLOOD. 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 SPEAKER. The question is on the conference report.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 240, nays 167, not voting 25, as follows:

[Roll No. 309]

YEAS—240

| | | |
|---|---|---|
| Abourezk | Aspinall | Brademas |
| Abzug | Badillo | Brasco |
| Adams | Baring | Brooks |
| Addabbo | Barrett | Buchanan |
| Alexander | Begich | Burke, Mass. |
| Anderson, Calif. | Bell | Burton |
| | Bergland | Byrne, Pa. |
| Anderson, Tenn. | Bevill | Caffery |
| | Biaggi | Carey, N.Y. |
| Andrews, Ala. | Biester | Carney |
| Andrews, N. Dak. | Bingham | Carter |
| | Blanton | Casey, Tex. |
| Annunzio | Boggs | Celler |
| Ashley | Boland | Chamberlain |
| Aspin | Bolling | Chisholm |

Clark
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fraser
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Howard
Hull
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Leggett
Link
Long, Md.
McClory
McCloskey
McDade
McFall
McKay
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Railsback
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Steele
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taylor
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Whitten
Widnall
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—167

Abbitt
Abernethy
Anderson, Ill.
Archer
Arends
Ashbrook
Baker
Belcher
Bennett
Betts
Blackburn
Bow
Bray
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fish
Fisher
Ford, Gerald R.
Fountain
Frelinghuysen
Frenzel
Frey
Gettys
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gubser
Haley
Hall
Hansen, Idaho
Harsha
Hastings
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Karth
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lent
Lloyd
Lujan
McCollister
McCulloch
McEwen
McKevitt
McKinney
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Mizell
Montgomery
Nelsen
Pettis
Pirnie
Poff
Powell
Price, Tex.
Quie
Quillen
Randall
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Scott
Sebelius
Shoup
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
Whitehurst
Wiggins
Williams
Winn
Wydler
Wylie
Wyman
Young, Fla.
Zion

NOT VOTING—25

Blatnik
Broomfield
Davis, Ga.
Dowdy
Edmondson
Flynt
Gallagher
Hagan
Hébert
Lennon
Long, La.
McClure
McCormack
McDonald, Mich.
Miller, Calif.
Minshall
Nedzi
Passman
Pelly
Rarick
Rooney, N.Y.
Schmitz
Stuckey
Thompson, N.J.
Tiernan

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Hébert against.

Mr. Thompson of New Jersey for, with Mr. Rarick against.

Mr. Blatnik for, with Mr. Pelly against.

Mr. Tiernan for, with Mr. Schmitz against.

Until further notice:

Mr. Nedzi with Mr. Broomfield.

Mr. Flynt with Mr. McClure.

Mr. McCormack with Mr. McDonald of Michigan.

Mr. Passman with Mr. Minshall.

Mr. Stuckey with Mr. Miller of California.

Mr. Edmondson with Mr. Lennon.

Mr. Davis of Georgia with Mr. Long of Louisiana.

Mr. Hagan with Mr. Gallagher.

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

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. 3: page 2, line 16, insert: "*Provided*, That the amounts appropriated herein for title II, parts A and B of the Manpower Development and Training Act of 1962, as amended, for expenses of the Private Sector On-the-Job Training and the Special Targeting programs authorized under that title shall not be subject to the apportionment of benefits provisions of section 301 of the Manpower Development and Training Act.

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 3 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 numbered 19: page 11, line 1, strike out $751,295,000" and insert "$844,797,000,".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$798,046,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment numbered 21: page 12, line 3, after "317" insert "318,".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 21 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 numbered 24: page 13, line 12, strike out "$159,872,000" and insert "$223,872,000".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$209,372,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment numbered 51: page 22, line 18, insert:

ELEMENTARY AND SECONDARY EDUCATION

"For carrying out, to the extent not otherwise provided, title I ($1,810,000,000), title III ($171,393,000), and title V, parts A and C ($55,000,000), of the Elementary and Secondary Education Act, $2,036,393,000: *Provided*, That the aggregate amounts made available to each State under title I–A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972: *Provided further*, That the requirements of section 307(e) of Public Law 89–10 as amended shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"ELEMENTARY AND SECONDARY EDUCATION

"For carrying out, to the extent not otherwise provided, title I ($1,810,000,000), title

III ($171,393,000), and title V, parts A and C ($53,000,000), of the Elementary and Secondary Education Act, $2,034,393,000: *Provided*, That the aggregate amounts made available to each State under title I–A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972: *Provided further*, That the requirements of section 307 (e) of Public Law 89–10 as amended shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year."

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

The Clerk read as follows:

Senate amendment numbered 52: page 23, line 7, insert:

"SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

"For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $749,955,000, of which $704,045,000, including $41,450,000 for amounts payable under section 6 and $40,000,000 for complying with section 403(1)(C) shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 3, 1950, as amended and $45,910,000, which shall remain available until expended, shall be only for providing school facilities as authorized by section 5 and subsections 14(a) and 14(b) of said Act of September 23, 1950: *Provided*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 84 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of title I: *Provided further*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 52 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

"For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $681,405,000, of which $645,495,000, including $41,450,000 for amounts payable under section 6 and $10,000,000 for complying with section 403 (1)(C) shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 3, 1950, as amended, and $35,910,000, which shall remain available until expended, shall be only for providing school facilities as authorized by section 5 and subsections 14(a) and 14(b) of said Act of September 23, 1950: *Provided*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 77 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of title I: *Provided further*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools."

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 54: page 24, line 11, insert:

"VOCATIONAL AND ADULT EDUCATION

"For carrying out, to the extent not otherwise provided, section 102(b) ($29,898,000), parts B and C ($454,682,000), D, F ($38,322,000), G ($29,500,000), H ($10,524,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) ($75,000,000), $674,768,000, including $24,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1974, and not to exceed $28,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971: *Provided further*, That grants to each State under the Vocational Education Act shall not be less than grants made to such States in fiscal year 1972."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 54 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"VOCATIONAL AND ADULT EDUCATION

"For carrying out, to the extent not otherwise provided, section 102(b) ($29,898,000), parts B and C ($449,682,000), D, F ($38,322,000), G ($24,500,000), H ($10,524,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1966 (20 U.S.C. ch 30) ($75,000,000), $659,162,000, including $20,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1974, and not to exceed $23,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971: *Provided further*, That grants to each State under the Vocational Education Act shall not be less than grants made to such States in fiscal year 1972."

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 64: Page 29, line 1, insert:

"WORK INCENTIVES

"For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such program, and for related child care and other supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, and $150,000 for transfer to the appropriation for 'Departmental management', $455,133,000, which shall be the maximum amount available for transfer to the Secretary of Labor and to which the States may become entitled pursuant to section 403(d) of such Act, for these purposes for the current fiscal year."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 64 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. 66: Page 29, line 21, insert:

"GRANTS FOR THE DEVELOPMENTALLY DISABLED

"For carrying out, except as otherwise provided, sections 301 and 303 of the Public Health Service Act, parts B, C, and D of the Developmental Disabilities Services and Facilities Construction Act and the Vocational Rehabilitation Act contingent upon enactment into law of authorizing legislation, $102,825,000, of which $65,000,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until June 30, 1975: *Provided*, That grants made from these funds after June 30, 1973, will be for construction only as specified in section 132(a)(3) of such Act; $14,250,000 for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided further*, That there may be transferred to this appropriation from the appropriation 'Mental Health' an amount not to exceed the sum of the allotment adjustment, made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 66 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"GRANTS FOR THE DEVELOPMENTALLY DISABLED

"For carrying out, except as otherwise provided, sections 301 and 303 of the Public Health Service Act, and parts B, C, and D of the Developmental Disabilities Services and Facilities Construction Act, $51,250,000, of which $32,500,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until June 30, 1975, and $9,250,000 shall be for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided*, That grants made under part C of the Developmental Disabilities Services and Facilities Construction Act after June 30, 1973, shall be for construction only as specified in section 132(a)(3) of such Act: *Provided further*, That there may be transferred to this appropriation from the appropriation "Mental Health" an amount not to exceed the sum of the allotment adjustment, made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act."

The motion was agreed to.

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

The Clerk read as follows:

Senate Amendment No. 68: Page 31, line 25, strike out "$557,788,000" and insert "$1,526,500,000, to remain available until expended:"

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 68 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. 70: Page 38, line 2, after the word "College" insert; "shall be awarded to these institutions in the form of lump-sum grants and expenditures made therefrom."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 70 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. 76: Page 45, line 6, insert:

"PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

"To enable the Secretary of the Treasury to make payment to the Corporation for Public Broadcasting, as authorized by section 396(k)(2) of the Communications Act of 1934, as amended, for expenses of the Corporation, $65,000,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 76 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

"To enable the Department of Health, Education, and Welfare to make payment to the Corporation for Public Broadcasting, as authorized by section 396(k)(1) of the Communications Act of 1934, for expenses of the Corporation, $40,000,000, to remain available until expended: *Provided*, That in addition, there is appropriated in accordance with the authorization contained in section 396 (k) (2) of such Act, to remain available until expended, amounts equal to the amount of total grants, donations, requests or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation during the current fiscal year, but not to exceed a total of $5,000,000."

The SPEAKER. The gentleman from Pennsylvania (Mr. FLOOD) is recognized.

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

Mr. FLOOD. I yield to my friend, the gentleman from Iowa.

Mr. GROSS. This appropriation for public broadcasting has not been authorized; is that correct?

Mr. FLOOD. It conforms exactly with the bill that is coming up.

Mr. GROSS. That may well be. But it has not been authorized.

Mr. FLOOD. That is correct and that is why we are bringing it to the House for a separate vote.

Mr. GROSS. In other words, the authorizing bill is presently pending before the House; is that not correct?

Mr. FLOOD. Yes, that is right.

Mr. GROSS. Therefore, if we approve of this amendment here this afternoon, we will be engaging in a futile gesture relative to consideration of the public broadcasting bill; is that not correct?

Mr. FLOOD. My opinion is that the legislative bill will pass without any doubt at all. I have no doubt about it.

Mr. GROSS. The fact of the matter is that adoption of the gentleman's motion will nullify the authorizing process in the House of Representatives.

Mr. FLOOD. If the President signs this bill?

Mr. GROSS. Let us assume that he will.

Mr. FLOOD. I suppose he might.

Mr. GROSS. I think he will probably veto it, but if he does——

Mr. FLOOD. Then your question is academic.

Mr. GROSS. But there is reason to believe the President will sign the bill.

Mr. FLOOD. I am not a member of the palace guard; I do not know.

Mr. GROSS. So by virture of the motion presently offered by the gentleman, the House will have nullified the authorizing procedure with respect to the Public Broadcasting Act.

Mr. FLOOD. I do not like the word "nullify." I do not think it really fits this situation.

Mr. GROSS. That is the effect of it.

Mr. FLOOD. That is a matter of opinion.

Mr. MICHEL. Mr. Speaker, will my chairman yield?

Mr. FLOOD. Yes, I yield, of course, to the gentleman from Illinois.

Mr. MICHEL. I think the word "nullify" is a little bit strong.

Mr. FLOOD. It is very strong.

Mr. MICHEL. As a matter of fact, the authorizing legislation will have some conditions over which we have no control whatsoever. We just simply thought that here in the interest of time and efficiency and, as a matter of fact, in trying to save the taxpayers a few dollars by appropriating in this method, we would stand a much better chance of having it limited to a level of $45 million, rather than $60 or $70 million.

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

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

Mr. GROSS. By what logic does the gentleman say the Appropriations Committee is saving the taxpayers several millions of dollars?

Mr. FLOOD. I did not say that.

Mr. GROSS. If the House had an opportunity to consider the authorizing bill, it might save more money than you are perhaps proposing to save here.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FLOOD).

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

Mr. GROSS. 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 373, nays 27, not voting 32, as follows:

[Roll No. 310]

YEAS—373

| | | |
|---|---|---|
| Abernethy | Clay | Hammer-schmidt |
| Abourezk | Cleveland | Hanley |
| Abzug | Collins, Ill. | Hanna |
| Adams | Colmer | Hansen, Idaho |
| Addabbo | Conable | Hansen, Wash. |
| Alexander | Conover | Harrington |
| Anderson, Calif. | Conte | Harsha |
| Anderson, Ill. | Conyers | Harvey |
| Anderson, Tenn. | Corman | Hastings |
| Andrews, Ala. | Cotter | Hathaway |
| Andrews, N. Dak. | Coughlin | Hechler, W. Va. |
| Annunzio | Culver | Heckler, Mass. |
| Archer | Curlin | Heinz |
| Arends | Daniels, N.J. | Helstoski |
| Ashley | Danielson | Henderson |
| Aspin | Davis, S.C. | Hicks, Mass. |
| Aspinall | Davis, Wis. | Hicks, Wash. |
| Badillo | de la Garza | Hillis |
| Baker | Delaney | Holifield |
| Barrett | Dellenback | Horton |
| Begich | Dellums | Hosmer |
| Belcher | Denholm | Howard |
| Bell | Dennis | Hull |
| Bennett | Dent | Hungate |
| Bergland | Dickinson | Hunt |
| Bevill | Diggs | Hutchinson |
| Biaggi | Dingell | Jacobs |
| Biester | Donohue | Jarman |
| Bingham | Dorn | Johnson, Calif. |
| Blanton | Dow | Johnson, Pa. |
| Blatnik | Drinan | Jonas |
| Boggs | Dulski | Jones, Ala. |
| Boland | Duncan | Jones, N.C. |
| Bolling | du Pont | Jones, Tenn. |
| Bow | Dwyer | Karth |
| Brademas | Eckhardt | Kastenmeier |
| Brasco | Edwards, Ala. | Kazen |
| Bray | Edwards, Calif. | Keating |
| Brinkley | Eilberg | Kee |
| Brooks | Erlenborn | Keith |
| Brotzman | Esch | Kemp |
| Brown, Mich. | Eshleman | King |
| Brown, Ohio | Evans, Colo. | Kluczynski |
| Broyhill, N.C. | Fascell | Koch |
| Broyhill, Va. | Fish | Kyl |
| Buchanan | Fisher | Kyros |
| Burke, Fla. | Flood | Landrum |
| Burke, Mass. | Flowers | Latta |
| Burlison, Mo. | Foley | Leggett |
| Burton | Ford, Gerald R. | Lent |
| Byrne, Pa. | Forsythe | Link |
| Byrnes, Wis. | Fountain | Lloyd |
| Byron | Fraser | Lujan |
| Cabell | Frelinghuysen | McClory |
| Caffery | Frenzel | McCloskey |
| Camp | Fulton | McClure |
| Carey, N.Y. | Fuqua | McCollister |
| Carlson | Galifianakis | McCulloch |
| Carney | Garmatz | McDade |
| Carter | Gaydos | McEwen |
| Casey, Tex. | Gettys | McFall |
| Cederberg | Giaimo | McKay |
| Celler | Gibbons | McKevitt |
| Chamberlain | Gonzalez | McKinney |
| Chappell | Grasso | McMillan |
| Chisholm | Green, Oreg. | Macdonald, Mass. |
| Clancy | Green, Pa. | Madden |
| Clark | Griffin | Mahon |
| Clausen, Don H. | Griffiths | Mailliard |
| Clawson, Del | Grover | Mallary |
| | Gubser | Mann |
| | Gude | Martin |
| | Halpern | |
| | Hamilton | |

| | | |
|---|---|---|
| Mathias, Calif. | Randall | Steiger, Ariz. |
| Matsunaga | Rangel | Steiger, Wis. |
| Mayne | Rees | Stephens |
| Mazzoli | Reid | Stokes |
| Meeds | Reuss | Stratton |
| Melcher | Rhodes | Stubblefield |
| Metcalfe | Riegle | Sullivan |
| Michel | Roberts | Symington |
| Mikva | Robinson, Va. | Talcott |
| Miller, Ohio | Robison, N.Y. | Taylor |
| Mills, Ark. | Rodino | Teague, Calif. |
| Mills, Md. | Roe | Teague, Tex. |
| Minish | Rogers | Terry |
| Mink | Roncalio | Thompson, Ga. |
| Mitchell | Rooney, Pa. | Thompson, N.J. |
| Mizell | Rosenthal | Thomson, Wis. |
| Mollohan | Rostenkowski | Thone |
| Monagan | Roush | Udall |
| Montgomery | Roy | Ullman |
| Moorhead | Roybal | Van Deerlin |
| Morgan | Runnels | Vander Jagt |
| Mosher | Ruth | Vanik |
| Moss | Ryan | Vigorito |
| Murphy, Ill. | St Germain | Waggonner |
| Murphy, N.Y. | Sandman | Waldie |
| Myers | Sarbanes | Wampler |
| Natcher | Satterfield | Ware |
| Nelsen | Saylor | Whalen |
| Nichols | Scherle | Whalley |
| Nix | Scheuer | White |
| Obey | Schneebeli | Whitehurst |
| O'Hara | Schwengel | Whitten |
| O'Konski | Scott | Widnall |
| O'Neill | Sebelius | Wiggins |
| Patman | Seiberling | Williams |
| Patten | Shipley | Wilson, Bob |
| Pepper | Shoup | Wilson, Charles H. |
| Perkins | Shriver | Winn |
| Pettis | Sikes | Wolff |
| Peyser | Sisk | Wright |
| Pickle | Skubitz | Wyatt |
| Pike | Slack | Wydler |
| Pirnie | Smith, Iowa | Wylie |
| Podell | Smith, N.Y. | Wyman |
| Poff | Snyder | Yates |
| Preyer, N.C. | Spence | Yatron |
| Price, Ill. | Springer | Young, Fla. |
| Price, Tex. | Staggers | Young, Tex. |
| Pryor, Ark. | Stanton, J. William | Zablocki |
| Pucinski | Stanton, James V. | Zion |
| Purcell | Steed | Zwach |
| Quie | Steele | |
| Quillen | | |
| Railsback | | |

NAYS—27

| | | |
|---|---|---|
| Abbitt | Derwinski | Hays |
| Ashbrook | Devine | Hogan |
| Baring | Downing | Landgrebe |
| Betts | Findley | Long, Md. |
| Burleson, Tex. | Goldwater | Mathis, Ga. |
| Collier | Goodling | Poage |
| Collins, Tex. | Gross | Powell |
| Crane | Haley | Rousselot |
| Daniel, Va. | Hall | Smith, Calif. |

NOT VOTING—32

| | | |
|---|---|---|
| Blackburn | Hagan | Nedzi |
| Broomfield | Hawkins | Passman |
| Davis, Ga. | Hébert | Pelly |
| Dowdy | Ichord | Rarick |
| Edmondson | Kuykendall | Rooney, N.Y. |
| Evins, Tenn. | Lennon | Ruppe |
| Flynt | Long, La. | Schmitz |
| Ford, William D. | McCormack | Stuckey |
| Frey | McDonald, Mich. | Tiernan |
| Gallagher | Miller, Calif. | Veysey |
| Gray | Minshall | |

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Broomfield.

Mr. Hébert with Mr. Pelly.

Mr. McCormack with Mr. Blackburn.

Mr. Tiernan with Mr. Kuykendall.

Mr. Stuckey with Mr. Ruppe.

Mr. Hawkins with Mr. Schmitz.

Mr. Davis of Georgia with Mr. Veysey.

Mr. Evins of Tennessee with Mr. McDonald of Michigan.

Mr. Flynt with Mr. Minshall.

Mr. William D. Ford with Mr. Frey.

Mr. Gray with Mr. Rarick.

Mr. Nedzi with Mr. Gallagher.

Mr. Hagan with Mr. Edmondson.

Mr. Lennon with Mr. Ichord.

Mr. Passman with Mr. Miller of California.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

## GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to, and to include extraneous matter.

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

There was no objection.

## PROVIDING FOR CONSIDERATION OF H.R. 15927, TEMPORARY INCREASE IN RAILROAD RETIREMENT ANNUITIES

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1085 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1085

*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. 15927) to amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, 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 Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

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

Mr. Speaker, House Resolution 1085 provides an open rule with 1 hour of general debate for consideration of H.R. 15927, the purpose of which is to provide a temporary increase in railroad retirement annuities.

Annuitants would receive a temporary 20-percent increase in retirement benefits effective with respect to annuities accruing after August 1972, to terminate June 30, 1973. Temporary increases which were enacted in 1970 and 1971 have the same termination date.

The Commission on Railroad Retirement which was created to make a study of the system and its financing is presently in the process of preparing its report and recommendations. When the report is completed and properly evaluated, permanent legislation will be introduced. In the meantime, the railroad annuitants are entitled to some relief from the rising costs of living.

Mr. Speaker, I urge the adoption of the rule.

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

Mr. Speaker, I concur in the remarks made by the gentleman from New York (Mr. DELANEY) in explanation of the rule. We had this bill, H.R. 15927, on the suspension list for Monday, but we did not reach it, so we granted a rule yesterday, House Resolution 1085.

The bill will increase by 20 percent the retirement benefits until June 30, 1973. I remember when I presented these increases a couple of times before we were concerned that this fund eventually may become depleted, because there are not as many railroad employees now working to take care of the approximately 700,000 retired people. There has been some suggestion made that we should wait until this Commission reports—and I understand their report is either at the printer or is being submitted to the printer at the present time—so we can have permanent legislation rather than this temporary legislation.

There are some problems, there are some minority reports, and some amendments will be offered, but as far as the rule is concerned, I urge its adoption.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PERMISSION FOR COMMITTEE ON RULES TO FILE A PRIVILEGED RESOLUTION UNTIL MIDNIGHT TOMORROW

Mr. DELANEY. Mr. Speaker, in the name of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tomorrow night to file a privileged resolution.

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

There was no objection.

## TEMPORARY INCREASE IN RAILROAD RETIREMENT ANNUITIES

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15927) to amend the Railroad Retirement Act of 1937 to provide a temporary 20-percent increase in annuities, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

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 con-

sideration of the bill H.R. 15927, with Mr. GREEN of Pennsylvania 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 West Virginia (Mr. STAGGERS) will be recognized for 30 minutes; and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

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

Mr. Chairman and Members of the House, this is a very simple bill. It will provide a temporary increase in railroad retirement benefits, to conform to the social security amendments adopted on June 30, when social security benefits were raised 20 percent.

The railroad retirees and their spouses and widows are in the same fix as those men and women who are under social security. Prices have gone up for them. They certainly are in the same fix as beneficiaries of social security. They need additional benefits now.

When Congress provided a temporary increase in 1970, we realized we would have to have some revisions in the Railroad Retirement Act. We set up a Commission of five Members—two from management, two from labor, and one from the general public appointed by the President—to resolve this issue. We asked them to report back to the House by July 1, 1971. They came to the committee and said they had not had time enough, so we provided for an extension of a year, which made the reporting date July 1, 1972.

I understand their report has been made, but it has not come to the House yet. It is at the printer's.

There has been a suggestion that probably we should wait for the report and then act. This will be impossible, due to the closing of this Congress. I do not know how soon that report might come to the Congress. After that it would be necessary to get legislation through the House, through the Senate, and to have it signed, for the people to get their benefits, and that probably would run into the middle of next year.

I do not believe it would be fair to a lot of people I know, and I dare say to a lot of people Members know in their districts, to deny them a 20-percent raise in railroad retirement benefits just because we do not have the Commission report to act on now. I do not believe that would be right.

This is a temporary raise, something which we have done twice before. All three temporary raises are to expire July 1, 1973.

We know full well that the Congress must act before July 1, 1973, on a permanent plan to finance the fund.

The fund at the present time has some $4.6 billion in it. This temporary raise will cost $11 million on an actuarial basis. That is all the temporary increase will cost.

I cannot see any fairness at all to not enacting this into law right now.

I do not think I could face some of the people from my hometown or others who ask me why they are not treated like the social security people are, and they will not be treated that way if we do not act now.

The social security benefit increase takes effect on September 1.

We hope if we enact this bill today, it will be enacted just as it is now by the Senate immediately, and every one of those on railroad retirement will get an increase in their checks on the same date the social security beneficiaries get theirs.

There were amendments offered in the committee to raise the assessments against the railroads and against the workers on the railroads to pay for this. It was voted down overwhelmingly in the committee.

This is only a temporary bill, as I have said. It will go out of effect, according to law, on July 1 of next year. So we know we will have to act before that time.

I believe every Member of this Congress sitting in this House listening to me will agree that those widows and those on pensions now deserve an increase in that pension right now and not next year. It would be an injustice to try to wait for the recommendations of the Commission. We set that Commission up and we asked them to report back on July 1 of last year. They asked us for more time and said they did not have enough time. They asked for another year, until July 1 of this year. We gave them the additional year, and they have made a report. It is a big report, as I understand it, with different recommendations in it. This House ought to have the benefit of those recommendations when the experts citing them have taken the time to do it. We should not say either today or later in the future that we will raise the assessments on the railroads and on those who work on the railroads willy-nilly and by a certain sum without hearings and without the advice of the body of experts that we set up to give us the advice.

That is the essence of the bill. It is a simple one and is only temporary. It goes on until July 1 of next year and goes out of business by law at that time. There will have to be other laws enacted to keep it in effect. We have $4.6 billion in the fund now. I think with that explanation we ought to enact this bill immediately.

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

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

Mr. PEPPER. I want to commend the able gentleman for bringing this bill forward to the House. It is a meritorious bill and certainly it seems to be fair that the people on the railroad retirement system should receive the same increase in their annuities as those who are on social security are receiving by action of the Congress which was approved by the President. Again I want to commend the distinguished chairman and assure him of my support.

Mr. STAGGERS. I thank the gentleman.

Mr. SAYLOR. Will the gentleman yield to me?

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

Mr. SAYLOR. First I would like to commend the committee for bringing this bill out. I think it is proper. I happen to be one of those who believe it should have been permanent instead of temporary.

However, I am disturbed by figures which I see on page 7 of your report, which show the amount of money that you say is in the fund. If I remember correctly, you said there were about $4.6 billion in the fund and the cost of this bill would only be $11 million. Yet when you get to the first paragraph on page 7 it says:

> The actuarial surplus shown in the table above is equivalent to 1.48 percent of future taxable payroll if the temporary increases are allowed to expire. If the increases are not allowed to expire, there would be an actuarial deficiency of 6.70 percent of taxable payroll which would result in exhaustion of the funds of the railroad retirement program in a relatively short time.

How can the $11-million increase in costs have such a substantial effect?

Mr. STAGGERS. I would like to explain that to the gentleman in this way. As you say, the report says "In a relatively short time." Well, we can reconcile that fact with the fact that it will be depleted if these increases were to go into effect and be made permanent, but by law they go out of existence on July 1 of next year. We also know that without these in effect the fund would not only be sound, but the money would be pouring into it at a fairly good rate, $87.5 million each year.

As I say, these will go out of effect next July 1, and at that time we will have to enact a law here and take a position on it.

I would further say that in mentioning the $11 million, that on a long-term basis the cost would be $11 million per year, representing interest on the amount paid out of the fund from September 1 of this year to next July 1. On a short-term basis it would be at the rate of about $250 million for that period.

Further, I might say to the gentleman that under the social security bill as we passed it in June 30, one-third of all of the railroad retirees in America benefit under the Railroad Retirement Act as a result of the social security increase. So all we are talking about are the two thirds who will not receive a raise unless we act.

So there are one-third who already have it, and we say that in all fairness the other two-thirds ought to have it.

Mr. SAYLOR. I thank the gentleman for his reply. Now that he has explained the $200 plus million I can understand the variation in the figures in the report.

Again I commend the gentleman.

Mr. STAGGERS. I thank the gentleman.

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

Mr. Chairman, I have been on this committee for 20 years, and I was on the Subcommittee on Transportation and Aeronautics for some 12 years, and I think every single raise that has ever been suggested or enacted by this body has had some kind of a hearing which I thought would justify the increase.

Let me give you a picture of what hap-

pens if you put this into effect—and it is not pleasant for me to come here and have to give you these facts. I have never condemned those who have other opinions, and I do not mean to by what I say here on the floor. I think that those who do not feel as I do are just as earnest and just as sincere and have just as high an integrity as I do.

But the actual fact is that you have raised this figure, percentagewise, in the last 3 years by 55 percent—35 percent up until today—and this 20 percent makes 55 percent.

You have some 900,000 men and women who are now receiving money from this fund, some of whom are retirees and some who are spouses of retirees.

But there are over 900,000 recipients of railroad retirement at this point.

There are slightly over 600,000 paying into this fund at the present time. Now just get this in mind—a little over one-half a million paying into this fund and almost 1 million drawing on the fund, and you are proposing to make a 20-percent increase, making a total increase of 55 percent.

Now my good chairman and friend has said that this is only temporary. Have any of you ever known of a temporary increase that did not become permanent?

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

Mr. SPRINGER. Not at this point, but I will in just a second since I have mentioned the gentleman's name. I certainly will be glad to yield to the gentleman.

Now this was a rather hurried up kind of hearing. It lasted one morning. The Railroad Retirement Commission was formed and appointed to make a study of this and I will read to you a letter written to me on July 27, which was the day after the hearing:

COMMISSION ON
RAILROAD RETIREMENT,
*Washington, D.C., July 27, 1972.*

Hon. WILLIAM L. SPRINGER,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR MR. SPRINGER: Pursuant to our conversation yesterday, I am enclosing a copy of the summary portion of our report, plus a suggested introductory statement which you might wish to consider.

If I can be of any further assistance to you in this respect, please give me a call on 382-2043.

Sincerely,

MICHAEL S. MARCH,
*Executive Director.*

Further, in the summary of the report they say:

First, the Commission, after consultation with a group of the most eminent actuaries in the country has found that the railroad retirement system, as it now stands, is headed for bankruptcy. The projected annual deficit, using realistic assumptions, will reach $330 million in 1980, $578 million in 1985, and will exceed $1 billion in the year 1995 to 2000. From 1971 to 2000 the cumulative annual deficit added up to $17 billion.

The present fund stands at about $5 billion. The Commission projects that the system will be bankrupt in the year 1988. By the year 2000 the unfinanced deficit, the so-called "debt" of the system, will total $12 billion.

Second, the enactment of a 20% increase in railroad retirement benefits by H.R. 15927 will speed up the bankruptcy of the system. The increase under the bill is technically "temporary", but everyone knows that the Congress does not "take back" benefit increases that it once provides. Thus, the approval of the bill would represent a *de facto* permanent commitment to a 20% increase. The added increase in the first full year will be on the order of $300 million. Between 1973 and the year 2000 the added expenditures will be $12 billion. According to information provided the House Committee by Dr. Theodore O. Yntema, the Chairman of the Commission on Railroad Retirement, and inserted in the hearing record, the present reserve in the fund will be entirely used up by 1985 and the system will have a debt of $23 billion in the year 2000, if the 20% increase in railroad benefits is made permanent, as it surely will be.

Third, the 20% increase would represent irresponsible financial handling of the railroad retirement system. In 1970 a 15% increase and in 1971 a 10% increase were enacted without providing any additional taxes to cover the costs. Now a third increase of 20% will be added, again without providing any new financing. The compound increase in benefits will thus be 53% in 3 years—without any provision for added taxes. This sort of legislation is a threat to future benefits of present railroad retirement workers—who are being asked to pay contributions to a system which is sure to go bankrupt.

Fourth, the argument that a 20% increase for railroad beneficiaries must be provided, as a matter of simple equity if social security recipients are given a 20% increase is not valid. The average monthly age retirement benefit in December 1971 was $222 per month as compared to the average social security benefit of $132. (Wives benefits, which in most cases are about 50% extra, are in addition.) Thus, a 20% increase for a railroad beneficiary would be 1.7 times as large as for a social security recipient. The social urgency of the basic social security benefits is quite different than of the bigger railroad benefits. The social security system is not threatened with bankruptcy as is the railroad retirement system, which depends on a railroad industry in which 6 railroads are in bankruptcy.

Now, I do not know how many of you have those in your districts who are paying into the fund. But may I say, we have always operated, at least up until now, on the theory that we will never give an increase in this unless the fund justified it.

I think we tried to follow that very carefully up until a couple of years ago. I do want to say, if we are going to bankrupt the fund in less than 15 years, you are going to have to answer to every single one of your railroad employees in your district who are not going to be able to receive any money out of this fund when they retire. That is exactly what you are faced with in this instance.

The actuary of the Railroad Retirement Board was before our committee. I asked him—there now being railroads paying 9.5 percent approximately into the fund and also employees are paying into the fund 9.5 percent.

I asked the actuary in the presence of all of our committee what it would take to raise this sufficiently to bring it into balance, and he said it would be necessary to raise the payment made by the employer, the railroads, and the employee, each 13.3 percent from 9.5. I introduced that amendment. I felt that if such a raise was justified, then we ought to be able to have payments into this fund sufficient to keep it in balance, and that was the purpose of my amendment. My recollection is that it was defeated, I believe, by something like 21 to 7. This gives you a picture of what the committee did with reference to trying to bring some kind of order and balance out of this fund.

I am going to introduce this amendment. I do not know how far I am going to get with it, but I simply cannot be financially responsible to the people back home in my district—and I have a lot of railroaders in my district. I have not had a letter from one single railroader—not one single railroader in my district—who is working and paying into this fund asking me to support this legislation—not one. If any of you have, that is more than I have—and I suppose you may have.

I have had a lot of letters from those who are recipients who are not going to pay another nickel into this fund, and I do not blame them a bit for that. I might even feel that way about it myself, if I did not know what the condition of this fund was. But it would be the most irresponsible thing I can think of for me now to vote a 20-percent increase, a total of 55 percent in the last 3 calendar years, when we know this is going to break the fund in the next 15 years.

There certainly will be, I suppose, something done about this, and nobody yet has proposed anything. I personally felt that although they had not completed all of their hearings, that this special committee that was appointed to make a study of this, and which was to report by July 1 of this year and had not quite gotten it done—that we ought not to have done anything until we had that hearing. But instead of this, we are now plunging ahead with 20 percent additional on top of this in order to put this fund in a worse deficit position than it was before.

I just do want to say to you that if you do want to go back home and face those—and out of this is going to come a lot of publicity—and cannot help it—those who are paying into this fund, who are paying into a fund that is going to become bankrupt by 1985 if nothing is done about it. I have not seen any solid proposals by anyone who is going to do anything about it.

Labor testified before the committee as far as I know, they had no concrete suggestion at this time as to what was proposed should be done in the form of legislation to put this back in balance. All those years all those who have received from this fund have paid into this fund.

I think I am financially responsible to see that those who are now paying into the fund will at least have something coming to them when the time comes for them to retire.

The gentleman from Pennsylvania asked a rather pertinent question here a moment ago about the deficit. If you want to look at it, you ought to turn to page 7 and see that actuarial deficiency—and it is the truth exactly as he has put it there. Mr. Habermeyer is Chairman of the Railroad Retirement Board. There are three men on the Railroad Retirement Commission. There is

one from management and one from labor, and then there is one that is independent. Mr. Habermeyer, who is Chairman of the Commission, is retired, and he has not been replaced, so there are only two on the Commission at this time.

Mr. Quarles, the management member of the Board, is not in favor of the increase, but Neil P. Speirs, the labor member of the Board, supports the bill. So you have got a split on simply a management-labor division equally between the two members. That is just exactly where you sit at this point. I just want to be sure that those of you who are here and listening are sure that you understand what the financial condition of the railroad retirement is at this time, so you will not be voting under any misapprehension that something has been done, or that there is any legislation in the mill to do anything about this. There is not anything being proposed at this point.

You have talked about social security for a minute, and I think I ought to go back to that, because I think that is worth talking about. If you recall, we did raise social security some 20 percent, I believe, here, some weeks ago, and you are saying these people are entitled to 20 percent, too. Perhaps they are. I do not find anything particularly wrong with that. Social security, as you well know, did two things. First, they raised the rate; and second, they raised the amount that was taxable per person, so that you had a lot of people—millions of people—paying into the fund a very small amount of increased tax in order to make possible to a small number of people a rather sizable 20-percent increase.

I think in using those words—and I will stand corrected if I am not correct—those are almost exactly the words the gentleman from Arkansas, the chairman of the House Ways and Means Committee used. May I repeat that. In social security we have millions of people paying into a fund, a very small amount of money in order that a very small number of people could receive a very sizable percentage increase in their social security benefits. What do we find in this fund? What we actually find is a very small number of people who will be paying into the fund in which there is no increase in the percentage, no increase in the tax base of those people who are paying in, some 600,000, but there are 900,000, up by 50 percent, more people receiving than there are paying into the fund.

I think Members can see the only course to take if we are going to give the 20-percent increase and be financially responsible is to have an increase in the amount that is to be paid in. The actuary said the amount needed in order to do this was 13.3 percent, up from 9.5 percent.

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

Mr. SPRINGER. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I thank the gentleman for yielding. All I want to say to the gentleman is this, that the fund will never be depleted unless this Congress acts, and it will have to act between now and next July, because these are only temporary increases. If the increases are discontinued, then the fund will have a surplus coming into it year after year after year. So we are leaving it for the next Congress. After we have had the recommendations of the Commission as to what we should do, then we can take action. The fund will never be depleted unless we see fit to do it, and we are only voting this as a temporary thing.

The increase goes out of existence in July. It means we will have to come back and take another look at it and act on it. Otherwise the rate of benefits reverts back to the permanent rate, and under that situation there will be a surplus coming into the fund at all times.

Mr. SPRINGER. I do not find those figures to be that. I do not know of any reliable testimony before our committee which indicates the latter part of what the gentleman said. If I understood correctly what the gentleman was trying to imply, it was that there would always be sufficient money in this fund to pay off in the future those who would receive this assistance. Is that what the gentleman said?

Mr. STAGGERS. No.

Mr. SPRINGER. Would the gentleman repeat that portion of his remarks.

Mr. STAGGERS. I would be happy to. I said these temporary increases will go out of effect by law on July 1, of next year, and unless we act, then from that time on, there would be a surplus coming into the fund with the present assessments without the temporary increases. We will have to act to extend the increases. I would assume and certainly if I am chairman and come back, although I do not know what the good Lord has in store, but if I am back and I am chairman, it would certainly be my intention to put this fund on a sound basis. But I say to the gentleman this, that only if we act next July 1 will these temporary increases be extended. Otherwise they will go out the window, and without them there would be a surplus coming into the fund next year.

Mr. SPRINGER. May I say I think what the gentleman said strictly speaking is true, that if we drop these next year, there would be a surplus coming in each year, but the point is we have not made up the 55 percent which we have drawn on in these 3 years, and we can never recover that unless there is some legislation to recover the 55 percent which we have lost during the last few years.

Mr. STAGGERS. Unless this House acts by next July 1, these are automatically dropped. There is no way they will be continued unless we by passage of a law in this House continue them.

Mr. SPRINGER. No one is disputing that, but I do not believe—and I do not believe the gentleman in his heart believes—they will not be extended.

I do not believe, in other words, that next July 1 we are going to cut the amount the recipient is receiving on next July 1. If we do not extend the increases, the amounts will be cut 55 percent.

Mr. STAGGERS. The gentleman still does not get it. Unless we act next July 1—and we have to act on the commission's report and put this on a sound basis—these increases will not be extended.

Mr. SPRINGER. But I do not believe the gentleman visualizes that is exactly what is going to happen, and I do not see anything in the mill—although I will not be here—to indicate that is going to happen. The intention is to go from crisis to crisis.

Mr. STAGGERS. I do not think so.

Mr. SPRINGER. From crisis to crisis, and then they will try in some way to unload this on the Federal Government. That is the only way out of it I can see. This is the way in which, as I see it, those pursuing this legislation in the end expect to see something done about it.

I believe the chairman has tried to give his viewpoint fairly about it. I have tried to give my viewpoint. I wanted to be sure the Members understood what they were doing if they went ahead to enact this legislation without taking care of some form of payment into this fund by both the railroadmen and management.

Later on I will have an amendment on this which I hope the Members will consider. I did not feel I could leave this Congress without doing something, because I believe I have stood by this railroad retirement system and have insisted on every occasion that we try to be financially responsible. I believe we will be if we will go ahead and pass that amendment.

If we go ahead and put it at 13.3 percent, I believe the Members will find there will be people rushing in immediately to see that this legislation does not go any further, because I can assure the Members that the railroad worker himself does not want to pay the increase from 9.5 to 13.3 percent.

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

Mr. PICKLE. I thank the chairman for yielding.

Mr. Chairman, I have reservations about what we are doing on this formula today.

I was a member of the subcommittee 2 years ago when we held similar hearings, and it was made plain that if we did not change our formula, from an actuarial standpoint, this fund would get into danger. We had to take some positive steps.

If Members will read the report of 2 years ago, they will find it was very plain. We decided at that time to appoint a commission to study this and to give us the full benefit of a deep study.

The problem we face today is that the Commission either was slow in getting underway, due to the fact of slow performance, or they could not act quickly enough, or perhaps there was a problem of volume of testimony. But the fact is that the Commission report has not yet been printed.

The committee met last week on this, and I was hesitant to participate. We did not have a report before us. We do not have it now, although we do know that the Commission views with grave

reservations the action we are taking today.

It seems to me that if we do not take action we are going to penalize the railroad retirees. The gentleman from Illinois is exactly correct, in my judgment, that we are going to break the fund at some point unless we change the formula.

At this point I do not see how we can do anything, from the standpoint of equity, except to approve this bill with an understanding that between now and next June 30 this matter will be brought to our committee and that we will ask for action on the Commission report, we are going to have to change this formula if we are going to keep the fund on a permanent basis, or else take away the increased amounts we seek to give them today.

Would the chairman say that this would be his intention between now and June, to hold these meetings and to get this report so that we can change the formula or reduce the funds?

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

Mr. PICKLE. I yield to the chairman.

Mr. STAGGERS. I would say to the gentleman, that depends on many things. The first is the fact that I would be elected to Congress again. Next would be that it would be a Democratic Congress.

Mr. PICKLE. Those are obvious. What is the third thing?

Mr. STAGGERS. The third thing is it is obvious that between now and next July there will have to be hearings held, because these increases run out automatically by law. They do not run on. They run out by law.

There is no one—and I do not care who it is; even the President—who can keep them running.

I would say there would have to be hearings. I can assure the gentleman, with everything I know, there will have to be hearings, and they will be held.

We asked that commission when we appointed it to come up with recommendations. We asked them to give us the recommendations for a permanent way to do this job.

Mr. PICKLE. This is temporary, then?

Mr. STAGGERS. That is right.

Mr. PICKLE. And we must change it between now and June 30. We will not try to extend it?

Mr. STAGGERS. That is right. We will not try to extend it, because I think it would be wrong. We have to face up to the fact that the law will expire at that time.

Mr. Chairman, I yield whatever time he may require to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of H.R. 15927.

I want to point out to the Members of the House that this feature of not only the retirement law but the social security law is a problem we will have to face very quickly.

I want to point out in foreign countries such as Scandanavia, England, Ireland, Germany, and others their method of raising social security funds is to collect one-third from the employer, one-third from the employee, and the rest from the general revenues.

That is the way social security was first sent up to the Congress, but there have been people trying to hold down the benefits and maintain a tax of 50 percent for the employer and 50 percent for the employee and ignoring the fact that these programs have been freighted down with programs formerly supported by State and local governments or the Federal Government. In fact, the trust fund for the social security fund had been subsidizing the U.S. Government through the actions of the Government in borrowing money from the trust fund and paying it back at a lower rate of interest than they received from the private sector. We will have to look into this area and put the responsibility on the shoulders of those people who should be paying their share but are today going scot free.

When you look at medicare and medicaid and you see in the local governments where they formerly supported their local hospitals and in the State governments where they formerly supported their State hospitals, now they are being relieved of a great deal of that burden as a result of social security. You can then recognize the fairness of a one-third, one-third, one-third formula. That is what we should be looking into here.

I have been advocating it on the House Committee on Ways and Means. I believe even the administration is beginning to look into this area. We should do it the way the other countries do. I believe it would be a much fairer system to pay far more and higher benefits and at the same time have those in our economy who should do so carry their fair share of the load.

For that reason I rise in support of this bill at this time.

The elderly people in this country are confronted with high inflation. They are being squeezed more than anyone else in this Nation as a result of inflationary rises. That is why this bill has to be put through here. We are concerned with human needs and problems, and the enactment of this bill is called for right now.

Mr. STAGGERS. I thank the gentleman for his contribution.

I yield 1 minute to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Chairman, I merely rise to raise my voice in support of this bill and associate myself with the remarks of the distinguished chairman of the full committee, who has done an outstanding job with regard to this acknowledged difficult problem.

I would like to point out while there is some merit to what has been said about the long-range planning in this regard—and I think I agree with those arguments—I feel confident that we will do this with the assurance of the gentleman from West Virginia, our chairman, who has always kept his word in anything that he has ever said to the House or to our committee. This matter right now needs more thorough investigation and hearings, but at the moment timeliness calls for us to make up our minds as to what those who need it most should get. They cannot buy food with food stamps or promises. They need the money not in 2 or 3 or 4 years from now but right now.

I agree with our chairman that this is a temporary matter that will be more thoroughly looked into and will be handled, I am sure, expeditiously in proper time.

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

Mr. STAGGERS. Mr. Chairman, I yield 1 additional minute to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Chairman, in closing I would like to compliment the gentleman from West Virginia (Mr. STAGGERS) for his fine work on this legislation.

Mr. SPRINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I rise in support of the bill H.R. 15927. I think that simple equity requires that we support this bill because we have given those covered by social security a 20-percent increase. I do not dispute the fact that the railroad retirement program as now structured is unsound actuarially, but the chairman has pointed out that the Congress will be required within the next year to take a look at this. If we do not take a look at it, if we take no action, the benefits will drop and, based upon the amount being paid in there, there will be a surplus and the program will, of course, then be actuarially sound.

I do not think any of us feel that Congress is not going to act, and Congress will act because we simply would not allow the railroad workers, those who are retired, to have their benefits cut because of the failure of this Congress to act. But when the Congress does act we also will have an opportunity to try to correct the fiscal problem we have in the railroad retirement fund.

I do not know precisely what the action will be in that regard. There have been some suggestions that we may consider merging this fund and the social security fund.

There is one very interesting fact that has not been brought out, and that is the fact that if you take the benefit received by railroad retirees and the amount of money that is paid in percentagewise, actually a higher percentage is paid in by them for the benefits they receive than those on social security.

So it is very evident that those on social security are, in fact, receiving more benefits for the amount of money that they are paying in than do the railroad brotherhood retirees.

So, Mr. Chairman, I intend to support this bill. I am supporting it not with my eyes closed; my eyes are wide open. I recognize that were we to continue the fund on the same basis as now, this fund would go bankrupt in 1988, but I have confidence in the Congress that the Congress is going to act, and we are going to find a solution. As I said, it may be through merging this fund with some other fund. But, basically, the only money that the railroad retiree receives during his retirement comes from this, and the supplemental plan. A person on

social security, in addition to his social security, most often has a company pension plan that increases the amount of retirement money he has. Sometimes that pension plan is paid in full by the employee, sometimes it is paid in full by the employer, and sometimes it is shared.

But we in the Congress must take a strong look at this, and I say that equity in this instance demands a vote in favor of H.R. 15927.

Mr. SPRINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I have long been concerned about the solvency of the Railroad Retirement Fund, or Account, as it is called. And in 1960, when we debated other aspects of this, we had a very heated argument as to its solvency and as to what would happen in the future if we continued to raise these benefits on an other than actuarially sound basis. It is my understanding that even without these benefits that we will vote for today on a temporary basis that by the year 2000 this fund will be bankrupt to the extent of about $11 billion.

This very discouraging situation is one of the main reasons why we authorized the commission to look into this and why we must look ahead very seriously to the recommendations that they will make.

The chairman has made an observation that this increase in benefits is only temporary. This is a temporary law. But I think there is another law that is almost permanent, although it is not written, and that is the law that says that the Congress will seldom, if ever take away anything that they have given, even if on a temporary basis.

So we are creating benefits which will have to be paid for and what concerns me, is that if we keep these benefits after the next year without increasing the contributions, we are putting the beneficiaries into a situation similar to that which confronted the employees of the bankrupt Studebaker Corp.

It is my understanding that the participants in that pension plan were lucky to get 10 cents on the dollar. We are, in fact, standing as trustees of this pension plan because we have to agree to a formula which determines the costs and benefits—and accordingly the long-run solvency of the pension fund. It is unfortunate that we do not have the Commission's recommendation now. Hopefully we can, with their help, come up with a sound and fair plan in the next Congress.

But it is my further understanding that tomorrow, or in the near future, the Senate will be holding hearings and will have the advantage of evidence offered by the Chairman of this Commission, and very hopefully he can come up with some recommendations which in conference might make it possible for us to make this even more sound legislation by reason of amendments which they could offer.

So, Mr. Chairman, as part of my swan song on my departure from this Congress, I would plead with my colleagues to take their responsibility insofar as this retirement plan is concerned most seriously because it could only further destroy confidence in the system and perhaps in the long run cause it to fail completely.

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

Mr. BURTON. Mr. Chairman, at this point in our deliberations of the matter before us, it just is impossible to come to grips with the problem I would like to relate and call to the attention of our colleagues on this side of the Capitol, and hopefully to all those who read this RECORD.

That point simply stated is this: When we approved the 20-percent social security increase, there were some 3 million elderly blind and crippled poor who had offsetting dollar-for-dollar reductions in their public asistance grants. Therefore, that 20-percent social security increase really will result in no increased income at all.

I would hope before the railroad retirement adjustments are completed that those public assistance recipients who also receive some small railroad retirement payment will have this increase disregarded as income for public assistance purposes so that they can retain in part at least this increase.

The failure to include such a provision before this legislation reaches the President's desk would only result for some smaller number among this special category of 3 million aged blind and disabled. The failure to include such a provision will mean that those who concurrently receive some railroad retirement with supplementation from public assistance will net no increase in their income at all.

Obviously, that is not what we collectively would want to see result, and I hope that the influential Members of this House, and hopefully the other body, will see that this injustice is not perpetuated in this legislation as we now lamentably find ourselves with reference to the recent social security increase.

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

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes, which I believe is the remaining time on our side, to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, much discussion has been had about this railroad retirement compared with social security. Let us all understand railroad retirement represents one of the great pension plans in this country, and social security has many deficiencies from an actuarial viewpoint. I hope that we never let this railroad retirement fund fall into the same financial chaos that we have in social security, because we literally have deficiency reserves in social security.

The railroad retirement system was designed to be a fiscally independent and responsible fund which could meet the continuing test of actuarial soundness. It was designed in great part by railroad labor for railroad labor as an independent system supported by the employers and employees and administered by them. It was written into law partly as a safeguard against unthinking or precipitous change.

For many years common sense seemed to prevail and changes in benefits were invariably accompanied by changes in contributions to support them. At times these changes took long and hard consideration by the participants to determine how much benefits could be increased consistent with the burden necessarily placed upon those on the payrolls to support the increases. Until a few years ago the integrity of the fund was jealously guarded with the support of those intended to benefit therefrom.

Suddenly, a little over 3 years ago, this concept was scrapped when social security was increased by 15 percent. Recipients of railroad retirement clamored for a similar increase, and it was evident that a properly balanced increase raising contributions as well as benefits would work a real hardship upon the workers in the railroad industry. It was then that the idea of a temporary increase was first brought forth. It was a bad idea from the very beginning because it could result in nothing but trouble for the fund in the long run and the setting of a dangerous precedent in the short run.

Before long another 10-percent increase in social security came along. Now it was easy to employ the expedient already used to avoid facing the realities. It was even easier because a study group was supposed to be finding ways to make it all right and whole again—a classic sacrifice at the shrine of wishful thinking.

Now for the third time in 3 years, before the recommendations of the study commission are even available for consideration, we are asked to raise the temporary increases by another 20 percent to match a similar increase in social security—again without any provision for financing it. This amounts to putting the fund out of balance by nearly $400 million per year. Because adjustments have not been required in those cases where recipients also draw social security, the total increases in the 3-year period amount to 55 percent. If these increases were to be made permanent it would require a 13.3-percent contribution by employer and employee to support it over the years. This is probably unacceptable to those who work in the industry, and it is irresponsible to give the benefits under those circumstances.

It should also be noted that annuities under the Railroad Retirement System run about 68 percent higher than the average pension under social security. In addition, the system provides greater benefits than most pension plans. Testimony before the committee indicated that the benefits of a married railroader and his spouse together are higher than those to be expected in nine out of 10 other public or private pension plans.

That the representatives of railroad labor would support these increases against the advice of the actuaries charged with the maintenance of the fund is hard to understand.

The increases recommended by the committee should be refused. The whole matter of benefits and contributions should now await the Commission report and the thoughtful consideration of all parties of its recommendations.

I would like to emphasize two or three

issues that disturb me. We talk about this being a temporary increase, and it is a temporary increase. But we cannot think of one single example here in Congress where a temporary increase that had to do with a pension plan did not become permanent. Just a few minutes ago this very afternoon, we approved an appropriation bill before the authorization bill was confirmed. We know that this plan is going to be perpetuated, but what we need to keep in mind is that a railroader working today on the railroad who is under 50 years of age is not putting his money into a plan that is not going to exist unless we do something about it. We ought to think also of these old people who are drawing this money, because if we start paying out too much money, the well is going to run dry one day when they are going to need it.

The point is that: We have increased this pension plan by 55 percent in the past 3 years. We have done it under temporary moves. We have increased 55 percent in 3 years. Right now actuaries tell us we need 6.7 percent of the railroaders taxable payroll in order to meet the commitments.

What we ought to do is to be fair about it. We should do what we did with reference to social security—provide the tax with the pension increase.

My colleague from Illinois is going to offer an amendment, which will bring the issue squarely in focus. If we really mean to establish a sound pension plan out of railroad retirement, I recommend we give serious consideration to the amendment to provide for adequate funding.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise today in support of H.R. 15927, a bill to provide a 20-percent increase in railroad retirement benefits. I strongly urge my colleagues to give this bill their utmost consideration and I would like to stress the importance of its passage. The conditions in my own district have made me acutely aware of the vital significance this increase holds for the recipients of railroad retirement.

Essentially, the bill provides a temporary increase to parallel the increase we have already passed for social security. In upgrading the social security benefits, we recognized the need to provide, for our retired citizens, some measure of relief against the ravages of inflation. I supported that increase, and I will continue to support any legislation which gives the recognition due these citizens who have contributed so much to this Nation. I will never join hands with those who would ignore the plight of our senior citizens and I will never support any legislation which ignores those who carried this Nation through its darkest days.

In Hudson County, I have witnessed the difficulties which face the recipients of railroad retirement. The combined effect of spiraling costs and fixed income proves difficult at best, but when it must be dealt with in an urban setting, near New York, it proves impossible to live with any degree of comfort.

It is no secret that the residents of my district pay dearly for their proximity to New York. The unrealistically high price levels which pervade the metropolitan area work and extreme hardship on those living on the fixed annuity of railroad retirement. Moreover, the urban problems which inflict the area have driven taxes skyward and this taken with the higher prices they must pay for food and clothing squeeze our senior citizens in an overwhelming financial vise.

Mr. Chairman, I cannot be strong enough in voicing my support for this bill. By making the increase temporary, we allow ourselves time to study the problems created by the dwindling railroad retirement fund. At the same time, we do not make the recipients of railroad retirement bear the cost of this study. The time has come for us to act, let us do so swiftly.

Mr. SANDMAN. Mr. Chairman, I support H.R. 15927 providing for a 20-percent increase of railroad retirement benefits on a temporary basis. I believe that retirement benefits to retired railroad employees should be increased now, even on a temporary basis while studies as to the actuarial soundness of the fund are being conducted by the Commission on Railroad Retirement. These retirees are feeling the same pinch in the rising cost of living which has affected those under social security and veterans benefits.

Since this Congress has approved legislation giving some relief to those under social security and veterans pensions it would be very unfair to withhold an increase in retirement benefits to our retired railroad employees. If the actuarial soundness of this fund requires an increase in contributions I am certain the Congress upon receiving the report and recommendations of the Commission on Railroad Retirement will undertake immediate consideration. I am certain our retired railroad employees will have the overwhelming support of the Members of the House and that this measure will be approved.

Mr. MOORHEAD. Mr. Chairman today we have an opportunity to pass legislation to provide our retired railroad workers a much needed 20 percent increase in retirement annuities.

I hope that a majority of this House will vote as I do and grant this necessary increase to those retired workers.

As we all know well from contact with our constituents, living on a fixed income today is a crushing responsibility, especially when that income is a meager retirement benefit.

I cannot see how the Republican administration can oppose this effort to bring a small sense of peace of mind to those Americans who labored long and hard on our railroads.

We should not refuse this increase. The inflationary policies of the Nixon regime have hit the elderly the hardest.

This 20-percent increase is simple justice. I urge we pass it promptly.

Mr. PRICE of Illinois. Mr. Chairman, today we are considering legislation to increase railroad retirement pensions 20 percent, comparable to the increase in social security benefits approved July 1.

The railroads have always played an important role in the national economy, but would not hold this position but for the services of the hard-working railroad employees who have devoted their lives to serving the Nation's best interests. These dedicated Americans deserve an increase in pension comparable with the social security increase.

The legislation before us today would increase by 20 percent the pensions of railroad workers, their spouses, and survivors, effective after the month of August 1972. Railroad employees do not receive social security, and its only fair that they be paid comparably.

Mr. Chairman, I urge my colleagues to support this measure. It is owed to the loyal Americans who helped make this country strong.

Mr. FISH. Mr. Chairman, I rise in support of H.R. 15927, which provides for a temporary 20-percent increase in railroad retirement benefits. This legislation is virtually identical to a measure which I introduced—H.R. 15894—soon after the 20-percent increase in social security became law.

This legislation puts these increases on a temporary basis due to the fact that the Commission on Railroad Retirement will very shortly be reporting to us, hopefully recommending long overdue reforms for the financing of the fund. I am eagerly looking forward to the Commission's findings and recommendations. But certainly, equity and fairness demand that the 1,047,000 recipients of annuities and survivors benefits under the Railroad Retirement Act be treated in the same manner as the recipients of social security benefits. Thus, I strongly urge my colleagues to support this legislation.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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

SECTION 1. (a) Section 3(a) of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new paragraph:

"(5) The individual's annuity computed under the preceding provisions of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased by 20 per centum.".

(b) Section 2(e) of such Act is amended—

(1) by striking out "section 3(a) (3) or (4) of this Act" and inserting in lieu thereof "section 3(a) (3), (4), or (5) of this Act";

(2) by striking out the second sentence of the last paragraph; and

(3) by adding at the end thereof the following new paragraph:

"The spouse's annuity computed under the other provisions of this section shall (before any reduction on account of age) be increased by 20 per centum. The preceding sentence and the other provisions of this subsection shall not operate to increase the spouse's annuity (before any reduction on account of age) to an amount in excess of the maximum amount of a spouse's annuity as provided in the first sentence of this subsection. This paragraph shall be disregarded in the application of the preceding two paragraphs."

(c) Section 2(i) of such Act is amended by striking out "the last two paragraphs" and inserting in lieu thereof "the last paragraph plus the two preceding paragraphs".

(d) Section 5 of such Act is amended by inserting at the end thereof the following new subsection:

"(p) A survivor's annuity computed under the preceding provisions of this section (except an annuity in the amount determined under the proviso in subsection (a) or (b) shall (before any reduction on account of age) be increased by 20 per centum."

SEC. 2. All pensions under section 6 of the Railroad Retirement Act of 1937, all annuities under the Railroad Retirement Act of 1935, and all survivor annuities deriving from joint and survivor annuities under the Railroad Retirement Act of 1937 shall be increased by 20 per centum.

All widow's and widower's insurance annuities which are payable in the amount of the spouse's annuity to which the widow or widower was entitled, shall, in cases where the employee died prior to October 1, 1972, be increased by 20 per centum.

Joint and survivor annuities shall be computed under section 3(a) of the Railroad Retirement Act of 1937 and shall be reduced by the percentage determined in accordance with the election of such annuity.

SEC. 3. All recertifications required by reason of the amendments made by this Act shall be made by the Railroad Retirement Board without application therefor.

SEC. 4. For the purposes of approximating the offsets in railroad retirement benefits for increases in social security benefits by reason of amendments prior to the Social Security Amendments of 1971, the Railroad Retirement Board is authorized to prescribe adjustments in the percentages in the Railroad Retirement Act of 1937 and laws pertaining thereto in order that these percentages, when applied against current social security benefits not in excess of the primary insurance amount applicable for an average monthly wage of $650, will produce approximately the same amounts as those computed under the law in effect, except for changes in the wage base, before the Social Securtiy Amendments of 1971 were enacted.

SEC. 5. (a) The amendments made by this Act shall be effective with respect to annuities accruing for months after August 1972 and with respect to pensions due in calendar months after September 1972.

(b) The first three sections of this Act, and the amendments made by such sections, shall cease to apply as of the close of June 30, 1973. Annuities accruing for months after June 30, 1973, and pensions due in calendar months after June 30, 1973, shall be computed as if the first three sections of this Act, and the amendments made by such sections, had not been enacted.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. SPRINGER

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

The Clerk read as follows:

Amendment offered by Mr. SPRINGER: Page 4, after line 7, insert the following new section (and renumber the succeeding section accordingly):

SEC. 5. (a) Section 3201 of the Railroad Retirement Tax Act is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by adding "and" at the end of paragraph (5); and

(3) by inserting after paragraph (5) the following new paragraph;

"(6) 13.3 percent of so much of the compensation paid to such employee for services rendered by him after August 31, 1972,".

(b) Section 3221(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by adding "and" at the end of paragraph (5); and

(3) by inserting after paragraph (5) the following new paragraph:

"(6) 13.3 percent of so much of the compensation paid by such employer for services rendered to him after August 31, 1972,".

Page 4, line 12, after "sections" insert "and section 5".

Mr. SPRINGER. Mr. Chairman, I believe this is the only amendment that will be offered. I think it is an important one, as I tried to point out under general debate.

(By unanimous consent, Mr. SPRINGER was allowed to proceed for 5 additional minutes.)

Mr. SPRINGER. Mr. Chairman, those of us who were here understand what I said to be the purpose of my amendment, which is simply to increase the percentage that is paid in by those who are now employed on the railroads and to increase the percentage paid by the employers, the railroads, to be paid into the fund to make this actuarially sound.

A little over a year ago we appointed the Railroad Retirement Study Commission. My distinguished chairman made a statement, for which I certainly give him credit for good faith, that they have not finished the report and do not have it on file.

They did ask to testify and were not allowed to testify. I do not go into that, but I do want to present to my colleagues a summary as of July 27, showing that they made their findings and what they felt the recommendations ought to be if we were to make this fund actuarially sound.

If we are to provide for the 55-percent increase which we have made in the last 3 years, including this 20 percent if it is adopted, there are four things of which I wish to remind the members, and I am going to point them out because these things are in writing by the Railroad Retirement Study Commission. They have been given to me in several pages summarizing the whole of their report which had not been made available at the time of this hearing. Technically their report was not on file, but they did want to testify, because their findings were completed, and I do want to give the Members the four reasons why it would be unsound, unless we adopt this amendment, which would increase the rates from 9.5 or roughly 9.6 to 13.3 percent, and increase the rates for the railroads also from 9.5 or 9.6 to 13.3 percent, making a total of 26.6 percent, if we are going to make this actuarially sound.

I will read now from their summary. First, the Commission, after consultation with a group of most eminent actuaries in this country, has found the Railroad Retirement System as it now stands is headed for bankruptcy. The present fund stands totally at about $5 million. The Commission projects the system will be bankrupt in the year 1988.

Second. The enactment of the 20-percent increase in railroad retirement benefits by H.R. 15927 will speed the bankruptcy of this system. The increase under the bill is technically temporary, but everyone knows Congress does not take back benefits increases once they are provided. Thus approval of this bill would represent a de facto permanent commitment to a 20-percent increase.

The added increase in the first full year will be on the order of $300 million. Between 1973 and the year 2000, the added expenditures will be $12 billion. According to information provided the House Committee by Dr. Theodore D. Yntema, Chairman of the Commission on Railroad Retirement, and inserted in the hearing record, the present reserve of the fund will be entirely used up by 1985, and the system will be in debt $23 million by the year 2000.

Third. The present increase would represent irresponsible financial handling of the Railroad Retirement System. In 1970, a 15-percent increase, and in 1971, a 10-percent increase were enacted without providing any additional taxes to cover the costs. A third increase of 20 percent will be added again without providing any new financing.

The compound increase will be 53 percent in 3 years without any provision for added increase in taxes. This sort of legislation is a threat to future benefits of present railroad retirement workers who are being asked to contribute to a system which is sure to go bankrupt.

Fourth. The argument that a 20-percent increase for railroad beneficiaries must be provided as a matter of simple equity if social security recipients are given a 20-percent increase is not valid.

The average monthly railroad retirement benefit in December 1971 was $222 per month as compared to an average social security benefit of $132. Thus a 20-percent increase for railroad beneficiaries would be 1.7 times as large as for a social security recipient. The social urgency of the social security benefits is quite different than for the bigger railroad benefits. The social security fund is not threatened with bankruptcy as is the Railroad Retirement System which depends on an industry in which six railroads are now in bankruptcy.

I have given these four reasons why they believe this. This is from the study group, which the chairman pointed out has not made a report. I wanted to be sure the Members had this in a thumbnail sketch before them, because they are going to have to explain this to 600,000 employees.

Just think of this, gentlemen: This fund will go bankrupt by 1989. That means if a man is now 46 years old, working for the railroad now—and all the younger than 46—if this is put into effect and this system is maintained, when that man becomes eligible at age 65 he will not be able to draw a penny out of this fund.

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

Mr. SPRINGER. I yield to the minority leader.

Mr. GERALD R. FORD. I wish to compliment the gentleman from Illinois for offering the amendment and pointing out the circumstances of the fund, on which so many railroad retirees are depending.

Let us be honest and frank. It is very doubtful and dubious that the gentleman's amendment will prevail. The facts of life are that myself and for sure the gentleman from Illinois will not be here

in 1985, but let me say that some people who are here and who may vote to end the soundness of this fund may at some later date regret the action they are taking here today.

I intend to vote for the amendment offered by the gentleman from Illinois. I believe it is sound. I believe it is proper. I have no illusions about its success.

I commend the gentleman for letting the Members and the public know what the facts are.

Mr. SPRINGER. I thank my distinguished leader for those kind words in support of this amendment.

I just wish that some week or 2 weeks ago I had sent out a letter to every single Member of this body and asked every Member to poll every single railroad worker in his district, to give him the facts which were contained in this report of the Railroad Retirement Study Commission. Then I wish I had asked that they ask them to sign ballots saying whether they were in favor of this legislation.

I am not a betting man—at least not on this floor, under the rules—but I would wager, I suppose, if I were outside this room, 10 to 1 they would not get 5 percent of the employees of the railroads in their districts who would support this legislation, if they had a copy of this summary of the Railroad Retirement Study Commission in their hands to read.

With this going bankrupt by 1988 or 1989, I believe Members would see a great majority of those employed on the railroads would certainly consider this to be unsound and irresponsible, for us to vote this kind of an increase when we are voting them into bankruptcy.

I believe it is just as important to think about employees who are going to be on retirement some day as it is to think about those who are on retirement at the present time. I hope there will be those who consider this a financially responsible amendment. I am going to support it, because I am willing to give 20 percent, but I believe it ought to be financed.

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

In response to the gentleman I might say that in the early part of 1970 when we passed the first temporary increase we realized something had to be done about the financial situation facing the fund. I believe the committee acted responsibly in appointing a commission to come back with positive recommendations to the committee and to the Congress as to what should be done.

Now, they have not reported to me, the chairman of the committee. When the ranking minority Member gets some reports and I do not get them, I do not know what is in those reports. I did not hear one positive recommendation.

They were supposed, under the order given to them, to come back to us with positive recommendatitons as to what was to be done.

The only thing I heard the ranking minority member say was there were some fears expressed, and he kept repeating about the bankruptcy of the fund in 1989. This cannot happen unless the Congress votes programs that will bankrupt it. This bill goes out of effect in 1973. All of this talk about bankruptcy is wrong because we will vote on changes in the program before it happens. I have said this bill is temporary and it goes out of effect by its terms.

Another thing I want to say is this: Because of the raises in tax votes and the tax base under social security, the assessment on railroad employees is raised on January 1 of next year to 10.25 percent automatically and also the base pay on which it is levied goes from $750 a month to $900 a month. That is the law now. It will automatically be raised that much.

This talk about bankruptcy to me is mistaken, because this is only a temporary raise. I want the House to know it expires as of July 1 of next year. Unless we pass it now those in need will not be getting it.

The gentleman from Illinois spoke of the amounts that railroad pensioners get and that social security pensioners get. He did not say to us that railroad pensioners pay in almost twice as much. They ought to get back twice as much. Is that not fair? Yet there are many widows of railroaders who get less than $100 a month and some $80 or $90 a month. They cannot live on that. They need a 20-percent increase now. Not next year but now. Next year we can work on it on a permanent basis, and I am sure we will do it as a Congress.

We will not let this die. I do not believe this Congress will say that we are going to extend these benefit raises and then let the fund go bankrupt. I do not believe any Member of this House believes that. I believe every man here knows we will try to act responsibly and make this a sound fund. On the basis of that, I hope this amendment is defeated and you do what should be done for those in need and those who expect it now.

I ask for a vote.

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

I yield to the gentleman from Illinois.

Mr. SPRINGER. I thank the gentleman for yielding.

My distinguished chairman made a statement that I wanted to answer, because I thought I was being positive in response and I want to leave it to the House as to whether or not I was. My chairman said that I had not come forward with anything positive.

If a suggestion in the form of an amendment to increase the payment from 9.6 to 13.3 percent is not positive, then I do not know anything which is.

Mr. STAGGERS. Will the gentleman yield?

Mr. SPRINGER. In just a moment. I do not have the time, but I am sure my colleague from Texas will be glad to yield to the chairman.

I think that is about as positive as you can be. It is about as forward-looking as you can be, because this fund is attempting to be kept actuarily in balance. It is responsible morally and responsible financially and it is responsible as a Member of this body, which has the legislative jurisdiction over this fund to act in that way.

That is my opinion with reference to whether or not what I have said is responsible.

I did bring out many things here, because these were the findings, not mine or not the committee's or the chairman's, but they were the findings in summary of the Railroad Retirement Study Commission which the chairman was talking about to you.

I was trying to give you the findings of a nonpartisan body that made a study of this and came up with what it felt were the actual facts. I felt before you voted on this and voted on the amendment that you wanted to have these facts in mind and to know exactly what they said about this kind of legislation increasing it 55 percent in the last 3-year period.

May I say I think my distinguished chairman said one thing truthfully here, and I was not intending to imply that it was not true. He said they pay in twice as much as those under social security, so they ought to get twice as much now. There is nothing wrong with that. If they pay in more money, they ought to get more in return.

I think that is not the question involved. The question is whether or not you are going to keep the fund actuarially sound. That is the only issue that I see in this bill insofar as I am concerned.

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

Mr. COLLINS of Texas. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I am sorry if the gentleman from Illinois (Mr. SPRINGER) thought I had referred to him as not being responsible. I say that it was the Commission I referred to, and I referred particularly to the Commission. I would never infer in any way that the gentleman from Illinois had not acted responsibly. I do not believe I would ever do that, because the gentleman has always acted responsibly. In the years I have known the gentleman he has been responsible, and has always acted in a fashion that has been open and above board.

I referred to the commission. I said that if that is the only recommendation that they can make, that they had not acted according to the directive that we gave them, and that was to come to us with recommendations to make this fund whole.

That was the extent of my reference. I am sorry if the gentleman from Illinois interpreted my statement to include him, or to impugn to him as being not responsible, because that is the last thing I would ever do, and I want to reassure the gentleman from Illinois on that point.

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

Mr. Chairman, I would like to ask my minority leader on the committee, the gentleman from Illinois (Mr. SPRINGER), if in his discussion of this proposed raise or assessment he recognizes that this is a regulated industry, and that the railroads have to charge an adequate rate for the goods they transport. It would seem to me that this will increase the rates and then the truckers and the airlines would get an increased share of the freight business. It seems to me that that

would have an adverse reaction on the solvency of the railroads.

I believe that this is a pretty important factor for us to take into consideration.

The better thing to do might be to do as we have done in previous years under the so-called pass-through provision, and eliminate duplication of social security benefits.

But I would like to know if the gentleman from Illinois (Mr. SPRINGER) would care to comment on the cost of the increased assessment being passed on to the carrier or others for whom they are shipping the freight?

Mr. SPRINGER. If the gentleman will yield, I do not have the figures, but I can say to the gentleman from Massachusetts without any equivocation that it would be substantial, because when you increase the amount on 600,000 employees by some 4 percent of what they are paying up to a certain figure, which is in the neighborhood of $800 or $900 a month, it is a substantial amount of money.

I personally believe that they ought to have some kind of an increase, and that is the reason I am doing this.

I think the gentleman from Massachusetts has raised a very valid point that this would force the railroads to go in and ask for some kind of an increase to cover this 4 percent, and the same would be true, of course, of the employees. So this is a sacrifice, as I say, on the part of the corporate body, and the employee himself.

This is not an easy matter when you are talking about raising by 50 percent the amount that the employer and employee pay, I realize that, but I do believe it is financially responsible if we are going to continue with this.

Mr. KEITH. I think it would be counterproductive.

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

Mr. KEITH. I yield to the gentleman.

Mr. ADAMS. As one who has spent over the last few years a lot of time listening to the testimony of all the actuaries, I think the agreement was made by the subcommittee, so you know we being responsible, that this increase was—all of these temporary increases terminate in July of next year. During that period of time, between the 1st of January and July of next year, the Commission report will be before us. It has not been up until now. We then have to decide whether this should be merged into the social security system—a different passthrough formula used and an increase established in terms of the amount contributed—a different ratio used between employers and employees—or which solution should be selected.

But as the chairman attempted to do in this bill, we have tried to balance it up with the social security system for this temporary period and in July of next year not only this increase, but others before terminated—and we must do the whole system over.

So it is a temporary thing and I hope the amendment will be defeated so that we can take one whole package and bring it before this Congress in the spring of next year. I know you have a commitment from the Interstate Committee that that will be done.

We know it has to be done and I hope we will wait until then before making a piecemeal attack on the rest of it.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, let me make one or two additional observations.

It is my own personal conclusion that by the action we are taking today, we are, in effect, ending at some later date the railroad retirement program as we have known it. In effect, we are writing its doom and, in effect, we are saying that eventually it is going to be absorbed by social security.

I am not sure I approve of that, but I think this action today is a forerunner—and 5 years from now or maybe 10 years from now, what we have known for so long a time to be a responsible fund for the retired railroad employees, will no longer be with us.

Before I yield to any of my colleagues, I would like to yield to my friend, the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Chairman, I think it is important for my colleagues to know who is on this Railroad Retirement Study Commission.

Were these people knowledgeable in their field? Were they the kind of people who could make an impartial study? Were they acquainted with the facts?

Just let me read to you whom this Commission was made up of, that gave this report, the summary of which I have given most of it to you today.

The Commission was chaired by Dr. Theodore O. Yntema, who has high credentials in research and finance. The vice chairman was Dean Kenneth Black of Georgia State University. The third public member was George E. Leighty, former president of the Telegraphers and former chairman of the Railway Labor Executives Association, which is composed of union officials. The labor member was Charles L. Dennis, who is the president of the Brotherhood of Railway and Airline Clerks. The management member was Louis W. Menk, the chairman of the board of the Burlington Northern, Inc.

Now is that not a pretty good cross section of America?

There were labor representatives—two.

Management—two representatives there.

Also, two public members.

They had no interest in this whatever.

But this is the result of what the Commission came to as its conclusion. I think with that kind of a distinguished Commission to study this, it certainly ought to be taken into consideration in your vote on the kind of amendment that should be made, and what I have said here today.

I thank the distinguished minority leader for yielding to me.

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

Mr. GERALD R. FORD. I yield to the distinguished chairman of the Committee on Interstate and Foreign Commerce.

Mr. STAGGERS. Mr. Chairman, I respect the gentleman's views. We have talked this over in the past and for many years. The gentleman from Michigan is interested in the railroad workers in his district, and I am too. I am a former railroad worker myself and several members of my family have been.

I want to assure the gentleman that I would not do anything knowingly—and I think we have kept on top of this—I would not do anything knowingly to bankrupt this fund.

I have every hope that within the time between now and next July, out of the five or 10 different plans that have been suggested, that we can work out one that will make this fund solvent.

This temporary raise is not going to hurt any more than the other two temporary raises did. It will give us time then to sit down and to work it out in committee and have full hearings.

We will have the Commission report before us. I say, and as the gentleman from Illinois (Mr. SPRINGER) said, they are responsible men and we will know what the possibilities are and can act responsibly at that time.

Mr. GERALD R. FORD. Thank you very much, and I will conclude by this simple observation. I applaud the action suggested by this amendment. I intend to vote for it. I have no illusions about it being successful. Solely on the guarantee of the gentleman from West Virginia that sometime between now and next June 30 there will be an affirmative action by his committee, I will vote for the bill, but I will be terribly disappointed and completely disillusioned if we do not come up with a better answer in 1973 than we have in 1972.

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

Mr. Chairman, I rise for the purpose of asking the gentleman from West Virginia a question. I am not debating; I am simply seeking some information. Would the gentleman advise me as to this: Should the amendment of the gentleman from Illinois carry and become part of this proposal, would that in any way interfere with a further or more proper solution of this matter a year from now or whenever the committee acts?

Mr. STAGGERS. Not to my knowledge, it would not, but I think that we would run into a lot of difficulties not only with the employees, but with the railroads at the present time. I certainly would want them to have an opportunity for hearings before we act on something as large as this is involving them. I am certain that the railroads would say that they do not feel that at the present time with the rates they are receiving it would be the proper time. I am sure the employees would say the same thing. Certainly we ought to have hearings. We have not had hearings on this. I do not think we should legislate on the floor on something so important as this is, with the significance that it would have in the future on the fund and the railroads, and, as I say, on the employees.

Mr. KYL. Before I yield to the gentleman from Washington, may I ask for clarification on the point the gentleman just made?

You say the railroads and the employees both would feel that the economic condition does not warrant charging them more for the operation of the fund. Is that what I understand you to say?

Mr. STAGGERS. I would say this, that they certainly deserve to have a hearing to give their views. We have not had hearings on it to hear any one of them express their views on this particular amendment and what the significance is.

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

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

Mr. ADAMS. The problem of whether or not the fund is going to be actuarily in balance has been before us now for about a year and a half. That was the reason for the creation of the Commission. I agree with the distinguished gentleman from Illinois. It is a very good Commission. They have not recommended the step that is suggested by the gentleman from Illinois. We have to have their recommendation, then the witnesses from the industry, the witnesses from labor, and the witnesses from the public. In any event, we do have to do this fund over. What we are suggesting by this is that we temporarily keep it even with social security, which has been the policy in the past, and that during the spring of this next year we take not only the Commission's recommendation but the actuarial testimony of the various groups that would be coming in, and then decide whether taxes go up, the benefits go into a tier system that is closer to social security, or perhaps even merge into the social security system. That is what we are trying to explain to the gentleman is the problem. There is no question that this fund is in trouble and has been in trouble because of the declining number of people in the railroad industry, having nothing to do with the amounts paid in and paid out.

Mr. KYL. The gentleman says that the Commission does not recommend the action suggested by the gentleman from Illinois. Did the Commission recommend the increased benefits?

Mr. ADAMS. They did not. The Commission's recommendations we have not even had before us yet. That is the reason why we have not been able to legislate on the whole package. We have been waiting before holding the hearings and completing final action on the bill to bring to this floor legislation in order that the Congress can work its will as to what it wants to do with the Railroad Retirement Fund.

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

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

Mr. Chairman, I rise to urge the adoption of the legislation which I have cosponsored, to provide a temporary 20-percent increase in railroad retirement benefits. As Members know, social security benefits and railroad retirement benefits are usually increased in the same amounts at approximately the same time.

The increase provided by this bill is in the same amount as the social security benefit increases provided earlier this year.

Sufficient retirement income is essential to the human dignity of those who have worked long years and contributed to a retirement system which they believed would adequately provide for them after their active working years were over.

In view of the continuing inflation in the United States, I do not think it is necessary to list the reasons why this increase is needed, since all Members are aware of the problems created for persons living on fixed incomes.

Two years ago the Congress established the Railroad Retirement Commission to study the railroad retirement system and make recommendations concerning the best method of providing adequate levels of benefits, and financing for those benefits.

I trust that the Commission's report to the Congress recommends the comprehensive reform of the railroad retirement system which I have long urged.

Mr. Chairman, I lend my full support to the passage of this temporary measure and am hopeful that the full scale reforms we have long awaited will become a reality in the not too distant future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. SPRINGER).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. COLLINS of Texas. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. COLLINS of Texas. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the chairman appointed as tellers Messrs. STAGGERS, SPRINGER, COLLINS of Texas, and PICKLE.

The Committee divided, and the tellers reported that there were—ayes 104, noes 290, not voting 38, as follows:

[Roll No. 311]

[Recorded Teller Vote]

AYES—104

Abbitt
Archer
Arends
Ashbrook
Belcher
Bell
Betts
Bray
Brotzman
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Byrnes, Wis.
Cabell
Camp
Carlson
Cederberg
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Conover
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
du Pont
Erlenborn
Eshleman
Findley
Fisher
Ford, Gerald R.
Frelinghuysen
Frenzel
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Haley
Hall
Hammer-schmidt
Hansen, Idaho
Hosmer
Hull
Hutchinson
Jarman
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lloyd
Lujan
McClory
McCloskey
McClure
McCulloch
Mahon
Mallary
Martin
Miller, Ohio
Mills, Md.
Mizell
Montgomery
Mosher
Myers
Patman
Pirnie
Poage
Powell
Price, Tex.
Rhodes
Roberts
Robinson, Va.
Satterfield
Schneebeli
Scott
Smith, N.Y.
Spence
Springer
Stanton, J. William
Steed
Talcott
Teague, Calif.
Veysey
Waggonner
Ware
Whalley
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wydler
Wylie
Wyman
Young, Fla.

NOES—290

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Brown, Mich.
Broyhill, N.C.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hungate
Hunt
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kyros
Leggett
Lent
Link
Long, Md.
McCollister
McDade
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Poff
Preyer, N.C
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarbanes
Saylor
Scherle
Scheuer
Schwengel
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Whalen
White
Widnall
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—38

Abernethy
Blackburn
Bow
Broomfield
Davis, Ga.
Dowdy
Dwyer
Edmondson
Flynt
Gallagher
Hagan
Hébert
Heckler, Mass.
Henderson
Jonas
Kee
Lennon
Long, La.
McCormack
McDonald, Mich.
McEwen
McMillan
Michel
Miller, Calif.
Minshall
Nedzi
Passman
Pelly
Quillen
Rarick
Rooney, N.Y.
Sandman
Schmitz
Smith, Calif.
Staggers
Stuckey
Thompson, N.J.
Tiernan

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOLLING) having resumed the chair, Mr. GREEN of Pennsylvania, 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. 15927) to amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, and for other purposes, pursuant to House Resolution 1085, he reported the bill back to the House.

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

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

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

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

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 399, nays 4, not voting 29, as follows:

[Roll No. 312]

YEAS—399

Abbitt
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammer-schmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Hollifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McDade
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—4

Collins, Tex.
Jonas
Michel
Springer

NOT VOTING—29

Abernethy
Blackburn
Boland
Broomfield
Davis, Ga.
Dowdy
Edmondson
Flynt
Gallagher
Hagan
Hanna
Hébert
Jones, N.C.
Lennon
Long, La.
McCormack
McCulloch
McDonald, Mich.
Miller, Calif.
Minshall
Nedzi
Passman
Pelly
Quillen
Rarick
Rooney, N.Y.
Sandman
Schmitz
Tiernan

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Broomfield.

Mr. Hébert with Mr. McCulloch.

Mr. Davis of Georgia with Mr. McDonald of Michigan.

Mr. Flynt with Mr. Blackburn.

Mr. Passman with Mr. Minshall.

Mr. Tiernan with Mr. Pelly.

Mr. Nedzi with Mr. Quillen.

Mr. Lennon with Mr. Sandman.

Mr. Miller of California with Mr. Schmitz.

Mr. Boland with Mr. Gallagher.

Mr. Nedzi with Mr. Rarick.

Mr. Hanna with Mr. Long of Louisiana.

Mr. Edmondson with Mr. Jones of North Carolina.

Mr. Hagan with Mr. McCormack.

Mr. TEAGUE of California changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. STAGGERS. 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 and to include extraneous matter.

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

There was no objection.

## CONFERENCE REPORT ON H.R. 5065, NATURAL GAS PIPELINE SAFETY ACT

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968:

CONFERENCE REPORT (H. REPT. No. 92-1322)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968, 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 House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the first sentence of section 5(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674(a)) is amended by striking out "two years" and inserting in lieu thereof "five years".

SEC. 2. Section 5(c)(1) of such Act (49 U.S.C. 1674(c)(1)) is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "Except as otherwise provided in this section, if an application is submitted not later than September 30 in any calendar year, the Secretary shall pay out of funds appropriated or otherwise made available up to 50 per centum of the cost of the personnel, equipment, and activities of a State agency reasonably required, during the following calendar year to carry out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section;

or to act as agent of the Secretary with respect to interstate transmission facilities. The Secretary may, after notice and consultation with a State agency, withhold all or any part of the funds for a particular State agency if he determines that such State agency (A) is not satisfactorily carrying out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section, or (B) is not satisfactorily acting as agent of the Secretary with respect to interstate transmission facilities.".

SEC. 3. Section 13 of such Act (49 U.S.C. 1682) is amended by adding at the end thereof the following new subsection:

"(d) The Secretary is authorized to consult with, and make recommendations to, other Federal departments and agencies, State and local governments, and other public and private agencies or persons, for the purpose of developing and encouraging activities, including the enactment of legislation, to assist in the implementation of this Act and to improve State and local pipeline safety programs.".

SEC. 4. Section 15 of such Act (49 U.S.C. 1684) is amended to read as follows:

"APPROPRIATIONS AUTHORIZED

"SEC. 15. For the purpose of carrying out the provisions of this Act over a period of three fiscal years, beginning with the fiscal year ending June 30, 1972, there is authorized to be appropriated not to exceed $3,000,000 for the fiscal year ending June 30, 1972; not to exceed $3,800,000 for the fiscal year ending June 30, 1973; and not to exceed $5,000,000 for the fiscal year ending June 30, 1974.".

SEC. 5. The Secretary of Transportation shall prepare and submit to the President for transmittal to the Congress on March 17, 1973, a report which shall contain—

(1) a description of the pipeline safety program being conducted in each State;

(2) annual projections of each State agency's needs for personnel, equipment, and activities reasonably required to carry out such State's program during each calendar year from 1973 through 1978 and estimates of the annual costs thereof;

(3) the source or sources of State funds to finance such programs;

(4) the amount of Federal assistance needed annually;

(5) an evaluation of alternative methods of allotting Federal funds among the States that desire Federal assistance, including recommendations, if needed for a statutory formula for apportioning Federal funds; and

(6) a discussion of other problems affecting cooperation among the States that relate to effective participation of State agencies in the national pipeline safety program.

The report shall be prepared by the Secretary after consultation with the cooperating State agencies and the national organization of State commissions.

SEC. 6. Section 6(f)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655 (f)(3)(A)) is amended by striking out "and pipeline".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
LIONEL VAN DEERLIN,
WILLIAM L. SPRINGER,
HASTINGS KEITH,
*Managers on the Part of the House.*

WARREN G. MAGNUSON,
VANCE HARTKE,
HOWARD W. CANNON,
TED STEVENS,
L. P. WEICKER, Jr.
*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. 5065) to amend the Natural Gas Pipeline Safety Act of 1968, 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:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill, and the House disagreed to the Senate amendments.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the text of the House bill, with an amendment which is a substitute for both the text of the House bill and the Senate amendment to the text of the House bill. The committee of conference also recommends that the House recede from its disagreement to the amendment of the Senate to the title of the House bill.

The differences between the text of the House bill, the Senate amendment thereto, and the substitute agreed to in conference are noted below, except for minor drafting and clarifying changes.

DEADLINE FOR STATE LEGISLATION

*House bill*

The first section of the House bill amended the first sentence of section 5(a) of existing law (the Natural Gas Pipeline Safety Act of 1968) to extend from August 12, 1970, until August 12, 1972, the deadline by which a State must have in force legislation providing for the imposition of monetary and injunctive sanctions to enforce pipeline safety standards in order to be able to certify compliance with existing law and thereby qualify to enforce Federal safety standards.

*Senate amendment*

The first section of the Senate amendment amended the first sentence of section 5(a) of existing law to extend from August 12, 1970, to August 12, 1973, the deadline for State legislation.

*Conference substitute*

The conference substitute is the same as the Senate amendment.

GRANTS-IN-AID FOR STATES

*House bill*

Section 2 of the House bill amended section 5(c)(1) of existing law to make it mandatory for the Secretary of Transportation to pay to the States, out of funds specifically appropriated for such purposes, grants-in-aid of up to 50 percent of the cost of State safety programs.

*Senate amendment*

Section 2 of the Senate amendment amended section 5(c)(1) of existing law to permit the Secretary of Transportation to pay to the States grants-in-aid of up to 50 percent of the cost incurred by a State agency to act as agent of the Secretary in enforcing Federal safety standards for pipeline facilities or the transportation of gas subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act, in addition to grants-in-aid of up to 50 percent of the cost of State safety programs. This section of the Senate amendment did not make payment of grants-in-aid to the States by the Secretary mandatory. It continued in effect existing law, which merely authorizes such payments to be made.

*Conference substitute*

The conference substitute makes it mandatory for the Secretary of Transportation to pay to the States grants-in-aid of up to 50 percent of the cost of State safety programs, and up to 50 percent of the costs incurred by the State acting as agent of the Secretary in enforcing Federal safety standards for interstate pipeline facilities. The conference substitute also provides that the Secretary may, after notice and consultation with a State agency, withhold all or any part of grants-in-aid for a State when he determines that such State is not satisfactorily carrying out a State safety program, or is not satisfactorily acting as agent of the Secretary in enforcing Federal safety standards for interstate pipeline facilities.

COOPERATION WITH STATE AND FEDERAL AGENCIES

*House bill*

No provision.

*Senate amendment*

Section 3 of the Senate amendment amended section 13 of existing law to grant the Secretary specific authority to consult with, and make recommendations to, other Federal departments and agencies, State and local governments, and other public and private agencies or persons, for the purpose of developing and encouraging activities (including the enactment of legislation) to assist in the implementation of the Natural Gas Pipeline Safety Act of 1968 and to improve State and local pipeline safety programs.

*Conference substitute*

The conference substitute is the same as the Senate amendment.

STUDY OF STATE PROGRAMS AND RESOURCES

*House bill*

No provision.

*Senate amendment*

Section 5 of the Senate amendment required the Secretary of Transportation, after consultation with the cooperating State agencies and the National Organization of State Commissions, to prepare and submit to the President for transmittal to the Congress a study of the pipeline safety programs being conducted in each State and the amount of funds required and available to implement such programs. The study would also contain an estimate of the amount of Federal assistance required, an evaluation of alternative methods of allotting such assistance to the States, and a discussion of other problems relating to effective State participation in the national pipeline safety program.

*Conference substitute*

The conference substitute is the same as the Senate amendment.

JURISDICTION OVER LIQUID PIPELINES

*House bill*

No provision.

*Senate amendment*

Section 6 of the Senate amendment amended section 6(f)(3)(A) of the Department of Transportation Act to transfer authority over liquid pipeline safety matters from the Federal Railroad Administrator to the Secretary of Transportation.

*Conference substitute*

The conference substitute is the same as the Senate amendment.

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
LIONEL VAN DEERLIN,
WILLIAM L. SPRINGER,
HASTINGS KEITH,
*Managers on the Part of the House.*

WARREN G. MAGNUSON,
VANCE HARTKE,
HOWARD W. CANNON,
TED STEVENS,
L. P. WEICKER, Jr.,
*Managers on the Part of the Senate.*

FOREIGN ASSISTANCE ACT OF 1972

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MORGAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 16029, with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through the first section ending on line 4, page 1 of the bill. If there are no amendments to be offered to this section, the Clerk will read.

The Clerk read as follows:

SEC. 2. Section 491 of chapter 9 of part I of the Foreign Assistance Act of 1961, relating to refugee relief assistance is amended by striking out "1972" and inserting in lieu thereof "1973" and striking out the figure "$250,000,000" and inserting in lieu thereof "$100,000,000".

SEC. 3. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In section 504(a), relating to authorization, strike out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$730,000,000 for the fiscal year 1973".

(b) At the end of section 504, add the following new subsection:

"(c) There is authorized to be appropriated to the President for the support of regional naval training activities in the Western Hemisphere, in addition to funds otherwise available for such purpose, $5,000,000 for the fiscal year 1973. Amounts appropriated under this subsection are authorized to remain available until expended.".

(c) In section 506(a), relating to special authority, strike out "1972" each place it appears and insert in lieu thereof "1973".

(d) Section 514 is hereby repealed.

AMENDMENT OFFERED BY MR. DELLUMS

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

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: On page 2, strike lines 8 through 13.

Mr. DELLUMS. Mr. Chairman, this amendment concerns the allocation of $5 million for an Inter-American Training Center for Latin American Naval Officers. Here we are, giving a great deal of taxpayers money to a specific institution, and yet we really know very little about it. No reference was made to it during the general hearings on the bill, and there was no opportunity to ask questions so as to inform ourselves on the merit of the request.

I believe that before we allocate money to strengthen military capabilities. We should at least know much more specifically, first, whose capability we are strengthening, second, for what purposes it will be used, third, just whose friendship we will be gaining, and, fourth, whose we will be losing.

I have found it a little difficult to gather information on this project, but what I have been told is enough, in my opinion, to cast some serious doubts on the project. I do not think the floor of the House is the appropriate place for the sort of technical and far-reaching discussion that a proposal like this needs. But what I do hope to make clear today is that this project's worth is far from self-evident, and that there are serious questions that need to be asked.

For example, what exactly is the threat which this Inter-American Naval Center is meant to answer? Admiral LaRoque, present head of the Center for Defense Information, and former Chairman of the Inter-American Defense Commission, has announced that in his opinion this project is a completely unnecessary expenditure dealing with a nonexistent threat. The navies of the Latin American countries are perfectly capable of dealing with Soviet surveillance ships or with a very unlikely Cuban presence.

Furthermore, I am told that this will be a small-craft training school. We will not be giving them any great new weapons or technological expertise. The Latin American navies are perfectly capable of handling their own training programs. I think it is almost an unconscious racism to assume that they need our help in running their navies. We are not smarter than they are, only richer.

Another pressing reason why a project like this should not be pushed through without discussion is that it has very definite foreign policy implications. "Regional cooperation" is a phrase that indicates that a common external threat is implied. And this can only be Cuba. For the present, let us overlook the fact that many serious experts completely discount any chance of an armed thrust from Cuba's navy. I want to emphasize that this anti-Cuban move will have wide repercussions at a time when most countries in the Hemisphere are trying to reach a more flexible position. I especially call upon those who are loath to upset delicate negotiation by clumsy congressional moves to support my amendment and make greater discussion of this hasty move possible.

It is not only this specific proposal that needs more work. It is our whole policy of providing training for the military elites of other countries. I think we want to ask ourselves some basic questions about this policy—first, about the effect of subsidizing military predominance; second, about wasting taxpayers' money on useless institutions; third, about whether we want the United States to become the training ground, not for peaceful endeavor, but for specialists in violence.

For all these reasons, Mr. Chairman, I urge my colleagues to support this amendment to delete this $5 million and to maintain more control over the taxpayers' money.

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

This committee has concerned itself for a long time with a sharing of responsibility of military operations in the Western Hemisphere. With respect to naval activities, as far back in 1968, we had specific legislation dealing with this subject. Also regional military training as a concept has existed for many years. So the idea is not new.

We find that although the Army and the Air Force have for some time had hemispheric training activities in the Canal Zone, the Navy has not. I am not anxious to add any additional activities to the Canal Zone training center and the bill does not add any. The Navy is now conducting training activities, at a variety of places.

The committee feels that it would be more economical and efficient to conduct it at a single facility in the United States.

This is, therefore, the continuation of a present program which we hope will be more economical and will do a better job. It is supported by the Secretary of Defense, the Secretary of the Navy, and by the Secretary of State.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I am glad to yield to my colleague from Florida.

Mr. YOUNG of Florida. Will the gentleman from California tell us what unconscious racism is, No. 1, and whether or not he considers himself guilty of it?

Mr. FASCELL. Well, I am not guilty of it, if I knew what it was, but I did not get the reference of that comment made by the gentleman from California. I am going to yield to him now so he can answer your question.

Mr. DELLUMS. If the gentleman is in doubt about what unconscious racism is, what I am simply pointing out is that in Latin American countries you are talking about racial minorities who live there. It is their country. The point I am trying to make it is rather presumptuous on the part of this Nation to assume that the people in Latin America do not have the technical capability and competence to train their own navies. It is rather arrogant on the part of this country and the leadership of this country to assume that we need to spend $5 million of the taxpayers' money when we need hospitals and we need jobs. We need the whole range of things. We need to spend our money in this country for people who are destitute rather than foster military competition on a continent where they have the capacity and the capability to do this themselves. Their naval capability is already on record.

If you look at the CONGRESSIONAL RECORD, I put in several pages, and if the gentleman would take the time out of his busy schedule to read it, he would more than understand that those Latin American nations do have the capability to train their own navies. That is the point I am making.

Mr. FASCELL. Mr. Chairman, I do not subscribe to that particular definition, although I do understand what the gentleman is talking about. The truth of the matter is that the Latins participate in this program voluntarily. They have also voluntarily participated in training programs of the Army, and the Air Force.

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

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

Mr. MORGAN. Of course, this provision of the bill is a good provision, and it is a continuation of the administration's program to establish more mature relations with out sister republics. It is not something that was just dreamed up by the Committee on Foreign Affairs. It is something that is necessary for hemispheric naval training, especially with language training, such as the Portuguese language and the Spanish language. I think it is very necessary that this new training program be continued. I am glad that Key West, Fla., was chosen for this center, and I am sure that many Latin-American countries will be taking part in this training, with enthusiastic support.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. DOW

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

The Clerk read as follows:

Amendment offered by Mr. Dow: On page 2, line 5, strike out "$730,000,000" and insert in lieu thereof "$460,500,000".

Mr. DOW. Mr. Chairman, the amendment I am offering would reduce the amount authorized in the bill of $730,000,000 for military assistance by a figure of $269,500,000. This would eliminate from the bill the amount of military assistance allocated in the committee report for Cambodia, $209,500,000, and for Thailand, $60,000,000.

It is perfectly obvious to anyone that these sums of military assistance for Southeast Asia serve only to continue the fighting, destruction, and bloodletting for which the United States is responsible in Southeast Asia. The military assistance program supplies countries with weapons, supplies, and military training needed for making war. These sums continue our involvement in places where we have no business whatsoever, where we have been meddling to the tune of hundreds of millions of dollars of the taxpayers' money. The passage of this amendment would be an express instruction from this House that the military activities we have been carrying on in Southeast Asia must come to an early conclusion.

Since we will pass this bill with a deadline for ending the war on October 1, Let us also eliminate from the bill mechanics of continuing the violence in Southeast Asia any longer.

Last year I offered an amendment similar to this one, striking out funds for military activities in Cambodia. Now I see that the bill's authorization for Cambodia is rising from $200,000,000 to $209,500,000. More alarming is the fact that the authorization for Thailand is rising from zero to $60,000,000. This betokens, of course, the fact that while we are winding down the war in Vietnam and saving American lives, we are winding it up through our bases in Thailand and destroying lives of innocent people all over Southeast Asia.

This is undoubtedly the most shameful and murky picture in American history. To think that the United States would lend itself to this cruel, shabby, and pointless violence so far away from our shores is truly disillusioning. This is especially so to one like myself and some of you, who were taught to believe that the U.S. policy was one of courage, nobility, and consideration for others. Our performance in Vietnam shows only traces of these qualities. It is replete with lies, corruption, bloody hands, inept military tactics, and wretched diplomatic strategy.

I could continue, Mr. Chairman, with further expressions of indignation about the willful policy that has been followed by the United States in Vietnam. Rather than to lament overlong about the past, why do we not correct ourselves promptly for the future, cutting from this bill those evil provisions that perpetuate the shameful mistakes of the recent past. Let us discontinue any further staining of American history.

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

Mr. Chairman, the gentleman from New York offers an amendment to cut to $460,500,000 from the $730 million for worldwide grant military assistance. The administration, when it presented this bill, asked for an appropriation of $780 million for this worldwide grant military assistance program. I want to assure the gentleman from New York that the committee made a detailed study of the requirements for Cambodia before we cut the executive request by $50 million. A reduction down to $460 million would apply to the whole MAP program. Even though the gentleman says it is a cut of funds for Cambodia, his amendment does not earmark this cut for Cambodia. It is a cut applying to the entire MAP grant assistance program.

Let us see what the cut involves. Of the $730 million, $250 million is programed for South Korea, $209 million is programed for Cambodia, $60 million is programed for Thailand, and $88 million is programed for Turkey. The gentleman's cut applies across the board. This is a meat ax cut approach which cuts $269,500,000 from worldwide military grant aid.

I want to say that the committee took a long look at our needs in Cambodia. The administration requested a $341 million ceiling on the total of military aid and supporting assistance for Cambodia. The committee cut that to $330 million.

We went into it item by item, especially the MAP assistance needed for Cambodia and the economic assistance needed for Cambodia as well as the Public Law 480 funds. We felt it would take a bare bones minimum of $330 million to operate the Cambodian program.

The Cambodian program is one program which is very successful and moving along. I would hate to see the House approach this with a meat ax which cuts the entire MAP assistance program.

I believe at this point in the game Cambodia is holding its own with our help. I would hate to see any cut of the MAP assistance at this time.

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

Mr. MORGAN. I yield to the distinguished gentleman from New York.

Mr. DOW. The distinguished chairman said that $730 million is allocated at the discretion of the Executive—essentially what he said—and therefore any attempt to pinpoint any of this money for Cambodia is going to confuse the allocation.

I must say to the distinguished chairman, I believe it is pretty irresponsible that the committee would allow this latitude to the Executive, so that they could take all of this $730 million, if they wanted, and spend it on the fearful holocaust in Southeast Asia without any oversight from the Congress. I believe it shows a lack of responsibility, Mr. Chairman, that we do not exert more influence over the spending of this $730 million.

Mr. MORGAN. As I said, the administration requested $780 million. The responsible committee, which I believe the gentlemen regards as an irresponsible committee, cut the program by $50 million.

A detailed presentation of the Cambodian programs was made to the committee. I read the major items. The committee did go into all the needs of all the countries in the program.

Most of this money is programed for four countries: South Vietnam, Thailand, Cambodia, and Turkey. That is about 70 percent of all MAP funds.

The gentleman offers an amendment to cut $269 million. We do not know whether the administration will cut it out of Cambodia or not. The amendment does not require it. This amendment would ruin the whole MAP program.

Mr. DOW. May I say a word in reply to the chairman? Does it not seem that by passing this amendment and by reading the record of these proceedings in the Congress the Executive would understand very clearly that this cut is intended for Cambodia and Thailand exclusively?

Mr. MORGAN. I will say to the gentleman that I have been around here a long, long time. I have never known the Executive, whether it was a Democratic administration or a Republican administration, to pay very much attention to what appears in the CONGRESSIONAL RECORD.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time in view of the comments made earlier by the distinguished gentleman from New York (Mr. DOW) and some of the accusations he read into the RECORD. I should like to read some information into the RECORD, to let it be known that his charges and accusations do not go unchallenged, and that his criticisms of the United States are not supported by fact.

This is a United Press International news report dated yesterday, August 8, 1972, with a Washington dateline:

The State Department says that North Vietnamese troops engaged in mass murder of South Vietnamese civilian refugees during the beginning stages of Hanoi's spring offensive.

Department spokesman John King also confirmed reports Monday that Communist political officers publicly executed hundreds of South Vietnamese government officials and imprisoned thousands during their occupation of Binhdinh Province.

Concerning the attacks on refugees, King said that American military advisers and Red Cross members saw from 1,000 to 2,000

civilian refugees fleeing south along Route 1 from Quang Tri killed by the North Vietnamese troops between April 24 and 30.

King said that a convoy of refugees, making their way on motor scooters or on foot, were ambushed by North Vietnamese forces a few kilometers south of Quang Tri.

"The North Vietnamese ambushed the convoy," King said. "They blew the convoy to pieces" with weapons normally used against combatants in battle, he said.

The North Vietnamese attack on the refugees "littered the fields with bodies," King said.

King said that on April 29 and 30, another convoy of refugees fleeing Quang Tri were ambushed by North Vietnamese. "They were attacked, ambushed, and there were considerable casualties," he said.

King said the North Vietnamese fired shells into the convoy of elderly women, children and other non-combatants, "literally shredding the refugee column. The shells fired numbered in the hundreds."

The spokesman said that more than three months later Buddhist and Roman Catholic priests were still combing the area, trying to identify for relatives the bodies still strewn on the fields, and conducting funerals.

Mr. Chairman, the gentleman's position on this amendment is his business, but his derogatory statements about the United States are my business.

Mr. ANDERSON of Illinois. Will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. ANDERSON of Illinois. I must confess even at this late hour in the afternoon the gorge rises in my throat a little bit when I listen to the indiscriminate language used by the gentleman from New York, in quotes, "the evil assistance we are rendering the Cambodian Government."

His amendment, I think, comes at a very peculiar juncture when you consider, in addition to the news story we just listened to, that the New York Times carried a story yesterday that the North Vietnamese Government launched yet another savage attack against the Cambodian Government and against Cambodian troops—not to defend North Vietnam, no, but in order to capture Highway 13 between Phnom Penh and Saigon in order to carry out their efforts to take over the Government of South Vietnam.

You might be able to argue with regard to South Vietnam that there is a civil war going on in South Vietnam. You certainly cannot argue that there is a civil war going on between the Cambodian Government and the North Vietnamese Government. They are guilty of invading a country that would like to stay out of this whole mess.

For the gentleman to stand up here and accuse the U.S. Government—and I do not stand as a complete apologist for all of the mistakes that have been made in Southeast Asia—Lord knows, to the contrary, I deplore the mistakes we have made—but I cannot sit idly by and listen to the gentleman from New York attack this Government and this committee and this House for rendering assistance to a government that is defending itself against the kind of wanton aggression being practiced by the North Vietnamese.

Mr. DOW. Will the gentleman yield?

Mr. YOUNG of Florida. I will be happy to yield.

Mr. DOW. Let me say one of the rationalizations about our activities in Vietnam is this constant harping on atrocities committed by North Vietnam. I am sure it is true, but I would like to say that the world all over is full of evil and atrocities; there are concentration camps in Siberia, and there is cruelty and slavery going on in South Africa and in South America, with one class shooting the Indians. There are all kinds of atrocities everywhere. That is no excuse for us to take on solely the problem of atrocities in North Vietnam or South Vietnam.

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

Mr. Chairman, I rise in opposition to the gentleman's amendment.

I have no quarrel with the gentleman taking the position he does, but there is one statement, and I heard him make it. I realize we have an opportunity to correct the RECORD but he said this outrageous war that we are perpetrating on Southeast Asia. I would say to the gentleman from New York that the facts do not really lie in that direction. We have fewer than 50,000 men in South Vietnam. Who is invading Cambodia? Who is invading Laos? Who is invading South Vietnam? Who is invading Thailand? Not the United States of America.

The only thing we are doing is giving some weapons to these people to defend themselves from an invader.

Now, I happen to think that if we are not going to give any weapons to these people then we should not give weapons to anybody. Maybe that is the position we should take. But, on the other hand, I am not willing to destroy this bill when there is money in it for Israel to defend itself, for one thing. I am not willing to do that.

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

Mr. HAYS. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, is there any grant of military assistance in this bill to Israel?

Mr. HAYS. No, there is no grant for military assistance, but there is plenty of loan money in the bill for Israel. And the gentleman knows, and I know that they could not buy their weapons if we did not give them the money.

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

Mr. HAYS. No; I will not yield any further, because the gentleman knows that I did not ask him to get into this argument. I was talking to the gentleman from New York (Mr. Dow).

But the gentleman knows and I know that Israel is going to get money in this bill, $350 million worth of it. And if the gentleman from New York——

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

Mr. HAYS. Not at this point.

Mr. ROSENTHAL. Just yield calmly and nicely?

Mr. HAYS. If the gentleman does not want to vote for the bill then vote against it, and he can go home and explain it to his constituents as to why he did it.

I can vote against it because, as I have told you many times, this is not a political thing with me because I have fewer Jews in my district than I have Arabs. But I voted for aid for Israel because I believe in it; because I have been there a few times, and I have seen the valiant fight that these people have put up. And if the gentleman from New York has not read it, then I recommend that he read this new book that is called "Oh, Jerusalem".

I do not have a drop of Jewish blood in my veins, but I tell you, that book moved me. And I know that what that book says is true because I have been there and talked to some of these people themselves.

Now I will yield to the gentleman if he has anything of value to add.

Mr. ROSENTHAL. I have no request for the gentleman to yield to me.

Mr. HAYS. The gentleman does not want me to yield? That is great. I did not want to yield to the gentleman, anyway. I was just trying to be polite.

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

Mr. HAYS. I yield to the gentleman from New York.

Mr. DOW. Let me say that my amendment does not go to the Israel portion of this bill.

Mr. HAYS. I understand.

Mr. DOW. It is very distinct.

Mr. HAYS. I understand very well, and I meant no implication that the gentleman's amendment did. But I was comparing in my own mind the fact that there is money in here for Israel, and there is money in here for Cambodia, and there is money in here for Laos, all three of those countries, and I think the two situations are comparable because, while Israel is not being invaded at the moment, it stands the threat of an invasion. And although I do not believe all the rhetoric that comes out of Cairo, if I were the Prime Minister of Israel I would have to consider the fact that almost daily the President of Egypt talks about a holy war to drive the Israelis into the sea.

I just happen to think that the two situations are somewhat comparable. I did not mean to imply that the gentleman's amendment did anything at all to Israel, but I was saying in my mind that giving aid to Israel and giving aid to Southeast Asia are two comparable situations.

Mr. Chairman, I hope the amendment offered by the gentleman from New York (Mr. Dow) is defeated.

Mr. DOW. Mr. Chairman, if the gentleman will yield further, I must differ with the gentleman from Ohio in his judgment that the two situations are comparable. There are a great many distinctions, and I will not take the time of the House to detail them, but I do think that the gentleman from Ohio is not as perceptive as I always thought he was on this matter.

Mr. HAYS. I will say that the gentleman from New York has a right to disagree with my evaluation, just as I have the right to disagree with the gentleman in the amendment he is offering. And that is one of the things that I hold dear about the House of Representatives,

in that people can have different opinions about specific subjects.

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

Mr. ROSENTHAL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time merely to put the discussion in perspective. I find it most regrettable and personally offensive that the gentleman from Ohio, on every occasion that I can ever remember since I have been in the House, when he opposed an amendment striking assistance to Southeast Asia—somehow, somewhere in the thread of his argument came a discussion of military assistance to Israel. He seems to enjoy some special satisfaction in making that comparison. I find no factual comparison whatsoever.

The fact of the matter is, as the gentleman well knows, this amendment deals with military grant assistance. It deals with grant assistance of $215 million for Korea; $209 million for Cambodia; $60 million for Thailand; and the rest for some 18 or 19 countries.

The gentleman from Ohio knows well that in the past, I would guess about 20 years, Israel has never received any grant military assistance. It may have been about 1948—I am not sure—during the early years of the mutual security assistance program that Israel received some grant military assistance.

But, the fact is that for the past 18 or 20 years, they have received no grant military assistance.

I think what this House ought to do is to step back a moment and not concern itself so much about this bill or this amendment—but to ask itself how long—and without getting into the rhetoric that flew back and forth across this floor this afternoon—for how long ought the United States continue its major responsibility for granting arms and military systems to countries around the world.

I believe that that is a fair and reasonable question. As the gentleman from New York says, he full well acknowledges that atrocities exist in every combat area, and I am sure that they do. But, what we have to address ourselves to is our larger role as humanitarians and inquire as to our role as grantors of military arms.

I merely ask you to ask yourselves before you decide on this amendment—how many millions of dollars should we provide for that particular area of the world—and what are the objectives that we seek to obtain by continuing this system?

It would seem to me that one ought to reflect seriously on the amendment offered by the gentleman from New York. It may well be the time will come for us to say to these nations—you have to develop a viable economy and a viable political system and a viable society so that at the minimum you can buy military arms and assistance as many other countries have done.

But we cannot indefinitely have an open-ended gift of these kinds of articles of war. That is all I ask you to review. I think if we can cut through some of the nasty rhetoric that preceded my remarks, I would hope we could reflect on the principal issue of for how long should we continue this open-ended intervention in other parts of the world. That, to me, is a very serious question.

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

Mr. ROSENTHAL. I am happy to yield to the gentleman.

Mr. MAILLIARD. I think I can supply at least a partial answer.

Of course, the gentleman knows as a member of this committee that we have been moving away from grant aid toward these other categories at a steady rate over a period of years.

I think the answer is, if you are talking of what the gentleman from New York is trying to do—is that just as long as the Communist countries pour in grant aid to the people attacking those countries.

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

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. Section 532 of chapter 4 of part II of the Foreign Assistance Act of 1961, relating to authorization for security supporting assistance, is amended by striking out "for the fiscal year 1972 not to exceed $618,000,000," and inserting in lieu thereof "for the fiscal year 1973 not to exceed $769,000,000".

SEC. 5. Chapter 4 of part II of the Foreign Assistance Act of 1961, relating to security supporting assistance, is amended by adding at the end thereof the following new sections:

"SEC. 534. REFUGEE ASSISTANCE IN CAMBODIA.—Of the funds appropriated pursuant to section 532 for the fiscal year 1973, not less than $2,000,000 shall be available solely for refugee relief and war victims assistance in Cambodia.

"SEC. 535. CENTER FOR PLASTIC AND RECONSTRUCTIVE SURGERY IN SAIGON.—Of the funds appropriated pursuant to section 532 for the fiscal year 1973, not less than $715,000 shall be available solely for furnishing assistance to the Center for Plastic and Reconstructive Surgery in Saigon.

"SEC. 536. ASSISTANCE TO SOUTH VIETNAMESE CHILDREN.—(a) It is the sense of the Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights.

"(b) The President is therefore authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1) and (2) of subsection (a) of this section. Of the funds appropriated pursuant to section 532 for fiscal year 1973, $5,000,000 shall be available until expended solely to carry out this section. Not more than 10 per centum of the funds made available to carry out this section may be expended for the purposes referred to in subsection (a)(2) of this section. Assistance provided under this section shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or United States voluntary agencies."

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

Mr. Chairman, as sponsor of the Vietnam children's care agency legislation, I want to commend the members of the House Foreign Affairs Committee for adding this measure as an amendment in the form of section 536 to the Foreign Assistance Act of 1972.

It is estimated that there are about 700,000 children in South Vietnam who are orphaned or abandoned as a result of the war. These children have suffered terribly during the course of the conflict, and many are victims of our military operations in South Vietnam. They will continue to suffer even more as our servicemen withdraw from that Nation. The problem of caring for these youngsters is immense, far beyond the capabilities of the present South Vietnamese Government. To abandon these young victims of the war would be cruel and inhuman. Thus, it is both necessary and appropriate that our Government begin to assume the moral obligation to help care for these children.

Section 536 of the 1972 Foreign Assistance Act authorizes $5 million, most of which will be allocated for the establishment, improvement, and expansion of South Vietnamese day care centers, orphanages, hostels, school feeding programs, and related programs in health, welfare, and education for South Vietnamese children. A second purpose of section 536 is directed toward those South Vietnamese children who have no family or guardians, and are, therefore, eligible for adoption, and for whom an acceptable home can be found in the United States. While emphasis will be focused on facilitating the adoption of the thousands of orphaned or abandoned children of American fathers, by no means does this exclude the adoption of all-Vietnamese children who are homeless. At present, those Americans wishing to adopt Vietnamese children experience interminable delays and are required to pay exorbitant fees. This measure would seek to untangle the bureaucratic snarl that has developed in the United States-Vietnamese adoption process and would serve to expedite procedures when any complications arise.

Mr. Chairman, although the $5 million authorized by section 536 is, admittedly, a rather modest amount, it, nonetheless, does represent the beginning of the commitment the United States must make in acknowledging this problem and in assuming our responsibility to help these innocent children.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. Section 620(n) of chapter 1, part III, of the Foreign Assistance Act of 1961 is amended by striking out the period at the end of such subsection and inserting in lieu thereof a comma and the following: "unless the President finds and reports within thirty days of such finding to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives that such assistance is in the national interest of the United States.".

SEC. 7. Section 620 of chapter 1 of part III of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance is amended by adding at the end thereof the following new subsections:

"(x) No assistance shall be furnished under this Act (other that chapter 8 of part I, relating to international narcotics control), and no sales shall be made under

the Foreign Military Sales Act or under title I of the Agricultural Trade Development and Assistance Act of 1954, to Thailand. This restriction may be waived when the President determines that the Government of Thailand has taken adequate steps to carry out the purposes of chapter 8 of part I of this Act, relating to international narcotics control.

"(y) No assistance shall be furnished and no moneys shall be expended under this or any other Act, including the Export-Import Bank Act, for Portugal until and unless the Senate advises and consents to the agreement of December 9, 1971, with Portugal continuing United States base rights in the Azores, or both Houses of Congress approve of such agreement by resolution."

AMENDMENT OFFERED BY MR. MONAGAN

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

The Clerk read as follows:

Amendment offered by Mr. MONAGAN: On page 5, line 2, strike out "subsections" and insert in lieu thereof "subsection".

On page 5, strike out line 12 and all that follows down through line 18.

Mr. MONAGAN. Mr. Chairman, the purpose of this amendment, of course, is to eliminate subsection (y) of section 7 on page 5 referring to the agreement between the United States and the Government of Portugal for the use of the air base in the Azores.

The situation, of course, is that from 1951 and until 1962 there did exist an agreement between the two countries under which we were permitted to use this base. This agreement terminated, and for a time we were permitted to use the base without any agreement. In fact, that situation continued up to the time when the new agreement was concluded on December 9, 1971.

I suggest that this requirement should not be in the bill. In other words, we should not provide that no assistance should be furnished to Portugal until this agreement has been either ratified by the Senate or delivered to both Houses of Congress for their approval through a resolution.

There are two matters I think important in connection with this question. First of all, what about the merits of the situation, that is, the existence of this agreement between the United States and Portugal? It seems to me it is unquestionably in the interest of our country to have the use of these facilities. It is not a question of whether or not we like the Portuguese Government or whether we approve of all the measures that they take domestically or in their policies throughout the world. Whatever we do here is not going to hurt the country of Portugal. The question is what is for the benefit of the United States, and the value of the base facilities has been proven to us in the past in connection with the war in Israel in 1968 and also in connection with the Congo relief prior to that time.

I might say also that as far as the actual operation of this base is concerned, the Portuguese certainly have been most cooperative with us, and to impose requirements other than those which our own best interests demand certainly is not the way we should act in connection with this legislation.

It is possibly true that as a general principle executive agreements should come to the House. I certainly do not disagree with the general principle. I think we should be informed. I should think we could well be better informed than we have been in the past. But to act in this instance would be an ex post facto action. This is a legal action which has already taken place, and I suggest that not only would it be against our own security interests, but it also would be a breach of contractual obligation, a breach of faith on our part not to go forward with this agreement.

So, Mr. Chairman, I hope very much that this amendment will be adopted.

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

Mr. Chairman, as I said in general debate yesterday when I thought this amendment was going to be offered by my good friend, the gentleman from New York (Mr. STRATTON)—but as a member of the committee, my good friend, the gentleman from Connecticut usurped that position properly, if that was his wish to do it—this amendment obviously ought to be supported.

The arguments have been given. I do not want to take a great deal of time, but the very way in which the provision is worded is pretty unfair to a nation with which we have made an agreement which they have every right to rely upon. If the Congress should fail to act in a timely fashion, we would be abrogating the terms of an agreement already entered into.

The committee is in agreement that we are going to provide that we be advised about these agreements.

Also, to single out Portugal when we have similar agreements with almost every other member of NATO and demand that this particularly extraordinary procedure be resorted to with one country with the same type base agreement as we have with other countries, is just a gratuitous insult and one, I think, the Congress should not indulge in.

I might also point out this agreement expires in February 1974, so almost before the Congress could probably act, the agreement will have to be renegotiated, so there is just no point in leaving a foolish provision in, that I think, quite properly, another government could take offense at when its real force and effect is so minimal. It is using the wrong way to get at a totally unrelated problem and at the same time it could very easily jeopardize our ability to maintain our operations in the Azores which are so critical, as I am sure the gentleman from New York will stress, to the surveillance of the ocean areas of the Atlantic.

Mr. ZABLOCKI. Mr. Chairman, I rise to support the amendment of the gentleman from Connecticut (Mr. MONAGAN) to delete that portion of section 7 of the bill prohibiting expenditure of funds to carry out the agreement with Portugal relating to American base rights in the Azores.

This amendment should be opposed for the three principal reasons:

First, this provision singles out one international executive agreement from among dozens which the United States has concluded with nations allied with us in the North Atlantic Treaty Organization.

For decades the Congress has permitted the President to make agreements which carry out NATO treaty obligations without specific prior approval of Congress or without the necessity of submitting each such agreement to the Senate and House after it has been concluded.

Now—suddenly—we are being asked to select out for congressional approval, this one agreement with Portugal.

The executive branch makes more than 200 international agreements annually. Is the Congress prepared to approve each one of those agreements?

If we are not, then how should we presume to single out one agreement for special legislative attention? By what criteria do we ascertain that congressional approval is more necessary for this agreement than for another?

Since no such criteria have been put forward in defense of this provision of the Foreign Assistance Act, we must assume that the action is capricious and does not deserve to stand.

My second reason for opposing this provision is that the agreement does not make an extraordinary commitment, either military or financial, to Portugal.

The agreement provides $400 million in Export-Import Bank credits to Portugal—but that could have been concluded even in the absence of a base agreement.

In fact, because the credits are being provided under normal commercial terms, it is difficult to see this as being "foreign aid." In fact, the greatest benefit will be to our own American industry.

Similarly, the Public Law 480 food assistance included in the package will benefit America's farmers.

If both the Export-Import Bank credits and the Public Law 480 food is subtracted from the package. the remaining amounts of aid are very small.

I believe our negotiations with Portugal on the Azores bases agreement were very successful. As a result of them, we have continued use of an important strategic facility at a very modest price.

My third reason for opposing this prohibition on proposed U.S. programs in Portugal is that it would surely create a severe strain in our relations with that country. The Portuguese would see such action as an affront.

And can we blame them? For it would appear to them that after having bargained in good faith with the United States to reach an agreement the whole question was being thrown open once more.

The United States would not want to be treated that way. We should not expect it of others.

If we change the rules in the fourth quarter of the ball game, we should not be surprised when the other team quits playing and goes home.

If this provision is approved, the United States will be changing the rules. Who could blame the Portuguese if they decided that they would be better off without Americans on the Azores?

Mr. Chairman, I have myself long been concerned about abuses related to the execution of international executive

agreements. Too often in the past, I fear, the Congress has not been adequately informed about such agreements.

To remedy that situation I have sponsored and worked for legislation which would require that the texts of all executive agreements be submitted to Congress within 60 days after their signing. It is my hope that the legislation will soon be approved by this body.

At the same time, I do not see the agreement with Portugal as one which entails any abuse. The text is not secret. The agreement does not exceed Executive power. The terms are favorable to our interests.

Let the United States-Portuguese agreement on the Azores stand, therefore, by supporting the Monagan amendment to strike the provision from the bill.

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

Mr. ZABLOCKI. I yield to the distinguished chairman.

Mr. MORGAN. I said yesterday during my remarks in general debate that this provision in the bill has caused me considerable discomfort.

I felt during the markup of the bill when I opposed the amendment to put this provision into the bill—and I so stated—that it would cost several billions of dollars to replace this great base in the Atlantic Ocean.

I feel since we are only on first base in the SALT talks, that it would be absolutely senseless to destroy relations with Portugal at this time.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ZABLOCKI was allowed to proceed for 1 additional minute.)

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

Mr. MORGAN. I just want to say the committee vote was very close, as the gentleman knows, and there was real opposition to putting this particular provision in the bill. Of course, I intend to support the Monagan amendment.

Mr. ZABLOCKI. I thank the gentleman for his contribution.

I want to underscore the fact that it would not be in our national security interest to break the agreement we now have with Portugal.

Mr. HOLIFIELD. Will the gentleman yield?

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

Mr. HOLIFIELD. I want to aline myself with the position that the gentleman has taken as well as the two preceding speakers (Mr. MAILLIARD and Mr. MONAGAN), in support of the amendment and compliment the gentleman on his statement.

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

Mr. Chairman, section 7(y) constitutes an attack on the most recent extension of our 1951 agreement for the stationing of U.S. forces in the Azores. This agreement, like the similar agreements with Belgium, Canada, Denmark, Germany, Greece, Iceland, the Netherlands, Turkey, and the United Kingdom, was concluded under article 3 of the North Atlantic Treaty, which, as we all know, was ratified by an overwhelming majority in the Senate. I fail to understand, therefore, why this latest extension of a 20-year old arrangement is being made the subject of such special attention at this time.

Leaving aside the possible adverse effect of section 7(y) on our national security, I would like to point out that it would have a very damaging effect on U.S. exports by denying U.S. exporters their right to seek assistance from the Export-Import Bank in competing for business in Portugal. I would like to remind my colleagues that the purpose of Export-Import Bank credits is to assist American exporters by enabling them to compete with the financing terms offered by their European and Japanese competitors. At the time of the signing of the Azores base agreement Secretary Rogers gave the Portuguese Foreign Minister a letter in which he noted that Portuguese and American technicians had reviewed Portuguese development projects with a total value of some $400 million, including airport construction, railway modernization, bridge building, electric power generation, mechanization of agriculture, and so forth. He added that:

> The U.S. Government is willing to provide through the Export-Import Bank of the United States, financing for U.S. goods and services to be used in these projects, *in accordance with the usual loan criteria and practices of the Bank.*

This simply means that if American firms are able to get the contracts for these projects, the Eximbank would consider loan applications in support of the contracts, as it would even if there were no Azores agreement. Section 7(y), however, would deny this U.S. Government assistance to U.S. firms. Their European and Japanese competitors can certainly count on export credits from their governments and would therefore step in and take the business away from the American companies.

In this connection it is interesting to note that shortly after the announcement of the Azores agreement the British Ambassador in Lisbon made a public statement that:

> The authorities and institutions of the United Kingdom always were and continue to be disposed and ready to grant identical facilities to those offered by the United States Export-Import Bank in conjunction with the joint Portuguese-American declaration of December 9 last.

He added that British export credits extended to Portugal have totaled approximately $500 million.

The effects of section 7(y) would be felt most sharply by American exporters.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. BUCHANAN. I will be glad to yield to the gentleman.

Mr. FRELINGHUYSEN. I thank the gentleman.

Yesterday I mentioned my own reservations about the language that is now proposed to be stricken. I, too, rise in support of the amendment to strike this language. It would be very unwise to attempt to pass judgment on an agreement which has been in effect for some time now and involves no major change of status with an ally and in connection with a base which we have had for a number of years in the Azores. It would be a very wise move if we should strike this altogether.

Mr. BUCHANAN. Mr. Chairman, as indicated in my earlier remarks, I completely agree with the gentleman and find him most wise in his position.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mrs. HECKLER of Massachusetts. Will the gentleman yield?

Mr. BUCHANAN. I yield to the gentlewoman.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I should like to identify myself with the remarks of the previous speakers and Congressmen MAILLIARD and MONAGAN.

I feel very strongly an ally such as Portugal should be treated as such. I feel it would be truly deplorable if this larger question, for which I have so much sympathy, should be applied to a very small nation with a small amount of money at a time when the economy of Portugal needs the economic assistance which would be provided and at a time when the Azores particularly are in need.

Under the 1971 agreement, the United States provides some $420 million a year in assistance to Portugal. To shut this off, Mr. Chairman, on a point of legislative prerogative does a disservice to the Congress, to the country, and certainly to Portugal.

This nation has been a traditional ally, in letter and in spirit. It is an ally we know we could count on completely if the friendship were ever tested.

Our recent history is replete with instances of our pouring massive aid into a country to buy its loyalty and friendship with no guarantee of either. We already have Portugal's loyalty and friendship, and we did not buy them.

Foreign assistance of this kind benefits both this country as the giver, in terms of American goods and services bought on the extended credit, and the recipient in terms of shoring its wobbly economy and helping it to achieve a respectable place in world commerce and industry and build a better life for its citizens.

Portugal has not only given us the benefit of its navigation and exploration, its foods and wines and other products, it has also given us many of its citizens who have become decent, hard-working, productive Americans. The ties between our nations are strong and deep. A great many Portuguese-Americans live in my congressional district, Mr. Chairman, and I can testify to the contributions they are making to this country.

We are asked to make such a small contribution to Portugal in return for so much.

It seems to me a good idea in principle for this Congress to examine all of the agreements. I believe it is penalizing an ally like Portugal, however, and jeopardizing the many other interests which are involved here. I believe this is the wrong time and the wrong place to ponder the larger question. I support this amendment.

Mr. BUCHANAN. Mr. Chairman, I thank the gentlewoman for her contribution, and I urge the adoption of this amendment.

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

Mr. Chairman, as the gentleman from California said, I had thought I was going to be the Member to offer this amendment, but I have no chagrin at all in having it come from my good friend on the committee.

Since members of the committee have all spoken in support of this amendment it shows the very substantial divisions within the committee itself.

I still want to take the time to discuss this issue, however, because this amendment deals not only with matters of foreign policy but also has very sweeping implications for our defense policy. It would be disastrous if we were, in an emotional reaction to some of the policies of Portugal, for example, to do devastating harm to our Nation's defenses. The language in section 7(y) of the bill would deny all aid to Portugal until this agreement for continuing our base rights in the Azores had been approved either as a treaty by the other body or as a resolution by both Houses.

Goodness knows how long that would take, especially in the other body. But the fact of the matter is that the quid pro quo for retaining our Azores base rights is economic aid to Portugal, including aid through the Export-Import Bank. So if this provision of section 7(y) were to remain in the law we would literally have to abandon our bases in the Azores.

Additionally, as has already been pointed out, the base agreement that we now have in the Azores—and, incidentally, these are the Azores right here in the middle of this chart I am pointing to—and the basic agreement that we have been following since 1952—in spite of all this talk about whether executive agreements or treaties ought to prevail, are actually both in existence pursuant to the original NATO treaty which was duly ratified by the Senate of the United States back in the 1950's.

I do not know just how many times we have to come back here to Congress for approval, because article III of that NATO treaty provides that you can set up regional defense arrangements between NATO partisans; and this is one of those regional arrangements. We have another one with Iceland; we have another one with Denmark; we have another one with Canada, and with several other countries.

But the important thing about the Azores is that if you take our present Azores base away you destroy our ability to conduct effective anti-submarine warfare operations in the Atlantic Ocean. And everyone whose knowledge of defense extends only to Jane's Fighting Ships, is aware of the fact that the Soviets possess a great submarine fleet, and its size and capacity is growing by leaps and bounds.

This yellow circle shows the range of aerial surveillance over the Soviet submarine fleet that can be provided from the Azores base. These red lines represent the extent of aerial surveillance that can be provided from Bermuda, from Rota, Spain, from Iceland, from Newfoundland and from England in the north. And you can see clearly that if we take the Azores coverage out and leave only the coverage provided from those other bases, there is a great big gap right in the middle of the Atlantic where we would be blind to a Soviet submarine threat. And that blind area is 10 times the size of New York or, if you want to put it another way, two times the size of Texas.

So if we leave section 7(y) in the bill we would be destroying our ability to protect ourselves against this submarine threat.

Let me also point out that these black lines, which are even more visible on this chart, represent our oil lifelines to our allies with oil from the Middle East coming around the cape and heading into the Mediterranean, heading into northern Europe, and heading over here to the United States of America. And notice that all of them go between the Azores and Portugal.

So if we are going to try to protect those oil lifelines, if we are going to try to save those tankers from the Russian submarines when the balloon goes up, then we have got to be able to conduct aerial antisubmarine surveillance from the Azores.

That is precisely what we are doing now, from the Azores, and that is precisely the kind of thing that would be eliminated by this section 7(y) of the committee's bill.

Now is this naval importance anything new about the Azores? No; the truth is that the original base agreement, signed in 1951, expired in 1962. But President Kennedy, as a former Naval Reserve officer, knew how important the Azores were to the NATO defense. So he selected Adm. George Anderson, who had just stepped down as Chief of Naval Operations, to become the new Ambassador to Portugal. Why? Because the President of Portugal at that time—not the Premier, not Dr. Salazar, but the President—was an admiral; and Admiral Anderson's sole mission from President Kennedy was to keep this base going in the Azores until we could work out a new agreement. And the one thing that Admiral Anderson was able to do was to keep flying out of the Azores even though our two countries never could seem to come to a formal written agreement. He kept us there for 9 years, in fact, 9 valuable years. And then in December of 1971 we finally signed a new succeeding agreement which was predated to December 1969, and which, as the gentleman from California, Mr. MAILLIARD has said, comes up for renewal again in 1974.

So President Kennedy and Admiral Anderson worked for 9 years to keep those bases. Are you and I going to throw them away in an afternoon just because we do not happen to like some of the things that Portugal does, or because we think maybe every implementing detail of the original NATO treaty ought also to come back to the Senate to be considered as another treaty and be argued for many, many afternoons?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. STRATTON (at the request of Mr. SEIBERLING) was granted permission to proceed for 3 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield for a question.

Mr. STRATTON. I am delighted to yield to the gentleman.

Mr. SEIBERLING. Mr. Chairman, I think the gentleman from New York has made a very impressive presentation here.

But, if it is that important—and I am willing to concede that it is, without any evidence to the contrary—what is the matter with the executive branch simply submitting an agreement to the Senate and having done with all of this debate? Maybe I am naive—but what is the answer to that?

Mr. STRATTON. There are two reasons. The first is the one I have already given you; namely, that this agreement is pursuant to another treaty already ratified. Surely you cannot expect to have everything we do handled as a treaty. The original treaty spelled out the broad arrangements of NATO and this Azores base agreement is simply one of the minor arrangements permitted under the NATO Treaty which was designed for the mutual protection to which NATO is addressed and in which the Senate heartily concurred some 20 years ago.

The Senate gave its support to that treaty. They have not revoked that support, thank God. They certainly do not have to go back over every jot and tittle and over every dotted "i" and every crossed "t" of every decision taken to carry out the intentions and purposes of that treaty.

The other answer, if the gentleman will permit me, is that this is, after all, a temporary arrangement.

It has only got 2 more years to go. If we were to handle it as a treaty, it would appear to be some permanent thing. This is a temporary arrangement; and I think any student of foreign affairs—and I do not pretend to be one—but we have a lot of experts on the committee—any student will tell you there is a distinction between the kind of thing you want ratified by a treaty and those lesser more temporary arrangements that you want to apply by virtue of executive agreement.

Mr. SEIBERLING. If the gentleman will yield further, does the gentleman agree that this is a technical argument that he made? But the point he made previously is a matter of substance and it seems to me, if all we are talking about is whether it should be submitted as an agreement, the simple solution would be to submit it to the Senate and be done with it.

Mr. STRATTON. I do not object to submitting it over there, but the thing I do object to is destroying the present base while the Senate argues.

After all President Kennedy fought for 9 years to keep this base going because he knew how vital it was to our defense. And now are you and I going to destroy it this afternoon? I certainly hope not.

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

Mr. STRATTON. I yield to the gentleman.

Mr. HAYS. The gentleman put his

finger right on the argument—because the way the Senate Foreign Relations Committee is operating now, deliberately all the time trying to embarrass the President, they would not get around to bringing this out of the committee in the next 18 months.

Mr. STRATTON. The gentleman has made a very good point.

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

Mr. STRATTON. I yield to the gentleman.

Mr. ZABLOCKI. Further funds for Portugal would cease in the fourth year of our agreement until there would be a ratification by the Senate or a resolution passed by both Houses of Congress.

We would, indeed, be reneging on the agreement we made in 1971—predated to 1969.

Mr. STRATTON. The gentleman is absolutely right. I think it would be an insane way to conduct our foreign policy.

Mr. ANDERSON of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Tennessee, a former officer in the Navy who knows much more than I do by far about antisubmarine as well as submarine warfare.

Mr. ANDERSON of Tennessee. Mr. Chairman, I appreciate the gentleman yielding. I had planned on speaking in length with regard to the amendment, but I think it has been covered very, very well by the gentleman from Connecticut who introduced it and by the gentleman in the well and by other Members.

I think, in analyzing this situation, we can be quite assured that if this amendment fails—if this section is not stricken out of the bill, we will indeed seriously jeopardize our continued use of the Azores for some very, very viable military purposes.

Mr. STRATTON. Mr. Chairman, I thank the gentleman for his valuable contribution. His words I know will be heard with great respect by every Member of this body because of his distinguished service in the U.S. submarine service.

Mr. Chairman, under leave to extend my remarks, I include a letter on this subject which I received from Secretary of State Rogers under date of August 8, 1972, and also two fact sheets on the strategic value of our base at Lajes in the Azores which will, I believe be of interest and value to every member of the committee:

THE SECRETARY OF STATE,
*Washington, August 8, 1792.*

Hon. SAMUEL S. STRATTON,
*House of Representatives.*

DEAR MR. STRATTON: As you know, on July 19 the House Foreign Affairs Committee approved H.R. 16029, a bill to amend the Foreign Assistance Act of 1961. The Commitee added a new section, 7(y), which would provide that:

"No assistance shall be furnished and no monies shall be expended under this or any other Act, including the EX-IM Bank Act, for Portugal, until and unless the Senate advises and consents to the Agreement of December 9, 1971, with Portugal continuing U.S. base rights in the Azores, or both Houses of Congress by resolution approving of such an agreement."

I understand that, during debate on H.R. 16029 this week, you are proposing an amendment to strike the above section. I write to you now in unqualified support for your action and to explain the reasons for such support. I have written a similar letter to Congressman Gerald R. Ford. On December 9, 1971 I concluded an exchange of notes with the Portuguese Foreign Minister extending until February 4, 1974 our rights to station forces in the Azores in time of peace. These rights stem from the bilateral agreement of September 6, 1951, concluded pursuant to Article 3 of the North Atlantic Treaty. This was only one of a number of executive agreements negotiated under the North Atlantic Treaty for the stationing of United States forces in NATO countries. We have concluded similar agreements with Belgium, Canada, Denmark, Germany, Greece, Iceland, the Netherlands, Turkey, and the United Kingdom. Thus, the agreement with Portugal was concluded in a manner consistent with our long-standing practice in concluding agreements implementing the NATO Treaty.

On the occasion of Portuguese Foreign Minister Patricio's visit to Washington in November 1970 a joint statement was issued stating that the United States was offering to initiate a PL-480 program in Portugal, that the Ex-Im Bank would give due consideration to applications relating to specific development projects in Portugal, and that an oceanographic research vessel would be supplied to Portugal. At the time of the exchange of notes on the Azores base rights I gave the Foreign Minister a letter outlining the above offers and, in addition, an offer of $1 million to assist Portugal's educational reform program and up to $5 million in excess nonmilitary property. These offers were all authorized by United States legislation in effect at the time, and neither government had any reason to suspect that an effort might be made to modify that legislation.

The agreement with Portugal does not require the United States to use facilities in the Azores, or to station forces or establish a base there and it does not in any way alter the security commitment to Portugal under the North Atlantic Treaty. In fact, to conclude the agreement either as a treaty or a formal agreement pursuant to joint resolution of Congress might imply a degree of permanence and importance not warranted by the agreement. Moreover, Congress already has power to review the Azores or other base agreements by consideration of appropriations for the base.

I urge Congress to consider the impact which this provision would have on our overall security posture. Failure to delete it will be seen as a deliberate affront to a NATO ally. It would also jeopardize retention of our military facilities in the Azores which are very important for surveillance of Soviet submarine activity ir the mid-Atlantic and for aircraft staging in that area.

I realize that the Congress has a continuing interest in the form in which agreements, such as the agreement with Portugal, are concluded and that the pending amendment reflects that concern. The Department of State will make every effort to keep the appropriate congressional committees informed of important agreements under negotiation and to consult with those committees whenever there is a serious question whether an international agreement is to be made in the form of a treaty, executive agreement submitted to the Congress, or otherwise. I hope, however, that Congress will not allow its concern for working out mutually satisfactory arrangements in this respect to force the United States to backtrack on this important agreement with Portugal.

With best personal regards,

Sincerely,

WILLIAM P. ROGERS.

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LAJES AIR BASE

The strategic mid-Atlantic position of Lajes Air Base, on Terceira Island in the Azores, makes continued unrestricted use of the airfield essential to our nation's antisubmarine warfare (ASW) and ocean surveillance posture, and—in the event of hostilities—also essential to NATO's control of the Central Atlantic. The Azores occupy a key position astride vital commercial shipping lanes from the oil-rich Persian Gulf and the South Atlantic to Europe, North America, and the Mediterranean. Consequently, the islands are a natural choke point and ideal support base for ASW and ocean surveillance operations.

Our facilities agreements relative to the Azores are of precisely the same nature as those entered into with our other European allies in implementation of the North Atlantic Treaty; we use their facilities in the course of fulfilling our NATO obligations, as well as in support of our strictly national plans.

In the current fiscal climate, and within existing or projected maritime patrol squadron or ASW aircraft carrier force levels, there are no acceptable risk alternatives to use of the Azores. To provide a continuous, on-station ASW and surveillance capability equivalent to that afforded to us through use of the Azores would require either more ASW aircraft carriers, more patrol aircraft squadrons, or some combination of both. For example: to keep one aircraft on continuous patrol 360 miles west of the Azores currently requires 10 aircraft operating from Lajes; it would take 30 aircraft operating from Rota, Spain—our closest alternate—to accomplish this same coverage. (In the absence of Lajes, there would be a gap in our ASW and surveillance coverage that would be over twice the size of the state of Texas, a gap plainly evident to the Soviets.)

Due to the geometry of High Frequency Radio Direction Finding, our HFDF facility in the Azores is an essential element in the Atlantic HFDF net. This net provides extremely valuable information about ship and aircraft movements across the North and Central Atlantic. The facility on the Azores is the only station capable of providing 360 degrees coverage of the area.

The Portugese recognize that the quid pro quo we provided in connection with the present agreement is exceedingly modest. They have watched the proceedings related to the Malta base rights agreement—and the generous settlement they produced—with great interest. Since this piece of real estate is so important to our maintaining control of the North Atlantic in the event of hostilities it is essential that we keep our operating rights while we endeavor at the same time to keep the costs to the US as low as possible. Alternative force levels that would be required to offset the loss of Azores operating rights would be prohibitively expensive. The more attention devoted to the issue of the US military presence on the Azores, the more we can expect to pay for renewal of our rights there when the existing agreement expires in two years.

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STRATEGIC IMPORTANCE OF LAJES AIR BASE

The Azores occupy a very key strategic location, covering vital commercial routes from the South Atlantic as well as the approaches to the Mediterranean. As such they can act as a choke point for ASW operations, and provide a support base for surveillance operations and protection of convey routing.

The Atlantic sea lines of communication are vital to the reinforcement of NATO in the event of hostilities.

The major portion of Europe's fuel supply must pass through the sea areas surrounding the Azores.

On any given day there are 1400 Western flag ships on the routes between Freetown and Brest, fully one third of the Western flags in the Atlantic.

Loss of Azores operating rights would have the following impact on NATO and U.S. strategic posture:

Leave an ASW/ocean surveillance gap in

the mid-Atlantic twice the size of the state of Texas, a gap that would be plainly evident to the Soviets.

Require a manifold increase in patrol plane assets to cover the area from the nearest operating base, i.e. areas that 10 aircraft could cover would require 30 aircraft from the next nearest base (Rota).

In the event of hostilities in Europe, reinforcement routes to NATO via the sea lines would be forced northward into higher threat areas. This would be necessary in order to provide some ASW support to shipping from other bases around the Atlantic rim.

Defense against the Yankee class SLBM submarines operating in the area of the mid-Atlantic would be severely weakened. There is simply no strategic alternative which will provide the reaction time, time on station or economy of ASW assets now available through our operating rights at Lajes.

Peacetime operations provide the basic knowledge of Soviet operating procedures and locations that are essential to wartime success. There is no alternative to Lajes for peacetime or wartime operations in the mid-Atlantic area.

Mr. HOSMER. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I simply want to join those who have spoken in behalf of the amendment offered by the gentleman from Connecticut (Mr. MONAGAN) and I urge that it be passed.

If we had our druthers around the world in a lot of situations, those situations would be different. Our philosophy is not the same philosophy of many of those who control much of the real estate of the globe.

But when it comes to an important and vital piece of that real estate—a piece that affects the national interest and the national defense of the United States of America, then we must look to our own self-interests, That is why I support the gentlemen who have spoken in behalf of the amendment and urge that it be passed.

Mr. FRASER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I commend the author of this amendment that appears in the bill. I think the committee deserves to understand what lies behind the amendment.

Portugal is expending most of its defense resources and has deployed most of its armed forces in excess of two-thirds, if my memory serves me correctly, in an effort to maintain control over territories in South Africa, and the southern part of Africa—Angola and Mozambique.

This has been an enormous drain on Portugal's economy.

The Africans are united in opposition to Portugal's efforts to maintain territorial control in the southen part of Africa. They see in the U.S. policies of the past an alliance between the United States and Portugal which assists Portugal in its efforts to maintain this colonial control. Portugal does not acknowledge that it is trying to maintain colonial control. It asserts that these territories, Angola and Mozambique, are actually part of Portugal and that there are indigenous civil wars going on in each of these areas.

All of Africa sees the United States locked firmly into an embrace with the Government of Portugal, which itself has little or no claim to being founded on the consent of the governed. This is a traditional case of the United States being in partnership with a government which does not respect the basic values upon which our Government is grounded—the consent of the governed, the right of free speech, the right of free assembly, and the right to self-determination. This is why I think the Senate, the other body, voted to advise the President that these kinds of agreements relating to the use of the Azores should be submitted to the Senate for ratification. The President took note of this and apparently had no interest in following it.

There was a study made by the Pentagon several years ago as to how important the Azores are. At that time the determination was that the Azores were not essential to the defense of the Western World. It may be that changes have occurred that now make it essential, but that is why this provision calls for submission of the agreement to the Congress so that our colleague from New York (Mr. STRATTON), who is an expert in defense, could appear before the appropriate committees and make the case, as could the Pentagon—the Navy, and the other armed forces. In other words, they ought to explain why it is important for the United States to be locked into this kind of a relationship with an undemocratic government which is expending most of its resources not in support of NATO.

If you look at the force structure of Portugal, you will find that they have virtually nothing to contribute to the NATO defense except perhaps some geography. Their resources are dedicated to the preservation of their African empire. This is not a position I think the United States want to endorse or imply its consent to.

That is the point. Why not submit this agreement to the Congress and have this discussion, and then if the case can be made that this is sufficiently important so that we override our basic concerns for human dignity and decency—if that case can be made, then, of course, Congress will accede and pass the resolution.

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

Mr. FRASER. I will be glad to yield to the gentleman from New York.

Mr. BINGHAM. Is it not also a fact—and I commend the gentleman for his statement—that this agreement is extraordinary in another respect in that it involves the use or nonuse of an agency, the Export-Import Bank, as a kind of bribe for a political purpose? Reference has been made that this involves a small amount of money, I think, by the gentlewoman from Massachusetts. This involves $400 million of Export-Import Bank funds as a kind of quid pro quo for a political agreement. This is the sort of thing that should be submitted to the Congress in the first place for approval. It is out of the ordinary; it is extraordinary; it is not just another executive agreement, and it should have been brought here for full consideration.

Mr. FRASER. I wonder, too, if the gentleman would agree with me that if Portugal is a NATO ally, Portugal would find it in her interest to provide the Azores without charging us for them.

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

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

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

Mr. FRASER. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I certainly would agree with that statement. I think this has been perfectly clear that over the years Portugal wants to have the United States in the Azores, and that, therefore, there is not the slightest basis for the fear that if this provision were to stay in the bill we would lose the right to use the Azores in the meantime.

Mr. FRASER. My understanding is, and I may be mistaken, that we do not pay anything for the submarine base at Holyloch. I think the British find that our presence there is in their interest and in our interest under the NATO Treaty. Portugal, for some reason, extracts from us substantial economic concessions which contribute to her capacity to wage this colonial war in the southern portion of Africa. This is what is disconcerting.

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

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

Mr. DELLUMS. I thank the gentleman for yielding to me. I would like to commend the gentleman for his candid and articulate remarks. I think he has made the point very clearly. I associate myself with the gentleman's remarks.

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

Mr. FRASER. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, is it not true that if the language that is in the bill would remain, we would be breaking the agreement? What the gentleman says is that Congress was not advised, which is valid, but in view of the fact that the agreement has 1 more year to run, I see no valid reason to abrogate that agreement for whatever reason. When it is renegotiated, that would be the time to bring up the proposition that the language in section 7(y) proposes to deal with, but it does not belong in the bill at this time, I submit.

Mr. FRASER. I would only say to the gentleman, we have the same effect when we refuse to appropriate money, as we have recently, and we have broken some international agreements. There seems to be no concern about breaking international agreements. It seems to me the review of this agreement is not an extraordinary thing.

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

Mr. Chairman, I have over 40,000 Portuguese Americans in my constituency. While I have not been to Angola and Mozambique, I have been on several occasions to Portugal, and I am in intimate contact with many Portuguese Americans in this country.

In my view Portugal has made great strides with the economic assistance and to some extent the military assistance

we have contributed. They are making great strides in the fields of education and social programs and, yes, they are leaning toward becoming a more democratic nation.

Certainly if we can approve the rapprochement with China and with Russia, whose democracy is nowhere near that which we find in Portugal, we can have hopes for Portugal's future. I believe that in this case benefits will accrue to us and to the Portuguese that will far exceed those which we can hope in the immediate range to flow from our arrangements with Russia and China.

I would hope we will be patient with Portugal and its problems. The Portuguese have made great progress, and I know they can make more as they come into closer and closer contact with us and other democratic nations.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to clarify very briefly the connection that the Export-Import Bank has with the agreement that was entered into with respect to Portugal. The gentleman from New York (Mr. BINGHAM) charged just now and he made a similar assertion yesterday, that there was some kind of abuse of normal procedures, to which he objected. As I recall it, the gentleman said there was some kind of bribe involved.

That is quite obviously not the case, Mr. Chairman. I think the gentleman from New York may be deceiving himself into thinking there has been some kind of abuse, and I am afraid he might conceivably be confusing others.

Let me read the statement about the lease from page 9 of the committee report:

> The United States has agreed to provide a 2-year Public Law 480 program in the amount of $15 million per year. Also, the Export-Import Bank of the United States has declared its willingness to provide, in accordance with its usual loan criteria and practice, the financing for U.S. goods and services for development projects in Portugal.

There is nothing under cover. There is nothing unusual about this procedure. There is no kind of bribe involved at all. These are the normal practices followed by the Bank, and I think the situation needs to be clarified, to eliminate any possible misunderstanding that the remarks of the gentleman from New York might have left.

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

Mr. KEITH. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I do not want to take further time on this, but, as I pointed out yesterday and as is very clear in the committee report, the program of economic assistance is very clearly stated to have been in lieu of a formal payment for the base rights, and the program of economic assistance included $400 million of Export-Import Bank loans.

If the normal procedure for the Export-Import Bank were to be followed there would be no figure and there would be no assurance. The projects would be listed one at a time on their merits.

It is perfectly clear that the administration made a commitment that Portugal was going to get $400 million of Bank loans in return for the base rights.

I thank the gentleman for yielding.

Mr. ANDERSON of Tennessee. Mr. Chairman, I strongly support the amendment offered by the distinguished gentleman from Connecticut.

If his amendment fails, we will seriously jeopardize our continued use of the Azores Islands for vital military purposes.

These islands, and the facilities which the Government of Portugal makes available to U.S. forces, are essential to our Nation's antisubmarine warfare and ocean surveillance efforts. They would play a central role in winning a battle of the Atlantic and in reinforcing our forces in Europe in time of war.

From the Azores Air Base, our patrol squadrons are able to maintain surveillance over some of the most important sea lanes in the Atlantic, including the vital tanker routes from the Persian Gulf to Western Europe. As we become more dependent upon Middle East oil, the Azores will become even more important to our own security.

Loss of this base would create an enormous ASW/ocean surveillance gap in the Central Atlantic, about twice the size of Texas. This gap would be plainly evident to the Soviet Union and could easily be used either against allied shipping or as a sanctuary for their ballistic missile submarines. To cover the same area from Rota, the nearest other airfield, would require at least three times as many patrol aircraft as we would use from the Azores. In short, we cannot place our use of this air base in jeopardy, without seriously considering the greater effort and money otherwise required.

Another facility which we cannot afford to lose is the high frequency direction finding facility now located in the Azores. Both geography and the geometry involved in radar direction-finding makes the Azores facility the indispensable hub to our Atlantic direction-finding network. This network provides invaluable information on ship and aircraft movements across the North and Central Atlantic.

We all understand the necessity for our Armed Forces to conduct peacetime operations in areas which could become wartime theaters. Only in this way can the procedures and patterns of a potential enemy be made familiar to our forces.

At the same time, our forces gain the invaluable experience of actually operating in areas of critical wartime importance. More important, our readiness in peacetime is fundamental to the deterrence of aggression. Current operations from the Azores are a central part of that deterrent posture.

To summarize, the security of the United States and of the NATO Alliance depends heavily on the continued unrestricted use of facilities in the Azores by our Armed Forces. The present agreement between the United States and Portugal providing for this necessary usage was properly executed under the provisions of the North Atlantic Treaty and need not be made subject to a separate treaty ratification as the amendment being discussed would do. Therefore, I urge your support in deleting section 7(y) from the Foreign Assistance Act of 1972 and pass Mr. MONAGAN's amendment for deletion.

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

Mr. Chairman, I believe the vote on this amendment is not whether to approve or disapprove of Portugal's policies in Africa, but really and particularly whether or not we consider that the expertise of the gentleman from New York (Mr. STRATTON) and some others, who point up that the Azores are critical for American national defense, is of importance.

I wish to add my reservations about the language in section 7(y) of the amendment to the foreign aid bill of 1972. The amendment will jeopardize the use of facilities in the Azores that are of vital importance to the security of the United States and to NATO.

The strategic location of the Azores permits our Navy to operate its long-range patrol aircraft into the central and North Atlantic. Loss of these operating privileges would require a tenfold increase in patroling aircraft to approximate the same coverage. Even then, thousands of square miles of ocean would not be covered at all. The increased threat to the United States from Soviet ballistic missile submarines is obvious.

Loss of the operating bases in the Azores would degrade the ASW protection for the vital sealanes that link the Mediterranean, Europe, and the United States including Europe's lifeline of oiler tankers from the Persian Gulf.

Peacetime operations from these bases provide the knowledge and experience necessary for wartime success in the area. Lajes Airbase in the Azores also provides invaluable staging and support facilities for replacement of tactical aircraft for our air and naval forces in Europe and the Mediterranean.

The high frequency radio direction finding facility in the Azores is the indispensable hub of the entire Atlantic direction finding network. Its loss would render incalculable harm to the U.S. surveillance effort in the Atlantic.

The agreement which allows our unrestricted use of facilities in the Azores was properly concluded with Portugal under the North Atlantic Treaty and is similar to those agreements we have with our other NATO allies regarding operating rights. Enactment of this amendment would give unneeded publicity to this present agreement and could lead to difficulties in renewing it.

Without the facilities in the Azores, many more ships and aircraft would be required in order to gain control of the Central Atlantic. The fiscal realities of the day make that kind of funding unlikely. Therefore, I believe it imprudent for the Congress to risk precipitating an action which would require major expenditures to avoid compromising the Nation's security.

I urge the deletion of section 7(y)

from the Foreign Assistance Act of 1972 by passing Mr. MONAGAN's amendment to strike this section of the bill.

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

Mr. LEGGETT. I certainly yield to the majority leader.

Mr. BOGGS. I commend the gentleman on his statement. I believe he is exactly correct.

Mr. Chairman, I strongly support the esteemed Congressman from Connecticut in his proposed amendment to strike section 7(y) from the Foreign Assistance Act. A number of my colleagues and I have become increasingly concerned about this section and the dangerous consequences which it would have for the security of the United States. From my contacts with responsible officials in the State and Defense Departments, it is apparent that my concerns are unanimously shared at all levels within those Departments as well. This section which was approved by the House Foreign Affairs Committee as an amendment, provides that all assistance and expenditures in support of the Azores agreement will be terminated unless the Senate advises and consents to the agreement or both Houses of Congress approve of such agreement by resolution.

The offers made by the United States to Portugal under the agreement dated December 9, 1971 were all in accordance with existing congressional legislation. They consisted of the initiation of a Public Law 480 program; consideration of specific Portuguese development projects by the Export-Import Bank; an oceanographic research vessel; $1 million to assist Portugal's educational reform program; and up to $5 million in excess nonmilitary property. Action taken now in the form of a proposed amendment to modify this legislation would undermine a commitment made by the United States and negotiated in good faith by the two governments concerned.

I am particularly concerned that this action could jeopardize our retention of key military facilities in the Azores and thus have serious consequences in respect to our security interests in the Atlantic and European/Mediterranean areas.

As you are well aware, the Azores continue to be of major strategic importance to the United States. Specifically, our facilities located there contribute to U.S. security needs as follows:

The naval expansion of the U.S.S.R. serves to increase the strategic significance of the largely ASW-related ocean surveillance activities conducted from the Azores.

Favorable weather conditions generally prevailing in the area cause the Azores air base to be regarded as extremely valuable for aircraft refueling and staging over that part of the Atlantic.

The Azores communications facilities and navigational aids contribute importantly to the effectiveness of air and naval operations in the mid-Atlantic.

The base serves as a key installation for search and rescue operations and as an emergency landing facility.

The Azores base is an important link in our defense arrangements pursuant to the North Atlantic Treaty and has a significant role in the United States' ability to move materiel and reinforcements to Europe and to the Mediterranean area. Further, the Azores provide the United States with the most economical means of accomplishing its security missions in the mid-Atlantic. Considerable costs would be required to try to duplicate these facilities elsewhere. Moreover, from an operations standpoint, significant elements of the mission of the Azores-based units could not be carried out satisfactorily at other locations.

In view of the above, I am hopeful that my colleagues will see fit to join me in supporting the Monagan amendment to delete section 7(y) from the Foreign Assistance Act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. MONAGAN).

The amendment was agreed to.

Mr. HEINZ. Mr. Chairman, today and tomorrow as we consider the Foreign Assistance Act of 1972 and I rise to express grave concern about at least one area of this funding proposal.

It has come to my attention, and is being thoroughly investigated by both my Washington and Pittsburgh staffs, that the Government of South Korea is involved in what appears to be an alleged incident that hints at impropriety, if not outright extortion, involving an American citizen and constituent of mine from the 18th Congressional District of Pennsylvania.

I will relay the facts as I have them:

Some months ago in Korea, Capt. and Mrs. Robert Verona were approached by a Korean woman who indicated that her infant son, fathered by an unidentified American, would have a better environment in which to grow if he were adopted by Americans, specifically the Veronas.

The child, Sin-Li Ki, was placed in the custody of the Veronas by the mother who signed away her legal right to the child and formal adoption proceedings were begun. These were successfully completed in May of this year and shortly thereafter, as the Veronas were due for return to the States, formal application for a passport was made with the official government passport agency in Seoul.

Due to processing circumstances, the Veronas were forced to return to this country without their new son, who is now known as Anthony Richard "Ricky" Verona. He was placed for the time being with American friends of the Veronas, the Dunns, in Korea.

When the Dunns attempted to resolve the situation, they were informed by the passport agency officials, that an additional $200 "fee" was necessary before the child's papers could be finally processed.

This prompted the Dunns to contact the U.S. Government Administration Counselors Office in Seoul where they were told, after an investigation by that office, that everything was in order and that no additional payment was to be made.

When the Korean passport office officials were informed of this, they then told the Dunns that a "new" complication had come up and that the child would have to be placed in an orphanage for a period estimated at some 45 days until the matter could be resolved.

I am shocked and greatly disturbed by this information, which is being verified by Korean Embassy staff personnel here in Washington.

I reiterate the story to emphasize to my colleagues that I am serving notice that I will not rest until this matter is fairly and quickly resolved. I fully intend to wage an all-out battle on the floor of this Chamber to postpone or delete any appropriation of funds for Korea when the foreign aid appropriation comes before us later if I determine that the Korean Government is guilty of perpetrating such an extortion on American citizens. It is one thing to assist a friendly nation through foreign aid. It is quite another to bankroll irresponsible government that condones the equivalent of kidnapping helpless children.

Mr. COTTER. Mr. Chairman, I want to commend the constructive action of the Foreign Affairs Committee in its decisions on programs dealing with Israel. I well know of the strong bonds our country has with the beleaguered nation of Israel. Our country has never refused to provide needed assistance to this courageous nation and the funds provided in the foreign assistance bill continues this commitment.

By this action Congress will provide over $50 million of supporting assistance and earmark over $300 million, almost one-half of the entire military sales program, to be available solely to Israel.

This action assures that Israel will not be without the assistance of the United States. I am proud to support this legislation and I will oppose any effort to limit this needed aid to Israel.

Mr. BADILLO. Mr. Chairman, I harbor some very grave concerns over a number of aspects of our foreign assistance program and I continue to be troubled by certain policies on which our giving of aid is based. However, I rise in support of this legislation as it affords the House another opportunity to clearly go on record that we are opposed to a continuation of the senseless, bloody, immoral and illegal military misadventure in Southeast Asia.

Section 13 of this measure calls for the termination of American military activities in Indochina before the end of this year, contingent upon the release of U.S. prisoners of war, an accounting of the missing and a limited cease-fire. Surely action on such a modest proposal is long overdue and the Congress must not shirk from the responsibility of taking the initiative to bring an end to the war in Indochina.

Congress has already made clear its intent that all military operations of the United States should be terminated in Southeast Asia. Last November we enacted Public Law 92-156. Last year we also repealed the Gulf of Tonkin resolution which had repeatedly been cited as the legal basis for our intervention in Indochina. I believe that by taking this action we attempted to clarify that the

President had authority to follow one and only one course of action in Vietnam—to withdraw U.S. troops and end the war.

However, Mr. Nixon apparently failed to receive the message. Instead of taking meaningful action to bring an end to our involvement in this disastrous and costly war, he moved to escalate our military involvement by resuming the bombings of the north and mining the harbors of North Vietnam. Further, he has, through one means or another, discouraged the efforts of the negotiators in Paris. The efforts of his personal emissary, Dr. Kissinger, have been completely fruitless and the national security adviser has returned from secret negotiations empty-handed. In the process of continuing to vigorously prosecute the war and needlessly escalate our presence and involvement in it, Mr. Nixon has done grave damage to the very foundations of this republic by ignoring provisions of the Constitution and by disregarding international agreements to which the United States is a party.

Mr. Chairman, our Democratic colleagues mandated the Foreign Affairs Committee to report legislation establishing a date certain by which all U.S. military involvement in, around, and over Indochina would be terminated. Such legislation is now before us and I commend the committee for taking such action. We have no alternative but to lend our fullest possible support to the letter and spirit of section 13 and enact legislation to bring a prompt end to the war. Our constituents fully expect us to take such action as poll after poll indicates that the vast majority of Americans are sick of being lied to and deceived, of hearing the daily counts of dead and wounded, of having to sacrifice solutions to pressing domestic problems so that the war machine can contribute to rumble along and of seeing the very principles upon which this country was founded ignored or abrogated.

We can wait no longer. In the absence of any leadership by the President to bring about a prompt and effective end to the war in Southeast Asia, the Congress must move to bring a halt to it. I urge our colleagues to support this effort and to firmly resist any attempts to weaken section 13. Let us end at once this darkest of chapters in American history and get about the business of developing solutions to the many and varied problems with which we are beset—housing, education, unemployment, job training, minority rights, health, and countless other difficulties facing us, a great number of which are the direct result of our preoccupation with this war and our grossly distorted national priorities.

Mr. FINDLEY. Mr. Chairman, section 4 of H.R. 16029 amends the Foreign Assistance Act of 1961 to provide an authorization for the appropriation of $769 million for security supporting assistance for fiscal year 1973. According to the committee report, of this amount, $50 million is specifically earmarked for Israel. It also makes available assistance to other nations, including two others in the Middle East.

The committee report goes on to state that—

> Security supporting assistance is an essential element in helping our friends and allies defend themselves. The criteria for providing this supporting assistance and military grant and sales assistance are similar.

In the case of Israel, the $50 million "will allow the Israeli Government to meet the expenditures caused by such extraordinary requirements as the resettlement of new immigrants and increased military burdens."

Few will object to providing assistance to Israel for resettlement of immigrants and to meet its legitimate defense needs. I certainly favor such support.

In fact, I recognize that Israel has been under military threat in the past and may have such problems in the future. Legitimate interests must be recognized, and the United States has a special responsibility in this regard.

Our Government has a similar responsibility to other nations of the area, as expressed in the Middle East Resolution enacted by Congress in 1958 and more recently in our support of United Nations Security Council Resolution 242 which was enacted in 1967.

That support, enunciated by Secretary of State Rogers and restated as recently as April of last year, specifies that—

> The Arab governments concerned should accept a permanent peace based on a binding agreement with Israel, and that the Israelis should withdraw from territories occupied in 1967 when their own territorial integrity and security and their right to exist as a nation were assured as envisaged in the Security Council resolution. That position called for agreement on secure and recognized boundaries in which any alterations from the 1967 lines should be insubstantial.

Today's action should not be interpreted as lessening our commitment as a nation to the implementation of the United Nations resolution. By supporting the U.N. resolution, our Government declares that Arab governments must recognize the right of Israel to exist as a nation and to have the integrity of its territory protected, and that Israel should withdraw from territories occupied in 1967.

The peoples of the Middle East retain a great frienship for Americans. This was made abundantly clear to me on my recent trip to Egypt and Israel, where I was warmly received everywhere I went.

At a time when the status of Soviet influence in Egypt is so fluid, and when the need for peace and stability in the Middle East is so important, it behooves the Congress to make clear its own continuing support for adherence to the 1967 United Nations resolution, and its determination to recognize and support the legitimate rights of all nations in that area of the world.

Mr. BIAGGI. Mr. Speaker, I rise in support of the foreign assistance bill. I especially support section 7 of the bill which calls for the suspension of assistance to Thailand because of their significant contributions to our drug problems. My distinguished colleague from New York (Mr. WOLFF) should be especially cited for his efforts in this field of combating the flow of dangerous drugs into the United States.

I have long been a supporter of efforts aimed at eliminating the illicit traffic of narcotics. Attempts must be made to stop the growth of the drug problem at the source, the overseas supplier. I was an original cosponsor of legislation which called for the cutting off of all economic and military aid to countries who have failed to take appropriate steps to halt illegal narcotic traffic into the country.

It seems tragically ironic that those countries who are receiving our assistance, are at the same time significant contributors to our drug abuse problem. I think the time is long overdue for us to take appropriate actions to halt this outrage. I support the concept of foreign aid, but I vigorously oppose the dispensing of aid to countries who flagrantly abuse our generosity, such as Thailand.

I feel that section 7 of this bill represents a significant step in eliciting cooperation from recipients of our foreign assistance. It is no secret that the opium production in Thailand is quite extensive, and very easily brought into the country. We have seen documentaries on national television and read accounts of the Thailand operations in major newspapers throughout the United States. Yet there are some who will say that it is not in our best interests to stop sending money to Thailand because they are an ally, and it might strain our relations. However, is it not more indicative of an ally to have Thailand cooperate with us in trying to rid the United States of its dreaded drug abuse problem? That is the real issue here.

I urge my colleagues to pass this amendment unanimously and begin to show other countries that we will no longer tolerate the ruination of countless lives by the poison opium.

Mr. VANDER JAGT. Mr. Chairman, the United States and Portugal have significant policy differences over the future status of the Portuguese African territories. Portugal considers them to be integral parts of the Portuguese nation, while the United States under three successive administrations has consistently recorded its position as favoring self-determination for the peoples living in the territories. I strongly support this position. The question of Portuguese Africa, however, has nothing to do with our use of the base facilities in the Azores.

It has been suggested on this floor that in the December 9, 1971, agreement the U.S. Government paid an exorbitant amount in exchange for rights to station troops in the Azores. It has even been suggested that this huge infusion of financial help to the Portuguese Government will permit it to carry on its policies in Africa.

The facts simply do not support such suggestions. What are the facts? First, the figure bandied about as representing the amount of aid that the United States agreed to supply Portugal is around $435 million. If it were true that this Government had made any such deal with Portugal for base rights, I might find myself supporting this section of the foreign assistance bill and opposing the amendment that would strike this section. The truth is, however, far removed from such suggestions. The aid promised Portugal

only consists of the loan of a research vessel, $1 million for educational reform, $5 million in nonmilitary excess equipment—figured as its new acquisition cost, not current value—and a 2-year Public Law 480 program under which we will sell Portugal $15 million in corn per year under deferred payment terms. Portugal will pay for the grain in dollars and with interest. That is it—there is nothing more, and the Portuguese Government would be the first to acknowledge that that is all it got for bases which the United States clearly needs.

At the time that the agreement was reached, the Export-Import Bank announced its willingness to consider—I repeat consider—applications for the export of U.S. goods and services to Portugal in connection with development projects being undertaken there. The Bank clearly stated that these applications would be considered "in accordance with the usual loan criteria and practices of the Bank." Export-Import Bank credit facilities can only be considered assistance in the sense that they assist American companies seeking contracts abroad in competition with foreign firms seeking the same business.

Second, the modest amounts of assistance that I have elaborated on here were specifically made available for projects in European Portugal, not in Portuguese Africa. Some critics would say that such a distinction is artificial, and that any assistance at all which is given to Portugal aids in the retention of the African territories or frees funds for the prosecution of colonial wars. To anyone who is familiar at all with Portugal, this is a clear absurdity. Portugal has been fighting three wars in Africa for the past 10 years without any assistance from the United States. We have a military embargo on equipment for the Portuguese territories, and Portugal as a result manufactures its own war material or gets it elsewhere. Finally, I might point out that Portuguese foreign exchange reserves are now at an all-time high and total roughly $2 billion. Clearly, Portugal has the wherewithal to remain in Africa without depending on the small amount of assistance promised on connection with the extension of the Azores base.

I hope that Members who have been concerned with Portuguese policy in Africa in connection with this agreement will take account of the real facts of the situation and join me in voting for the amendment striking this section from the bill.

Mr. MORGAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes, had come to no resolution thereon.

## GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 days to revise and extend their remarks during debate on the bill H.R. 16029, to amend the Foreign Assistance Act of 1961.

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

There was no objection.

## LETTUCE BOYCOTT

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

Mr. DIGGS. Mr. Speaker, on July 31, I circulated a letter among the Members of the House asking their support and signature of the following letter addressed to all Cabinet officers:

JULY 31, 1972.

DEAR MR. SECRETARY: There is currently a national campaign, involving unions, religious and consumer groups, to boycott iceberg lettuce which does not carry the seal of the United Farm Workers.

This boycott has developed as the last resource available to thousands of agricultural workers in the western United States who are forced to work under sub-standard and difficult conditions for sub-standard salaries.

We are asking you, in the name of hundreds and thousands of concerned citizens both here in the District and throughout the United States, to instruct Government Services Incorporated to suspend their purchases and deliveries of non-UFW lettuce to your departmental cafeteria.

This would be a significant step toward ending any exploitation of citizens who work in the agricultural industry.

In response one of our colleagues stated that such action would be interfering in a jurisdiction dispute between two labor unions, the United Brotherhood of Teamsters, and the United Farm Workers.

Mr. Speaker, there is no jurisdiction dispute. The jurisdictional dispute that did arise soon after the termination of the grape strike was settled over 16 months ago on March 26, 1971, in Los Angeles, Calif. This information was reconfirmed by conversations with representatives of the two unions here in Washington, and with officers of the Western Conference of Teamsters in California.

Let me address myself to two questions raised in a communication mailed to all congressional offices which was a direct response to my own letter.

First. It is understood that there is no strike in progress at the present time. What we are most concerned about is the national boycott of lettuce. The strike, which ended in 1970, is important only insofar as it indicates workers' support for and cooperation with the United Farm Workers Union.

Second. To say that 90 percent of all lettuce in California is harvested by union labor says little, and also misses the point. Growers, Teamsters, and UFW are all aware of that, but that is not important.

What is important is that the growers have refused to act on the fact that the Teamsters and the United Farm Workers have agreed that the UFW should represent the field workers.

At issue here is a dispute between the unions and the large agribusinesses that dominate much of the lettuce growing industry in the West.

On March 26, 1971, the leaders of the two unions met and resolved the key questions that affected the two unions and the agricultural workers.

The Teamsters, it was mutually agreed, would have jurisdiction over all workers engaged in packing and processing the lettuce. The United Farm Workers, on the other hand, was given jurisdiction to organize and represent field workers; that is, those who prepare the fields for planting, cultivating, and engage in manual harvest. Having reached this agreement, the Teamsters then announced they would step out of the contracts with the growers, and allow the UFW to enter into new contracts with them.

From that point on until today there has been no question of interunion disputes.

Rather, the question becomes this one: "Will the lettuce growers accede to the joint Teamsters-UFW agreement and allow the UFW to organize the field workers in the lettuce industry?" The response from the growers has been a long and consistent "No."

Further, they maintain that certain UFW demands concerning hiring hall practices and rights to strike during harvest are impossible to accept.

It is becoming increasingly clear that agricultural workers, particularly minority workers in this area, are demanding the same rights and the same kinds of benefits enjoyed by industrial workers.

I urge my colleagues who are interested in manifesting their support for the United Farm Workers in a meaningful way to cosign this letter to the Secretaries of the departments and the heads of the independent agencies.

I repeat that this is not a jurisdictional dispute between two competing unions. Those issues are resolved. The issue is whether or not the growers will agree to let the UFW organize the field workers, as the unions among themselves have agreed is the correct and just path to take.

## HANOI'S DIKE DUPLICITY

(Mr. GROVER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROVER. Mr. Speaker, it is important that the true facts about North Vietnam's antiquated flood dike system be known by the American people in anticipation of a cresting in September by both the Red River and Hanoi's propaganda harpies at home and abroad.

The story is well stated in a recent editorial by William Randolph Hearst, which I set forth for the RECORD:

A MEMO ON DIKES

(By William Randolph Hearst, Jr.)

SAN FRANCISCO.—Today's column consists of a memo to me from Bill McCullam, our chief editorial writer in New York City, in which he enlarges at my request on an eye-opening editorial he wrote and sent to our papers.

The editorial appears in today's papers—and I think you will be as interested as I was in reading this incisive run-down on the important and controversial question it dis-

cussed—is the United States deliberately bombing the dikes of North Vietnam?

This question has made a lot of news recently, and it's going to make a lot more for reasons which will become clear. So, being more or less on vacation, I am happy to be able to knock off my own writing this week in favor of what follows—and here 'tis:

DEAR BILL: As stated in my editorial, it was less than six weeks ago that Hanoi launched what I called one of its most diabolic and successful propaganda offensives. It is most important to understand the timing of the campaign, and how carefully it has been orchestrated.

Having seen them first hand, you know that those primitive dikes are nothing like those in Holland. Instead they are a 2500-mile-long maze of interconnected earthen levees, hundreds of years old, whose prime function is to control the annual floodwaters of the Red River Delta.

In 1954 literally millions of the 15 million peasants living in the Delta died by drowning or famine when the dikes failed. Last year, with the dikes in disrepair because of war-caused manpower shortages, a similar tragedy struck.

This year the dikes are in worse shape than they have ever been, largely because normal erosion and collapses have gone untended. Manpower for repairs is in far shorter supply than ever. And meanwhile the floodwater season of September is as imminent as the potential mass disaster that season involves.

With this factual background, and under this looming threat of nature, the North Vietnamese in late June began their latest propaganda offensive—pushing charges that the U. S. is deliberately bombing their system of dikes and dams.

Xuan Thuy, Hanoi's chief negotiator at the Paris talks, was one of the first to make the charge. He alleged that the U. S. is "purposefully creating disaster for millions of people during the coming flood season." He still was repeating the charges in Paris last Thursday.

Simultaneous with the launching of their allegations, the North Vietnamese Communists began conducting guided tours of the labyrinthian dike system. The Swedish ambassador to Hanoi and various correspondents of European newspapers there were escorted to selected areas where damage had clearly or presumably been caused by bombs.

In no time at all the haters of America, and those here at home seemingly willing to act as Communist agents, began echoing the enemy claim—that the U.S. was engaged in a calculated and monstrous crime against millions of helpless people.

At the same time Hanoi's invitations continued. Actress Jane Fonda, the far left activist who seems to be testing the limits of free speech, went and returned to vast television coverage with a movie showing damaged dikes which she claimed showed how they "are being bombed on purpose."

Right now, at Hanoi's invitation, former U.S. Atty. Gen. Ramsey Clark is in North Vietnam to study alleged dike bombing as a member of a Swedish-Russian hatchet group called "The International Commission of Inquiry into U.S. Crimes in Indochina." Its early and predictable report undoubtedly will make headlines in much of our own press.

A major propaganda coup for the enemy came when Kurt Waldheim, who succeeded U Thant as Secretary-General of the United Nations, returned from a trip to Moscow and said that on the basis of what he had heard from "unofficial sources" the bombing of dikes was deplorable and should be stopped.

As noted in my editorial, this was too much for President Nixon. He said, appropriately: "I note with interest that the Secretary-General, like his predecessor, (has) seized upon enemy-inspired propaganda."

And that's exactly what it is. Mr. Nixon and others of our top officials freely admit that some American bomb damage inevitably has been done to the dikes near military roads and targets. But, as he said, if we were deliberately bombing the dike system it would by this time be in a stage of complete ruin.

What the enemy doesn't admit, meanwhile, is that a good portion of the military damage to the dikes unquestionably has been caused by the fallback of its own SAM missiles.

As many as 500 of these big surface-to-air missiles have been fired at American planes in a single 48-hour period—mostly missing. When these missiles return to earth, often near or on dikes and dams, they can and do create very considerable craters.

The whole point, Bill, is that the enemy is faced with a looming mass tragedy in the coming flood season and is seeking—all too successfully—to blame us in advance for the disaster they fear.

Millions of people around the world, thanks to the Jane Fondas, the Kurt Waldheims and others now being indoctrinated and soon to be heard from, already are either convinced or suspect that we are indeed bombing the dikes deliberately.

It is really astonishing how effectively a lie can be spread when the Communist transmission belt works overtime. In this case you would think that official denials would be unnecessary. Common sense should convince anybody that a mass, sustained aerial attack on Hanoi's dike system would be verified at once and without any question whether it had happened.

There has been no such attack—and now there never will be, even though it was deliberate bombing of dikes which led directly to a halt of enemy hostilities in the Korean war. President Nixon has said, in answer to the enemy charges, that such bombing "is not our policy now, and will not be in the future."

What I tried to show in my brief editorial was that Hanoi thus not only has shifted blame for a possible mass tragedy from its own shoulders to ours—it also actually has defended its dike system from any truly deliberate attack, using propaganda alone.

I repeat what I said in my editorial—any way you look at it, the latest Hanoi propaganda offensive is a masterpiece of successful duplicity.

Signed—BILL MCCULLAM.

## POLITICS IN THE SPANISH SURNAME GRANT PROGRAM

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

Mr. KOCH. Mr. Speaker, in May of this year, several Puerto Rican constituents came to see me about the allocation of funds to Spanish surname projects by the Departments of Labor and Health, Education, and Welfare and the Office of Economic Opportunity in what they felt was a blatantly political way. They advised me that while applications for poverty funds from groups other than the Spanish surname groups were processed regionally, the Spanish surname applications were processed centrally in Washington. The reason, they suggested, for this central allocation was to funnel moneys into a special sector of the Spanish surname grouping which would be disposed to vote Republican. They pointed out that the overwhelming number of grants went to the Southwest States to deal primarily with the needs of Mexican-Americans.

To ascertain the validity of their allegations, I wrote to each of the three Departments asking seven questions, by letter dated June 1, 1972. A copy of this letter is appended at the end of this statement, as is the correspondence had on the matter.

Mr. Speaker, I would think that the questions raised could have been readily responded to by any Department conversant with the matter. And yet as of today, only the Department of Labor has attempted to answer my questions point by point; the Department of Health, Education, and Welfare has sent a partial answer. None, however, has answered the basic question of why the Spanish surname projects are centrally funded in contradistinction to all other poverty projects which are regionally funded.

However, Phillip Sanchez, Director of OEO, last weekend let the cat out of the bag. He was interviewed on various radio programs, one of which I happened to hear in New York City. The inference of his remarks was that the Spanish surname projects were, indeed, subject to political use and the President was seeking to win approval of particular groups through the use of funds. I am in no way condemning the use of funds to aid Mexican Americans or any other group eligible to receive the limited poverty funds available. But, it is not fair that Puerto Rican citizens, who are less likely to vote Republican, should suffer financially by being unfairly treated by the various executive departments charged by Congress with the equitable distribution of funds made available to them.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., June 1, 1972.*

Mr. FRED ROMERO,
*Research and Planning,*
*Department of Labor,*
*Washington, D.C.*

DEAR MR. ROMERO: I have received complaints from Puerto Rican constituents who believe that the present distribution of funds allotted for Spanish surname projects, by your Department, to be inequitable vis a vis the Puerto Rican community. They have advised me that there are four Spanish surname groups to wit: Mexican-Americans, Puerto Ricans, Cuban-Americans, and Latin-Americans.

Furthermore, they advise me that while poverty groups other than these four, e.g. Blacks and Jews, have their needs and applications processed locally, the Spanish surname group applicants are processed centrally in Washington. The net effect, it is alleged, of such centralization is that the overwhelming monies earmarked for Spanish surname groups have gone to the Southwestern states to deal primarily with the needs of Mexican-Americans.

In order for me to respond to the constituents request for support, it would be most helpful to have answers to the following questions:

1. What ethnic or cultural communities make up the Spanish surname group for your purposes?

2. What is the numerical population breakdown of each such defined community?

3. In the current fiscal year how much money has been allotted by your Department for each of such communities within the Spanish surname group?

4. What cities and states have received Spanish surname grants from the current fiscal year appropriation, covering which groups within the Spanish surname group, and in what amounts?

5. Are there funds still remaining within this year's fiscal budget which have not yet been allocated?

6. What are the reasons for having Spanish surname applications processed centrally? And, have you under consideration any request that Spanish surname groups be regionalized for processing of applications so that the prospective beneficiaries of these grants would have greater input in the decision making process?

7. Are any changes contemplated by your Department for the next fiscal year to deal with the problems raised by my constituents—and if so what are they?

I would like to thank you in advance for your consideration of this matter, and I look forward to hearing from you soon.

Sincerely,

EDWARD I. KOCH.

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U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
*Washington, D.C., July 31, 1972.*

Hon. EDWARD I. KOCH,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN KOCH: Thank you for your recent letters to Mr. Fred E. Romero which he referred to me for response. In reference to issues which you raised in your letter regarding equitable distribution of manpower dollars among Spanish-surname groups, I believe that the following information will be of use to you:

The ethnic or cultural communities which make up the Spanish-speaking group for our purposes are as follows: (1) Mexican Americans, 5.1 million; (2) Puerto Ricans, 1.5 million; (3) Cubans, 565,000; (4) Central and South Americans and other persons of Spanish-speaking subgroups; a large diverse group making up 23% of the Spanish-speaking population.

The Manpower Administration recognizes and is concerned with the needs of all Spanish-speaking people in general and, therefore, does not give priority emphasis in manpower planning and dollar allocations to any particular subgroup(s) within the Spanish-speaking community. The size of funds provided for programs for the Spanish-speaking is determined by local universe of need in *conjunction* with innovative and results-oriented programs. We are not able to give you a specific accounting of monies allocated to serve one particular subgroup since most programs funded are geographically located to cover as many or all of the subgroups within the Spanish-speaking community.

However, the following current Department of Labor efforts will give you some indication of manpower programs funded in areas with high concentration of Puerto Ricans and other subgroups of Spanish origin:

1. A $2.8 million Veterans Outreach Program was funded with the American G. I. Forum to serve 12,000 to 13,000 returning Vietnam veterans. The services to be provided include outreach, counseling and referral to educational institutions, job training and jobs. The program will operate in 22 cities, and includes the cities of Paterson, Newark and Camden/Philadelphia which are largely populated by Puerto Ricans. The American G. I. Forum will subcontract for services in these areas with a Puerto Rican organization.

2. A national contract was let with the Puerto Rican Forum in New York City to render technical assistance to manpower operators in the use of the Basic Occupational Language Training (BOLT) system. Additionally, at the request of the New York Regional Office the Puerto Rican Forum contracted to teach Spanish to about 15 federal employees in the New York Regional Office.

3. Developed an English training plan using English as a Second Language methodologies in 27 different locations across the United States. Included are the States of New York and New Jersey, which are largely populated by Puerto Ricans. This effort is funded for $2.5 million and will involve several Spanish-speaking organizations delivering services to approximately 750 trainees.

4. Sixteen to eighteen year old Puerto Rican NYC Out-of-School enrollees in New York City are offered five hours per week classroom instruction to improve their English.

5. Five-hundred thousand dollars was used to provide Mayors CAMPS committees in 40 cities with additional Spanish-speaking staff positions. Twelve of the 40 cities earmarked to receive the additional CAMPS grants are largely populated by Puerto Ricans.

6. Operation SER, recognized as the largest manpower delivery vehicle for the Spanish-speaking was funded for $9.5 million to provide manpower services for approximately 4,000 trainees in 29 major cities. Three of the 29 program locations are largely populated by Puerto Ricans.

The following programs have been funded and are located in cities reported as having high concentration of Spanish-speaking in need of manpower services:

1. Approximately 1,900 participants will be served in four correctional manpower projects funded at a cost of $1,663,000. They are located in San Antonio; Albuquerque; Denver and the California Bay Area. These cities are largely populated by Mexican Americans.

2. A $4 million contract was let with the National Urban League to prepare 2,180 minority workers in 42 cities for apprenticeship or full journeyman status in construction unions. Eight of the 42 cities have Hispanic-American quotas and are largely populated by Mexican Americans and Cubans.

3. The DOL provided $431,843 in funds to the U.S. Civil Service Commission to establish an upgrade training facility in San Antonio which is largely populated by Mexican Americans.

4. Project SABER in Miami, Florida was funded at a cost of $597,000 for one year to provide work experience and basic education to approximately 225 Cubans and other Spanish-speaking adults residing in that area.

5. Forty-five Spanish-Speaking NYC In-School enrollees (juniors) from across the country were selected to participate in a Summer Intern Program.

The above programs represent part of the Manpower Administration's overall plan to improve manpower services to the Spanish-speaking during fiscal year 1972.

The Department of Labor recently compiled an official list of 47 cities which reflect Spanish-speaking populations of 10,000 and above. Priority emphasis is given to these cities in program planning and allocation of funds to insure that the target groups' needs are met. Twelve of the 47 cities are reported to have high concentration of Puerto Ricans.

Our policy regarding the processing of applications from Spanish-surname and other racial/ethnic groups at the national and local levels is consistent with the Administration's current thrust towards decentralization of manpower planning and decision-making. The vast majority of funds for manpower training programs are allocated to the Department of Labor's Regional Offices for distribution to states within their jurisdiction. Therefore, funding of programs must be accomplished through the state mechanism which accommodates area manpower plans funded from the Apportioned Account.

Programs receiving first year funds from the Unapportioned Account are considered experimental and demonstrational pilot projects. If they are to continue, subsequent requests for funds must be submitted through regular channels, i.e., funding of projects at the state and local levels. Spanish-surname groups will, therefore, be better able to lessen their dependence on national and regional authorities for funding of local projects and will have greater input in the strategic planning of manpower programs at the local level.

Exceptions are made by the Manpower Administration with major manpower delivery systems funded from the National Unapportioned Account on a year-to-year basis, i.e., Operation SER, OIC, etc., which require National Office planning, development, and implementation. These contracts are retained at the National level until it is determined that a transfer of program responsibilities and activities to the regional level will be in the best interest of the program.

Inasmuch as all funds have been committed for fiscal year 1972, the Department of Labor will continue to develop and implement specific action plans which will benefit the Spanish-speaking and other minority groups during fiscal year 1973.

The Department of Labor recognizes that, in spite of all its efforts, much more personal effort by every person involved in manpower is required in order to correct inequities and improve manpower services to the Spanish-speaking people. A task committee has been appointed to develop plans to insure that all Spanish-speaking citizens receive their equitable share of manpower programs and dollars and they will be dealing with the very issues raised by your constituents.

I am hopeful that I have been of assistance to you in this matter. If you have further questions or need more information, please do not hesitate to contact me.

Sincerely,

FREDERICK L. WEBBER,
*Special Assistant for Legislative Affairs.*

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OFFICE OF ECONOMIC OPPORTUNITY, EXECUTIVE OFFICE OF THE PRESIDENT,
*Washington, D.C., August 4, 1972.*

Hon. EDWARD I. KOCH,
*Congress of the United States,*
*House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN KOCH: Thank you for your letter of June 1, 1972, addressed to Mr. Pete Mirelez, and please accept our apology for the delay in answering.

In June, 1971 the Office of Economic Opportunity allocated just over $3.2 million to fund ten (10) special emphasis programs for disadvantaged Mexican Americans, Puerto Ricans, Cuban Americans, and Latin Americans. Enclosed you will find summaries of each of the ten programs.

Six bilingual educational programs received a total of $1,660,649. Of these six, five are located in the Southwest, where 87% of the Spanish speaking population lives. The remaining program, ASPIRA, is located in New York, and in specifically for Puerto Rican students. It is funded for $498,086.

Additional, three multi-regional programs which are designed to serve Spanish speaking communities nationwide have been funded for $1,528,939.

Also, a Cuban American Manpower Research Program located in Miami, Florida, is being funded for $75,000.

The United States Census Bureau has no numerical population breakdown of each defined community. However, their statistics show that there are 8.1 million people in the Continental United States with Spanish surnames. Of these 1,450,000 are Puerto Ricans. According to these statistics, the Puerto Rican community should receive approximately 20% of our Spanish speaking funds. In actuality, however, more than 25% of our total Spanish speaking program budget, including educational housing and manpower programs, is spent in Puerto Rican communities. This also includes the $1,000,000 which was allocated to six Regional offices (Denver, San Francisco, Dallas, New York, Chicago and Atlanta) for the funding of Spanish speaking programs. Attached you will find a breakdown of the programs funded by the regions.

The Office of Economic Opportunity is presently operating under a continuing resolution. Because we have not yet received our

FY '73 appropriation, we have not set any priorities for FY '73 funding of Spanish speaking programs. We do intend, however, to continue developing programs at a national level, as well as locally, which are multi-regional in scope, and which will offer solutions to the wide range of problems faced by Spanish speaking communities across the country.

Thank you for your interest in the Office of Economic Oportunity.

Sincerely,

ROY E. BATCHELOR,
*Assistant Director for Operations.*

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
*Washington, D.C., July 12, 1972.*

Hon. EDWARD I. KOCH,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. KOCH: Please forgive my delay in answering your letter of June 1. One reason for my delay was the process of recovering from an operation on my leg in late May; thus your first letter was not brought to my personal attention until I received your note of June 30.

The questions which you have asked require, in some cases, significant and comprehensive research throughout the Department. In particular, it will take me some period of time to develop accurate and complete answers to your questions numbered three through seven.

With regard to your first two questions:

As far as I am concerned, the Spanish-speaking community of this country is composed of Mexican Americans, Puerto Ricans, Cubans, and others of Spanish descent from the Caribbean Islands, Central and South America, and Spain.

The preliminary census figures in the 1970 Census indicate that there are 5 million Mexican Americans, 1.5 million Puerto Ricans, and 626 thousand Cubans in the United States. There are no figures available on others of Spanish descent.

With regard to the rest of your questions, I am asking the Office of Education, the Social and Rehabilitation Services, the National Institutes of Health, and the Health Services and Mental Health Administration to provide me with the information you have requested.

Additionally, I have requested Mr. Phillip Garcia, Deputy Director, Office of Spanish Surnamed Americans, to contact your staff as soon as we receive the appropriate information from the above HEW Agencies. Please feel free to call on me (962-0742) or Mr. Garcia (963-6952) for a status report.

Again let me apologize for the delay in replying to your request. I trust that we will be able to satisfy your needs as soon as possible.

Sincerely,

CHARLES M. COOKE, Jr.,
*Director, Office of Special Concerns.*

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CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., August 8, 1972.*

ROY E. BATCHELOR,
*Assistant Director for Operations, Office of Economic Opportunity, Executive Office of the President, Washington, D.C.*

DEAR MR. BATCHELOR: I have your letter of August 4 which responds to my earlier letter of June 1. Thank you for the answers which you have provided, but I do want to call your attention to the fact that you have not responded to questions #6 and #7 which relate to the underlying philosophy determining how grants should be made. What is the reason for treating Spanish surname group applications differently from other OEO poverty grants, the latter being regionally processed and the former centrally directed from Washington?

Over the weekend, Director of the OEO, Phillip Sanchez, was quoted on the radio, in effect, that grants were being used by the Administration for political purposes. The explanation for that was that anyone in office who seeks reelection has to respond to needs, and by responding, hopes to get support from the community served. No one would quarrel with such a proposition except where sectors of the community are preferred over other sectors of that same community, as is apparently the case, for blatant political ends.

Mr. Sanchez indicated in his radio comments that a special emphasis is being given to the Mexican-American sector. Many in the Puerto Rican community primarily situated in the Northeastern region of the United States believe that their needs are not being recognized by the Administration because they are less likely to vote Republican than Spanish surname groups in the Southwest.

The statistic of 1,450,000 Puerto Ricans in the continental United States which you cite in defense of the allocation of monies is meaningless in that the Puerto Rican population is not carried in the census past the first generation. The grandchildren of persons born in Puerto Rico who continue to live in the Barrio are not included in the census tract as Puerto Ricans and therefore your allotment for that community is not proportionate with the actual number identifying themselves as Puerto Ricans and living in communities served by the poverty grant.

I should appreciate your addressing yourself to these issues in your response to this letter.

Sincerely,

EDWARD I. KOCH.

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DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
*Washington, D.C., August 8, 1972.*

Hon. EDWARD I. KOCH,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. KOCH: As per my letter of July 12, the U.S. Office of Education, the National Institutes of Health, the Health Services and Mental Health Administration (HSMHA) and the Social Rehabilitation Service (SRS) were requested to supply our Office with the information you requested in your letter of June 1, 1972.

Enclosed herewith are copies of the replies from SRS and HSMHA. As soon as the rest of the information is received, it will be forwarded to you.

Sincerely yours,

CHARLES M. COOKE, Jr.,
*Director, Office of Special Concerns.*

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MEMORANDUM

Date: July 25, 1972

To: Phillip L. Garcia, Deputy Director OSSA/OS

From: Assistant Associate Administrator for Regional Offices

Subject: Information for Response to Congressman Koch's Letter of June 1, 1972 Regarding Spanish Surname Projects.

Dr. Wilson has asked that I respond to your memorandum of July 14 requesting information for use in preparation of a response to Congressman Koch's questions concerning CCOSS projects. Inasmuch as the Director, Office of Special Concerns has already answered the first two of Congressman Koch's questions, we have limited our information below to questions 3 through 7.

Question No. 3: In the current fiscal year how much money has been allocated by your Department for each of such communities within the Spanish surname group?

Answer: See the attached table reflecting the total amounts allotted in Fiscal Year 1972 by location and Spanish surname group.

Question No. 4: What cities and States have received Spanish surname grants from the current fiscal year appropriation, covering which groups within the Spanish surname group, and in what amounts?

Answer: The answer to this question is incorporated in the table referred to in No. 3 above.

Question No. 5: Are there funds still remaining within this year's fiscal budget which have not yet been allocated?

Answer: The deadline for submission of project proposals from the Regional Offices to headquarters for approval was May 1, 1972, and the projects listed in the attached table were approved and funded. Funds appropriated for 1972 are, of course, no longer available for obligation.

Question No. 6: What are the reasons for having Spanish surname applications processed centrally? And have you under consideration any request that Spanish surname groups be regionalized for processing of applications so that the prospective beneficiaries of these grants would greater input in the decision-making process?

Answer: The HEW Regional Office reviewed all Spanish surname applications submitted in Fiscal Year 1972 and forwarded approved applications to headquarters for statutory requirements review and determination of appropriate funding source. Projects falling within the program authority of a decentralized HSMHA program were funded at the Regional level. Projects to be funded by programs not yet decentralized were funded centrally.

Question No. 7: Are any changes contemplated by your Department for the next fiscal year to deal with the problems raised by my constituents—and if so what are they?

Answer: In Fiscal Year 1973, Spanish surname projects applications will compete with all other applications submitted for review and approval.

ALVIN E. HARVEL.

Attachment.

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HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—CABINET COMMITTEE ON SPANISH-SURNAMED PROJECTS

| State and city | Group | Amount |
|---|---|---|
| Arizona: | | |
| Phoenix | Mexican-American | $50,000 |
| Tucson | do | 50,000 |
| Total, Arizona | | 100,000 |
| California: | | |
| Pico Rivera | Mexican-American | 30,000 |
| Sacramento | do | 73,987 |
| San Jose | do | 38,916 |
| San Ysidro | do | 20,000 |
| Santa Barbara | do | 38,286 |
| Union City | do | 67,000 |
| Total, California | | 268,189 |
| Colorado: | | |
| Denver | Mexican-American | 128,000 |
| Fort Lupton | do | 20,000 |
| Pueblo | do | 27,000 |
| Total, Colorado | | 175,000 |
| Florida: Miami | Cuban-American | 145,000 |
| Illinois: Chicago | Mexican-American | 50,000 |
| Michigan: Detroit | Puerto Rican | 112,760 |
| New Mexico: | | |
| Santa Fe | Mexican-American | 74,500 |
| Truchas | do | 87,826 |
| Total, New Mexico | | 162,326 |
| New York: New York | Puerto Rican | 106,150 |
| Ohio: Toledo | Mexican-American | 19,000 |
| Texas: | | |
| Dallas | Mexican-American | 118,230 |
| San Antonio | do | 57,690 |
| Zavala County | do | 239,000 |
| Total, Texas | | 414,920 |

| State and city | Group | Amount |
|---|---|---|
| Utah: Ogden | Mexican-American | $37,000 |
| Wyoming: Rawlins | do | 50,000 |
| Total grants | | 1,640,345 |
| Mexican-American | | (1,276,435) |
| Puerto Rican | | (218,910) |
| Cuban-American | | (145,000) |

MEMORANDUM

To: Phillip L. Garcia, Deputy Director, Office of Special Concerns, OS

From: Administrator, Social and Rehabilitation Service

Subject: Congressional Inquiry Regarding Funding of Spanish Surnamed Projects

The following is provided in response to your July memorandum asking for information requested in Congressman Koch's letter to Mr. Cooke of June 7, 1972.

In your July 12 letter to Koch you provided answers to the first two questions that he asked concerning the ethnic makeup of the Spanish surnamed and the numerical population breakdown for each.

The following identifies the additional questions asked by Koch and provides brief answers to each question:

In the current fiscal year how much money has been allocated by your Department for each of such communities within the Spanish surname group?

In fiscal year 1972 there was no predetermined allocation by SRS for either the Spanish surname group or its constituent elements, i.e., Chicano, Puerto Rican, and Cuban. Spanish surname groups competed for both the R&D funds earmarked for minorities only, and for the non-earmarked R&D monies as well. The SRS training grants policy (copy attached) emphasizes the funding of the education of minority persons and specifies the specific goal of expending at least 25% of all training monies for minority students by fiscal year 1974.

What cities and states have received Spanish surname grants from the current fiscal year appropriation, covering which groups within the Spanish surname group, and in what amounts?

A comprehensive summary is now being completed on all minority R&D and training grants made by SRS in fiscal year 1972. A copy of this report will be forwarded within the next ten days.

Are there funds still remaining within this year's fiscal budget which have not yet been allocated?

All fiscal year 1972 funds have been obligated.

What are the reasons for having Spanish surname applications processed centrally? And, have you under consideration any request that Spanish surname groups be regionalized for processing of applications so that the prospective beneficiaries of these grants would have greater input in the decision making process?

In our minority studies program we have the routine procedure of processing grant applications through the Regional Office. Regional Office critiques of applications and recommendations for funding are forwarded to the Central Office for consideration. This process should provide the prospective beneficiaries significant opportunity to have input to the decision making process. The monitoring of the minority grants is the responsibility of the Regional Offices.

Are any changes contemplated by your Department for the next fiscal year to deal with the problems raised by my constituents—and if so what are they?

We will be meeting with the leaders of each of the minority groups that we have funded during August to review past procedures, successes and failures, and to plan together for future activities in the minority studies area.

JOHN D. TWINAME.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D. C., August 8, 1972.*

ALVIN E. HARVEL,
*Assistant Associate Administrator for Regional Offices, Health Services and Mental Health Administration, Parklawn Building, Rockville, Md.*

DEAR MR. HARVEL: I have received a copy of your memorandum to Phillip Garcia of July 25 in response to my inquiry concerning the funding of Spanish surnamed projects, and I appreciate receiving the information.

In that memorandum, you state that "projects to be funded by programs not yet decentralized were funded centrally". I would appreciate your informing me if this group of projects are specifically designed for Spanish surnamed group applications, or if it also includes other minority programs.

Thank you for your attention to this matter.

Sincerely,

EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D. C., August 8, 1972.*

JOHN D. TWINAME,
*Administrator, Social and Rehabilitation Service, Washington, D.C.*

DEAR MR. TWINAME: I have received a copy of your memorandum to Phillip Garcia of August 1 in response to my inquiry concerning the funding of Spanish surnamed projects, and I appreciate receiving the information.

In that memorandum you state that as a routine procedure the grant applications for minority programs are processed through the regional office first and then forwarded to the central office for further consideration. Am I then correct in assuming that all applications for Spanish surnamed groups are treated in the same manner as are applications for other community groups?

Thank you for your attention to this matter.

Sincerely,

EDWARD I. KOCH.

## SCHOOLBUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the House Education and Labor Committee has reported out its version of President Nixon's bill to make busing a limited, last-resort measure in school segregation cases. I stress the phrase "its version" of the President's bill. For this is a gutted, emasculated version which might provide some relief for future busing, but none for the busing decrees which are already on the books in the South.

We in the South have learned that if we are to receive the same treatment in this sensitive area as other regions of the country, we must all sit down together at the same table with the same menu. If busing is wrong in certain parts of the country, then it is wrong everywhere.

The busing ban in this bill would benefit all those school districts in the North that are faced with court orders, but the proposed ban would have no effect on these school boards which are already under court orders.

I said last year, I said earlier this year, and I am saying it again—I cannot vote for anything that will take the pressure off the North while we in the South continue with our same situation. I call on this body to insert a "reopener provision" in this bill when it comes to the floor. If this fails, then I urge that the bill be defeated.

## LABOR-HEW APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HEINZ) is recognized for 5 minutes.

Mr. HEINZ. Mr. Speaker, today the House has passed, with my support, H.R. 15417, the conference report on the appropriation for the Departments of Labor and HEW for fiscal year 1973. Some have criticized this bill as being too expensive.

I sincerely share the concern that Federal expenditures must be kept in line with revenues and I, too, have several specific reservations concerning over one-half billion dollars of items which have been injudiciously added to this bill. I am particularly concerned about our appropriations for the areas of health services construction, library resources funds, and Federal impact aid. I am pleased to note, however, that for the first time school aid for category "C" children under Public Law 874 has been funded. This will bring relief to several unfairly penalized school districts in my 18th Congressional District in Pennsylvania.

I have always felt very strongly about the need to improve the quality of education, and one major item in this bill that I support is the appropriation strengthening the Office of Education programs in this regard. I would add that, earlier this year, I supported the quality education amendment to the original House appropriations bill to obtain these expanded programs.

I believe that we have to pay for what we get and, therefore. I have consistently voted to trim expenditures where out of line. I have particularly opposed the development of unsatisfactory weapon systems in the Defense Department, such as the F-14, and unnecessary and wasteful duplication of programs such as those contained in the Emergency Community Facilities and Public Investment Act of 1972.

It is my conviction that we can and must direct our national priorities more toward human beings—specifically the young—and away from programs that give us few and doubtful benefits. By doing so, we can maintain a necessary balance between expenditures and income while making a vital investment in the development of our most important national resource, the children of this Nation.

## CITIZENS PRIVACY PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Minnesota (Mr. FRENZEL) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, today I introduced a bill called the Citizens Privacy Protection Act of 1972. It is designed to curb powers recently asserted by the Treasury Department under 1970 law designed to provide information on secret foreign bank accounts.

The Treasury Department's interpretation of the 1970 law would seem to force banks to reveal every citizen's personal financial transaction. The Treasury Department would make our banks, savings and loans and credit unions an arm of the Federal Government rather than agents of their customers.

I believe that privacy of personal financial records is a fundamental right which should receive protection under the first and fourth amendments to the Constitution. I do not believe that financial institutions should be forced to become stool pigeons for the Treasury by revealing what are obviously personal and private financial transactions to the Treasury which can then be referred to other agencies of Government. Apparently other groups feel as I do. Legal objections have already been filed by the California Bankers Association and ACLU.

This bill was introduced in the Senate on July 21 by Senator MATHIAS, Republican of Maryland. Its intention is to protect the ability of the Treasury to receive information on truly international transactions while at the same time protecting the right of the individuals so that his personal financial records are safe from disclosure as they would be in his own home.

The bill would require disclosure only on consent of the individual or under a court order which would give a person time to take legal defensive action himself.

I would hope that the Treasury Department would solve the breach of privacy problem by modifying its interpretation and administrative rules. Since it has shown no inclination to do so, it is important that the Congress act to preserve all of our citizens personal privacy by passing the Citizens Privacy Protection Act of 1972.

## ADMINISTRATION INACTION ON AIR POLLUTION TAX PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, 22 other Members and I recently wrote to the distinguished chairman of the Ways and Means Committee (Mr. MILLS) asking him to consider holding hearings as soon as possible on the air pollution tax bills presently before Congress.

As you know, 24 Members and I have introduced legislation that would place a 20-cent-per-pound tax on all sulfur emissions by 1975. The administration has oftentimes expressed its support of a somewhat weaker sulfur tax bill that would tax sulfur emissions on a regional basis starting in 1976.

Unfortunately, the administration's much heralded support of an air pollution tax has vanished by sleight of hand. While the administration has been talking up a sulfur tax for 2 years now it has still not found a Republican sponsor for its bill—its main environmental legislative proposal for this year—more than 6 months after the administration said the bill was being sent to Congress. In fact, out of frustration with the administration's refusal to introduce its own bill, three Democratic Congressmen introduced a bill in May while noting that their introduction of the bill did not indicate support.

In short, Mr. Speaker, it is becoming increasingly clear that the administration's supposed commitment to its own air pollution tax proposal is nothing but hot air. They have done everything possible to insure that neither of the sulfur tax proposals gets a hearing in Congress.

## THE LATE A. EMMANUEL RIDGELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, the passing of Mr. A. Emmanuel Ridgell, Superintendent of the House Office Buildings, on Sunday, August 6, leaves all of us in the House, both Members and staff with an irreplaceable loss, for his was a life of a most singular and unique devotion.

Mr. Ridgell, who was born in Scotland, St. Mary's County, Md., on November 3, 1912, began his career on Capitol Hill in 1932. He worked here for 40 years, beginning at the age of 20 as a messenger, and with the drive and ambition of the great American spirit he worked his way up to being appointed Superintendent of the House Office Buildings on July 1, 1948, by David Lynn who was then the Capitol Architect.

Between 1932 and 1948 Mr. Ridgell held several positions. He held various clerical jobs until 1940 when he was made Second Assistant Superintendent. In 1947 he was made Assistant Superintendent and finally in 1948 he was appointed Superintendent.

Mr. Ridgell's job became an ever expanding one as the country grew and the Members elected to the House of Representatives grew also. The Rayburn Building was added to his responsibilities in 1966 which greatly enlarged his staff, but he met the new challenges with increased vigor, determined to continue to provide the fine service for which he was so well known.

One of Mr. Ridgell's main responsibilities was to work closely with the Speaker of the House in assigning office space. This is certainly no easy task considering the constantly changing status of the House Members, and his interest and concern in pleasing all of the Members was always greatly appreciated.

The many whose lives he has touched through his work here on the Hill will sorely miss him, and I want to take this opportunity to extend my deepest sympathies to the Ridgell family at this time of great personal loss.

## INTRODUCTION OF LEGISLATION TO PROHIBIT WEATHER MODIFICATION FOR MILITARY PURPOSES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, I am today introducing legislation that would prohibit the United States from engaging in weather modification, including cloud seeding, for military purposes.

This bill has been prompted by the recent revelations that the United States has been seeding clouds over Indochina and made a number of unsuccessful attempts to start firestorms in the forests of Vietnam. The Defense Department's studied refusal to discuss the question of cloud seeding leaves little doubt that it has been utilized—and may still be going on—in Southeast Asia.

Despite the claims of some that it has little or no ecological effect, tests have shown that cloud seeding can cause clouds to grow explosively and produce up to three times as much rain as unseeded clouds. This sort of climate modification combines with such other ecological stresses as air pollution, herbicides, and pesticides to cause catastrophic environmental effects. Once our bulldozers, herbicides and bombings clear hundreds of square miles of natural vegetation and thereby destroy the water-holding capacity of the land, the increased rainfall resulting from cloud seeding leads to extensive flooding, loss of life, and soil erosion.

The great trouble with rain, as is pointed out in the Sermon on the Mount, is that it falls on the just and unjust alike. The same cloudbursts that may flood the Ho Chi Minh Trail also drown innocent civilians and wash out their homes and fields. Congress must exercise its constitutional authority over military policy and spending to prohibit the use of weather modification techniques as weapons of war. This bill would do just that.

Mr. Speaker, I include the text of my bill, my statement to the Subcommittee on Oceans and International Environment of the Senate Committee on Foreign Affairs, and a relevant news article in the RECORD at the conclusion of my remarks:

H.R. 16255

A bill to prohibit the United States from engaging in weather modification activities for military purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, that, notwithstanding any other provision of law, none of the funds authorized to be appropriated by any Act may be obligated or expended for the purpose of—

(1) weather modification activities (including, but not limited to, cloud seeding) as weapons of war;

(2) the type of activities carried out by the Department of Defense in Vietnam under the code names of Operation Sherwood Forests, Operation Hot Tip, and Operation Pink Rose in which so-called fire storms or fires over a large area were, or were attempted to be, intentionally ignited;

(3) entering into or carrying out any contract or agreement providing agents, delivery

systems, dissemination equipment, or instructions for the military application of weather modification techniques, or for deliberately igniting so-called fire storms or fires over large areas for military purposes (as described in clause (2)); or

(4) procuring or maintaining agents, delivery systems, or dissemination equipment for the purpose of modifying weather conditions for military purposes, or igniting so-called fire storms or fires over large areas for military purposes (as described in clause (2)).

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STATEMENT OF REPRESENTATIVE BELLA S. ABZUG

Mr. Chairman, Members of the Subcommittee, I am pleased to have the opportunity to present my views on the issue of weather modification for military purposes. Let me begin with two quotations:

"Today, black is the dominant color of the northern and eastern reaches of the Plain [of Jars]. Napalm is dropped regularly to burn off the grass and undergrowth that covers the Plain and fills its many narrow ravines. The fires seem to burn constantly, creating rectangles of black."

That is from "Plain Facts", an article by T. D. Allman which appeared in the Far Eastern Economic Review of January 18, 1972.

There is evidence that herbicides can cause genetic damage:

"Within the last two years, there have been numerous reports of increasing birth abnormalities throughout South Vietnam, and photographs of grotesquely deformed babies have begun to appear in Vietnamese newspapers."

According to *The Indochina Story*, written by the Committee of Concerned Asian Scholars, and published by Bantam in 1970.

In addition to the horrors of napalm and herbicide, we are using geophysical warfare in Vietnam. An article by Seymour Hersh in The Washington Evening Star of July 3, 1972, quoted a former CIA agent as saying: "We first used that stuff [silver iodide to seed the rain clouds] in about August of 1963, when the Diem regime was having all that trouble with the Buddhists." The former agent continued, "They would just stand around during demonstrations when the police threw tear gas at them, but we noticed that when the rains came they wouldn't stay on."

As documented in the New York Times by Seymour Hersh, the middle 1960's saw an expansion of the cloud seeding activities to the Ho Chi Minh Supply Trail in Laos. By 1967, the Air Force had become involved in the cloud seeding operations. Yet the results weren't always as expected. One government official has said, as quoted in the July 3, Hersh story, "Once we dumped seven inches of rain in two hours on one of our Special Forces Camps." Professor Jerzy Neyman, director of the University of California's Statistical Laboratory, who has headed a Navy research project analyzing weather control experiments since 1965, "is convinced . . . that cloud seeding does indeed yield significant results—but that the results have often proved far different from what was intended . . . "I consider that, indeed, the cloud seeding in Vietnam could have increased the rainfall considerably, '[Neyman has said] . . .' A substantial decrease could also have occurred."

Neyman also found that in Arizona, "during seven years of experimental efforts to relieve drought by cloud seeding, the experiments yielded a significant loss of rainfall over the Santa Catalina Mountain target area, and caused an average 40 per cent loss of rainfall over an area 65 miles away."

Despite the unpredictability of cloud seeding, it still appears to be taking place in Indochina. On March 18, 1971, Jack Anderson reported that "Intermediary-Compatriot" a "hush-hush" project which "increased the precipitation over the jungle roadways during the wet seasons . . . would be going on from May to September, 1971."

To go into somewhat more detail, Dr. Matthew Meselson, Professor of Biology at Harvard University, has stated that:

"It is obvious that weather modification used as a weapon of war has the potential for causing large scale and quite possibly uncontrollable and unpredictable destruction. Furthermore, such destruction might well have a far greater impact on civilians than on combatants. This would be especially true in areas where subsistence agriculture is practiced in food-deficit areas, and in areas subject to flooding."

The amount of damage we can do through weather modification is tremendous. Tests in Florida in 1968 and 1970 showed that seeded clouds grew explosively and produced more than three times as much rain as unseeded clouds. Other tests have shown the increase in rain production in seeded clouds could range from 30%-50% to as much as 10 or 20 times that amount. However, even a 50% increase can have tremendous impact.

In their book, "Ecological Effects on Weather Modification: A Problem Analysis," C. F. Cooper and W. C. Jolly refute many of the old theories on weather modification. The false argument that weather control has little or no biological effect because the amount of change is rejected. Instead, the authors state that the weather modification combines with other ecological stresses such as air pollution, herbicides, and pesticides to cause a greater effect than the sum of the individual effects. By using bulldozers, herbicides, and bombings, we clear hundreds of kilometers of natural vegetation, thus destroying the water-holding capacity of the land. Adding the increased rainfall caused by weather modification, the land is plagued with extensive flooding, loss of life, and soil erosion. This destroys the ecological balance as well as the possibility of further vegetation.

Two other reports on the ecological damage done by weather modification, "Hydrologic Consequences of Rainfall Augmentation" by Alan M. Lumb which appeared in American Society of Civil Engineers Hydraulics Division Journal of July 1971 and "Possible Effects of Precipitation Modification of Stream Channel Geometry and Sediment Yield" by Albert Rango, published in Water Resources Research in December 1970, agree that increased rainfall causes much land erosion and changing sedimentary patterns.

Weather modification alters the structure of plant and animal communities due to changes in three different biological rates in weather-sensitive species: reproduction, growth, and mortality. These changes may take several years to become evident, but their destructive capacity is considerable.

The most widely used cloud seeding chemical is silver iodide, AgI. The silver ion released from the breakdown of this chemical is one of the most toxic heavy metal ions, especially with regard to microorganisms and fish, but the ion sometimes forms insoluble compounds harmless to animals. The silver from cloud seeding will retard the growth of algae, fungi, bacteria, and fish in fresh water. This in turn interferes with food and nutrient cycles and the return of nutrients to the water. Other biological effects include changes in temperatures, oxygen concentration, presence or absence of other cations, and pH (acidity). So far as we now know, the iodine ion in silver iodide poses no environmental danger.

According to the July 3rd Washington Star article, the use in Indochina of a chemical agent, different from silver iodide, and only effective in warm stratus clouds, has been causing an acidic rainfall which affects trucks, tanks, and radar, especially Surface-to-Air Missiles (SAM) radar. This acidity also affects the pH and thus the ecological balance of the ecosystems on which it is dropped.

There has been some dispute as to the suitability for seeding of the types of cloud patterns over North Vietnam. Some have said that the clouds over the northern part of Vietnam are stratus and therefore cannot be seeded successfully with silver iodide. However, Mr. Donald Moore, Assistant Administrator of the National Oceanic and Atmospheric Administration, has stated that, he has seen no significant difference in cloud patterns over various areas of Vietnam. He has said that significant cloud pattern changes come with climactic, rather than with minor geographic changes. During the monsoon season, cumulus clouds, which definitely can be seeded sucessfully, prevail over all of Vietnam. Also, Mr. Schloemer, the Assistant Director of the Environmental Data Service of N.O.A.A., has confirmed Mr. Moore's statement and has added that in the upslope and mountain areas (which would include the Ho Chi Minh trail) there may be a 10% or 15% increase in rain, which means an extra heavy rainfall.

Furthermore, even if they are not suitable for silver iodide seeding, stratus clouds can be seeded by means of the acidic chemical which I mentioned earlier.

On March 17, 1972, Senator Pell submitted Senate Resolution 281, expressing the sense of the Senate that the United States should seek negotiation of a treaty to prohibit the use of environmental or geophysical modification. I applaud and support this action, but I do not think we can wait to negotiate a treaty. We must end the indiscriminate killing and ecological destruction in Indochina now, and I will soon be introducing legislation which would end the United States' use of geophysical warfare.

Congress must take the initiative. Inordinate power has been arrogated to the President, despite the fact that our Constitution establishes the power of Congress to declare war and to make military appropriations. We must—for the sake of the American people and all humanity—reassert our constitutional responsibilities.

The only trouble with rain, as is pointed out in the Sermon on the Mount, is that it falls on the just and unjust alike. The same cloudbursts that flood the Ho Chi Minh trail also wash out the homes and fields of innocent civilians. It is our responsibility to stop the use of weather modifiation techniques as a weapon of war.

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[From the Washington Star, July 3, 1972]

UNITED STATES MAKES RAIN AS VIET WEAPON

(By Seymour M. Hersh)

New York Times News Service

The United States has been secretly seeding clouds over North Vietnam, Laos and South Vietnam to increase and control the rainfall for military purposes.

Government sources, both civilian and military, said during an extensive series of interviews that the Air Force cloud-seeding program has been aimed most recently at hindering movement of North Vietnamese troops and equipment and suppressing enemy antiaircraft missile fire.

The disclosure confirms growing speculation in congressional and scientific circles, reported earlier this year in The Star, about the use of weather modification in Southeast Asia. Despite years of experiments with rainmaking in the United States and elsewhere, scientists are not sure they understand its long-term effect on the ecology of a region.

The weather manipulation in Indochina,

which was first tried in South Vietnam in 1963, is the first confirmed use of meteorological warfare. Although it is not prohibited by any international conventions on warfare, artificial rainmaking has been strenuously opposed by some State Department officials.

It could not be determined whether the operations are now being conducted in connection with the current North Vietnamese offensive and the renewed American bombing of the North.

Beginning in 1967, some State Department officials protested that the United States, by deliberately altering the natural rainfall in parts of Indochina, was taking environmental risks of unknown proportions. But many advocates of the operation have found little wrong with using weather modification as a military weapon.

"What's worse," one official asked, "dropping bombs or rain?"

All of the officials interviewed said that the United States did not have the capability to cause heavy flooding during the summer in the northern parts of North Vietnam, where serious flooding occurred last year.

Officially, the White House and State Department declined comment on the use of meteorological warfare. "This is one of those things where no one is going to say anything," one official said.

Most officials interviewed agreed that the seeding had accomplished one of its main objectives—muddying roads and flooding lines of communication. But there were also many military and government officials who expressed doubt that the project had caused any dramatic results.

RAIN IS ACIDIC

The sources, without providing details, also said that a method had been developed for treating clouds with a chemical—that eventually produced an acidic rainfall capable of fouling the operation of North Vietnamese radar equipment used for directing surface-to-air missiles.

In addition to hampering SAM missiles and delaying North Vietnamese infiltration, the rainmaking program has had the following purposes:

Providing rain and cloud cover for infiltration of South Vietnamese commando and intelligence teams into North Vietnam.

Serving as a "spoiler" for North Vietnamese attacks and raids in South Vietnam.

Altering or tailoring the rain patterns over North Vietnam and Laos to aid U.S. bombing missions.

Diverting North Vietnamese men and material from military operations to keep muddied roads and other lines of communication in operation.

The cloud-seeding operations necessarily were keyed to the two main monsoon seasons that affect Laos and Vietnam. "It was just trying to add on to something that you already got," one officer said.

According to interviews, the Central Intelligence Agency initiated the use of cloud seeding over Hue, in the northern part of South Vietnam. "We first used that stuff in about August of 1963," one former CIA agent said, "when the Diem regime was having all that trouble with the Buddhists."

"They would just stand around during demonstrations when the police threw tear gas at them, but we noticed that when the rains came they wouldn't stay on" the former agent said.

The CIA expanded its cloud-seeding activities to the Ho Chi Minh supply trail in Laos sometime in the middle 1960s, a number of government sources said. By 1967, the Air Force had become involved although, as one former government official said, "the agency was calling all the shots."

The state of the art had not yet advanced to the point where it was possible to predict the results of a seeding operation with any degree of confidence, one government official said. "We used to go out flying around and looking, for a certain cloud formation," the official said. "And we made a lot of mistakes. Once we dumped seven inches of rain in two hours on one of our Special Forces camps."

The Laos cloud-seeding operations provoked a lengthy and bitter, albeit secret, dispute inside the Johnson administration in 1967.

The general feeling of opponents was summarized by one former State Department official who said he was concerned that the rainmaking "might violate what we considered the general rule of thumb for an illegal weapon of war—something that would cause unusual suffering or dispropriate damage." There also was concern, he added, because of the unknown ecological risks.

## PROTECTING OUR PROTECTORS—THE FIREFIGHTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker, there is a large group of men in this country who daily risk their lives for the health and safety of all our citizens. The Nation's newspapers are filled daily with accounts not only of their diligence in performing their duties, but also of their frequent acts of bravery and heroism that can only be motivated by a concern for human life. They are the Nation's 160,000 professional firefighters.

It is only fair that Congress extend its best protection of health and safety to those who are committed to protecting ours.

A 1970 survey of fire chiefs reported that for every 100,000 firefighters, 115 died on the job during that year. This rate is higher than that of mining and quarrying—100 deaths—or law enforcement—73 deaths—or construction—72 deaths—occupations well known to be extremely hazardous.

Further, these tragic deaths are only those that occurred to firemen while on duty. During 1970 an additional 233 deaths were recorded from occupational diseases: 96 due to heart and cardiovascular disease, 126 due to lung and respiratory diseases, and 11 due to other related causes.

Firefighting is an occupation which is doubly vulnerable, vulnerable to sudden and fatal injuries as well as to long and painful illnesses often ending in heart failure and death.

Our intent when formulating a comprehensive national policy of worker safety was to create a minimum level of protection for the majority of American employees. In its statement of purpose the law reads that:

> Congress declares it to be its policy . . . to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources.

Thus, I am introducing a bill amending the Occupational Safety and Health Act to include under its standards firefighters employed at the Federal, State, and municipal levels of government.

H.R. 16258

A bill to amend the Occupational Safety and Health Act of 1970 to extend its protection to firefighters.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3(5) of the Occupational Safety and Health Act of 1970 is amended by inserting before the period at the end thereof the following: ", except that a State or political subdivision of a State shall be deemed an employer with respect to its employment of firefighters".

SEC. 2. Section 3 of such Act is amended by adding at the end thereof the following new paragraph:

"(15) The term 'firefighter' means an individual employed primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment."

SEC. 3. Section 18(c)(6) of such Act is amended by striking out ", to the extent permitted by its law," and by inserting before the comma at the end thereof the following: ", provided that, except in the case of firefighters, this requirement shall be applicable only to the extent permitted by the law of the State".

## EDUCATION FOR HANDICAPPED CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from New Jersey (Mr. DANIELS) is recognized for 5 minutes.

Mr. DANIELS of New Jersey. Mr. Speaker, yesterday I introduced legislation which will give greater assurance that our handicapped children can develop into independent citizens and contribute to society.

As former chairman of the Select Subcommittee on Education I fully appreciate the necessity to develop adequate programs to provide effective educational opportunities for handicapped children. I am proud to have been the sponsor of the Handicapped Children's Assistance Act of 1968 which provided for model educational centers for 5.5 million handicapped children and passed the House unanimously.

Mr. Speaker, since 1968 we have learned a lot about handicapped children and their needs. With the passage of time new problems must be faced and dealt with. This new legislation, also introduced by the present chairman of the Select Subcommittee on Education, my good friend the Honorable JOHN BRADEMAS, recognizes that one of the major reasons that States have not been able to increase educational opportunities for their handicapped children is that they cannot afford to take needed resources from their already overburdened public school system.

Because of the tremendous costs involved in the education of handicapped children, only 40 percent of the 7 million handicapped children in America receive the special education they need to become productive and contributing citizens. This new legislation seeks to resolve that problem by authorizing the Federal Government to pay to State governments at least 75 percent of the additional cost involved in the education of a handicapped child.

Under this bill, in order for a State to participate it must establish an advisory council representative of groups involved in education of handicapped children; submit a State plan to the Commissioner of Education; and apply uniform criteria to determine the number of handicapped children to be served.

## REMARKS OF HON. HALE BOGGS DELIVERED AT UNITY LUNCHEON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, I would like to insert in the RECORD the remarks of the distinguished majority leader, HALE BOGGS, which he delivered at the unity luncheon at the Sheraton Park Hotel. The majority leader drew attention once again to the failures of the Nixon administration with regard to national economic policy. I commend the leader on his eloquent speech and suggest that all interested Members read his remarks.

REMARKS AT UNITY LUNCHEON

Monday, Clark MacGregor, President Nixon's campaign manager, made one of the most outlandish statements of this political year. He declared that the economy is in such good shape that President Nixon, should he be re-elected, will not have to ask Congress for a tax increase in the next two years.

But if the Republicans plan to use the shape of the economy as one of their rallying points in the campaign for Mr. Nixon's re-election, they must be looking at a different set of economic indicators than we are. For almost *four full years*, this Administration has exhibited a callous and calculated indifference to the chronic unemployment plagueing the nation. Yet while the economic soothsayers at the White House are tolerant of a 5.5% unemployment rate, I know that the American working man is not. And neither is the Democratic Party.

Yet Mr. MacGregor has done a service to the American people, and to our Democratic Party by focusing attention on the economic policies of the present Administration. While the Democratically-controlled Congress passed the Economic Stabilization Act, giving the President authority to invoke wage and price controls, the President vowed he would never use such drastic measures to control the economy. It was not until a full 18 months after the passage of the Economic Stabilization Act that President Nixon announced the specifics of Phase I. While the President hedged for these 18 months, millions of more Americans joined the ranks of the unemployed, and inflation continued at alarming rates.

When Congress acted to give jobs to millions of unemployed workers through the Randolph-McFall accelerated Public Works Program, the President vetoed the bill as inflationary. In 1970 the President vetoed the HEW-Labor-OEO appropriations bill on the same basis, elaborating further that over four-fifths of the increase in funds was for education. Today the President calls on the Congress to appropriate money for quality education, when that is what we have been doing right along.

The Nixon Administration followed on the heels of one of the most prosperous periods in economic history. Under the Johnson Administration, unemployment dipped below the magic 4% for several months. Yet within a year's time the President sent our economy into a tailspin. Republican economic policies have resulted in the loss of more than 40 billion in Government revenues. And although the President chides Congress for overspending in the areas of human need, like education, and housing, his budget policies have given us the largest deficits in peacetime history.

Mr. MacGregor also stated that if re-elected President Nixon would be able to balance the budget by eliminating some of the Great Society programs now on the books. It is obvious from this statement that to the Republican Administration balancing figures is more important than furnishing medical care for the aged, or insuring that our children receive good education, or guaranteeing that hungry Americans are fed. For looking at Mr. MacGregor's record in Congress, one is not surprised by these statements. He voted against Medicare when he was in Congress, he opposed the Elementary and Secondary Education Act, and he opposed the issuance of food stamps to poor people.

I hope that Mr. MacGregor will continue to make such statements as the campaign wears on, for I am sure that the American people will repudiate the Republican approach to solving this nation's problems. I am also confident that balancing the budget is not nearly so important to American working men as being gainfully employed, as being able to afford good education, and as being able to obtain adequate health care treatment. While the President may attempt to wipe out the landmark social legislation of the 1960's, he cannot wipe out unemployment, or provide equal educational opportunities through such backward and unresponsive economic policies as those he has pursued to date.

I can guarantee that the Democratic Congress is not going to sit idly by and allow the Republican Administration to dismantle major legislative commitments of the past, just so they can balance the budget. The American people deserve much more, and they will get it from the Democratic Party.

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## THE PROBLEM OF GUN CONTROL

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I recently testified before the Judiciary Committee on a subject about which I have deep feelings—the matter of additional controls on the sale and possession of guns.

I feel strongly that the problem which confronts America is one of enforcement of the law and punishment of criminals, not passage of additional laws. This applies in the field of gun control as well as elsewhere.

In 1901 President William McKinley was shot and died a week later. Forty-five days later his assassin died in the electric chair. In 1968 Senator Robert F. Kennedy was assassinated. Now 4 years later his assassin's sentence has been commuted to life imprisonment and he is seeking a parole. There was more law and order then. There is more crime and violence now. All the gun legislation did not improve the situation.

There is an obsession among some Americans that the way to control crime is to pass laws against the private ownership of weapons. Invariably these obsessions surface after some dramatic and deplorable incident in which a public figure is shot. This occurred very recently in the case of Gov. George Wallace.

Scarcely had the smoke cleared from that insane act than the cry arose for new controls against the ownership of handguns. Those in favor of these gun controls seemed to be telling us and the world that if law abiding citizens, sportsmen, and gun collectors were more tightly controlled, such a shooting of a presidential candidate would not have taken place. They have suggested to us that if all handguns were registered and, as has been loudly suggested, handguns ultimately outlawed, that George Wallace would not have been shot, that overall crime would be reduced, and America would be a far safer place for us all.

To my view, this is absurdity to the extreme. Gun control laws now on the Federal and State statute books, if enforced, would have prevented the shooting of George Wallace. The man accused in the Wallace shooting had earlier been involved in a firearms incident. He transported the weapon across several State lines. On at least one prior occasion he had been picked up and questioned as a suspicious person while awaiting the arrival of Governor Wallace at a Wisconsin rally.

In short, Mr. Speaker, the emotion which has again surfaced following the terrible incident in Maryland has no relation to the need for new and more restrictive gun control legislation.

As for the contention that crime will be reduced with additional gun controls, that argument has been discounted by a great many responsible people. It is quite obvious that a person intent upon using a gun to commit a crime will not first rush to his nearest police station in order to register his weapon. I can conceive of no circumstance whereby a criminal would be more willing to abide by gun control laws than he would the laws against armed robbery.

By the same token, I can see no validity to the argument that to register the guns of law abiding citizens, collectors, and sportsmen will make our streets safer. These are not the people who roam the city streets robbing, mugging, and looting. Again, it is the criminal who has nothing but disdain for laws who takes a weapon to which he is not legally entitled and uses it in committing crimes.

And so, Mr. Speaker, we come to the essence of the problem.

I am as interested as any man in America in lowering the crime rate in this country. I want to see our streets safe for decent human beings once again. I do not like it when law-abiding citizens must huddle in their homes at night behind chained and locked doors and barred windows while the animals of society, armed with guns, knives, and clubs take over the streets.

But I can assure you, Mr. Speaker, that to pass a law which says these law-abiding citizens must register their guns and ultimately surrender them will not alter the present state of affairs for the better.

What we do need is effective enforcement of the law and prompt and vigorous handling of criminal cases by the courts. If any law is to be strengthened it should be the law concerning the use of weapons—any weapon, be it a firearm, a knife, or a stick of dynamite—used in the commission of a crime. Once the criminals of America are taught that to use a weapon in crime is to assure them, upon capture and conviction, of a long jail term with little or no hope of parole, then the crime rate will be reduced in this country.

I challenge supporters of stricter gun control legislation to detail their logic in suggesting that stricter laws against the ownership of weapons will modify the situation under present laws which allow the criminal to go free minutes after his arrest, laws which allow that same criminal to accumulate a long list of violations before he ever comes to trial on any one of them, and how the continuation of this laxity in law enforcement on

the part of police and courts will serve the interests of law-abiding citzens.

What is being suggested by proponents of new gun controls is to penalize 99 percent of the gun owners of America in the faint hope that a few of the 1 percent who use guns illegally will somehow come around to a better way of thinking.

I was interested to hear some remarks on a recent NBC television program. The program, entitled "Thou Shalt Not Kill" was an interview with two men in Utah who had been convicted of killing six persons during a 5-day spree a couple of years ago.

One of these men—one who had killed five of the six victims, one by stabbing and four by gunshot—said he hoped laws would be enacted taking guns away from the law-abiding citizen. He said that if such were accomplished, those of his ilk—those who use guns to commit crime—would no longer have to fear that in the commission of their crimes, the criminal would find himself facing a gun owned by his intended victim.

This was a most enlightening statement, Mr. Speaker. It showed me and millions of Americans, that, instead of deterring crime, stricter and restrictive gun legislation would give the criminal more courage, more boldness, and less fear of personal danger in the commission of his crime.

The principal thrust of the legislation which has been approved by a Senate committee and which is one objective of measures being considered by your committee is to reduce the availablity of the so-called Saturday night special, the short barreled, cheap handgun which is found more and more in the hands of irresponsible individuals. Here I think is an area which deserves careful exploration. There is indeed a place for legislation of this type if it is soundly based to accomplish the desired purpose and not used simply as a vehicle to achieve registration and licensing. One such bill is by Senator HRUSKA. It is a bill that this Congress could well consider and one which I support in principle. I do have concern for the fact that cheap handguns are readily available even within a very few miles of the U.S. Capitol, and the fact that increasing numbers of these weapons in the hands of irresponsible individuals does add to the likelihood of crime.

The Hruska bill establishes new standards of safety and reliability against which all handguns would be tested. The control machinery under which this bill would operate is based on standardized testing on a technical basis premised on established standards of safety and reliability. The standards and tests would be promulgated in coordination with the Chief of Army Ordnance and the Bureau of Standards. The Hruska approach would eliminate the dangerous and unreliable handgun including those which are readily concealable and at the same time guarantee sportsmen and gunowners that quality firearms will be available for sporting purposes and lawful self-protection. The Hruska bill and its prohibitions would apply at the level of the manufacturer and importer. This is preferable to including the dealer and collector in the control process which would generate vast confusion and recordkeeping for both law enforcement and business.

I know that the Congress does not want to adopt legislation which will have the effect of increasing the crime rate. Certainly that would not be intent of legislation, yet I have firm convictions that the effect would be exactly that. Let us look at the broad picture. First, the effect would be to violate the Constitution of the United States which provides that every citizen shall have the right to keep and bear arms. This constitutional protection does not extend to the criminal user any more than the right of free speech extends to the traitor who sells our Nation's secrets to our enemies.

I realize this is an election year, Mr. Speaker. Particularly it is a time when the American people look to those seeking public office to come forward with solutions to our Nation's problems. Certainly crime is among our most serious problems. But I believe we, as elected representatives of the people, would be doing those people a disservice if we were to recommend legislation which the people are led to believe will solve crime problems when, in fact, it could do the opposite.

Insofar as I can determine, the legislation under consideration by the House Judiciary Committee is much broader than should be adopted. The Bayh bill in the Senate is also very objectionable from my standpoint. The Hruska bill, which was considered and rejected in the Senate, is a more reasonable bill and should be the basis for our deliberations in the House.

I do not support legislation which would impose unrealistic burdens on the States, threaten those States with the loss of funds, deprive sportsmen in those States of money to protect wildlife, and, in effect, legislation which places the onus of criminality on the legitimate gun owner and not the criminal.

Mr. Speaker, let us go about the business of reducing crime by going to the source of that crime. And that source, I suggest, is not to be found with the sportsman, the collector, or the man concerned for his life and the lives of his family.

The sources of the trouble lies, very simply, in the fact that a criminal today can come into possession of a gun at almost any time he wants it. He can take that gun, commit a crime with it, and go scot free. The criminal scorns the law because he has no fear of it. But he applauds further restrictions on the ownership of guns by those he, the criminal, sees as his enemy—the law abiding citizen—because the criminal does fear to face a gun.

Let us continue to allow the gunowner with legitimate purposes to have his guns for sport, as a hobby, or for protection, without penalty. But, at the same time, let us embark on a concerted drive to rid America of the type of man who uses these guns for evil and illegal purposes.

Otherwise, we are deluding ourselves and, more importantly, we are misleading the American people into believing that no guns will mean no crime.

## THE NEW YORK PORT AUTHORITY MUST PAY TO REMEDY THE MASS TRANSIT PROBLEMS IT CREATES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the Port Authority of New York-New Jersey is an agency mandated to promote transportation and commerce in New York City's port district. It has almost entirely ignored the first part of its mandate, however, by refusing to invest in urgently needed mass transit facilities.

In 1962 when transit operations in New York were rapidly deteriorating, the Port Authority, which was under public pressure to aid mass transit, devised a cynical compromise with the New York and New Jersey legislatures whereby the authority agreed to take over the Hudson tubes, a commuter rail line for New Jersey residents, on two conditions: first, that it be allowed to construct the World Trade Center; and second, that the enabling legislation be drawn so as to limit and virtually prohibit future Port Authority investments in mass transit.

In short this public authority got the right to make enormous profits in a grandiose real estate venture while flaunting its own mandate through a refusal to invest these profits in ailing transit operations. It is adding 9 million square feet of office space, in a pointless competition with private real estate developers, when an estimated 34 million square feet of available office space in the city will be unrented even before the World Trade Center's completion in 1974. It is also creating a new burden for the city's overtaxed transit facilities.

At least 130,000 people will travel, mostly by subway, to the World Trade Center each day. Clearly new and improved transit facilities are needed to service the World Trade Center and lower Manhattan. And clearly the Port Authority should be made to pay for these facilities for it has created the problem. It is not right that the MTA, which controls our already deficit-ridden subways, and the taxpayers who suffer in them should be forced to pay for the needed improvements. That would be tantamount to the Port Authority, which has done nothing over the years to help public transit in the city, rubbing salt in the publics' wounds.

The Second Avenue subway is scheduled for completion in the 1980's. The Port Authority should be required to pay for a transit facility linking the Trade Center to this new subway. The Port Authority should also be required to pay for other, more immediate, transit improvements in the area.

William Roman, vice chairman of the Port Authority and chairman of the MTA, has himself said that the 1962 covenant does not really prevent the Port Authority from investing in mass transit. The Port Authority has the resources available to improve transit facilities in the World Trade Center area—they also have a moral obligation to do so. It is time for their public-be-damned attitude to stop. In the past this attitude has only contributed to the deterioration of our

subways and the discomfort of New Yorkers.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. VEYSEY) and to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 15 minutes, today.

Mr. EDWARDS of Alabama, for 5 mintes, today.

Mr. FRELINGHUYSEN, for 60 minutes, today.

Mr. HEINZ, for 5 minutes, today.

Mr. FRENZEL, for 5 minutes, today.

(The following Members (at the request of Mr. MAZZOLI), to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mrs. ABZUG, for 10 minutes, today.

Mr. DENT, for 10 minutes, today.

Mr. DANIELS of New Jersey, for 5 minutes, today.

Mr. O'NEILL, for 5 minutes, today.

Mr. HÉBERT, for 30 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SEIBERLING, and to include extraneous material in his remarks today during consideration of H.R. 16029, Foreign Assistance Act of 1972.

Mr. KOCH and to include extraneous material, notwithstanding an estimated cost of $467.50.

Mr. ANDERSON of Illinois to revise and extend his remarks on conference report on H.R. 15417, Labor and HEW appropriation bill.

Mrs. GREEN of Oregon to extend her remarks prior to the vote on the conference report on the HEW appropriation bill, today.

Mr. STRATTON to include extraneous matter with his remarks made in the Committee of the Whole, today, on the Monagan amendment.

(The following Members (at the request of Mr. VEYSEY) and to include extraneous matter:)

Mr. FINDLEY.

Mr. DERWINSKI in two instances.

Mr. WYATT.

Mr. HAMMERSCHMIDT.

Mr. KEMP in three instances.

Mr. WYDLER.

Mr. VANDER JAGT.

Mr. VEYSEY in two instances.

Mr. SCHERLE.

Mr. WINN.

Mr. BETTS.

Mr. HUNT.

Mr. ASHBROOK in two instances.

Mr. BROTZMAN.

Mr. BAKER.

Mr. FRENZEL.

Mr. BROYHILL of Virginia.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. RARICK in three instances.

Mr. GONZALEZ in three instances.

Mrs. ABZUG in 10 instances.

Mr. PATTEN.

Mr. LEGGETT.

Mr. JACOBS.

Mr. ASHLEY.

Mr. WALDIE in two instances.

Mr. COTTER in two instances.

Mr. HUNGATE in three instances.

Mr. MANN in two instances.

Mr. CAFFERY.

Mr. HARRINGTON.

Mrs. HANSEN of Washington.

Mr. PEPPER in two instances.

Mr. MIKVA.

Mr. CAREY of New York.

Mr. VANIK in two instances.

Mr. GRIFFIN in two instances.

Mr. MAHON.

Mr. RYAN.

Mr. BOGGS.

Mr. ZABLOCKI in two instances.

## 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. 1462. An act to provide for the establishment of the Puukohola Heiau National Historic Site in the State of Hawaii, and for other purposes;

H.R. 9545. An act to amend section 6(b) of the Revised Organic Act of the Virgin Islands relating to qualifications necessary for election as a member of the legislature; and

H.R. 14106. An act to amend the Water Resources Planning Act to authorize increased appropriations.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 484. An act to designate the Scapegoat Wilderness, Helena, Lolo, and Lewis and Clark National Forests, in the State of Montana.

## ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, August 10, 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:

2239. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated January 17, 1972, submitting a report, together wtih accompanying papers and illustrations, on Blackwater Bay and River and East Bay, Fla., requested by resolutions of the Committees on Public Works, U.S. Senate, adopted January 26, 1966, and House of Representatives, adopted May 5, 1966; to the Committee on Public Works.

2240. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the accountability of the Treasurer of the United States, Department of the Treasury, for fiscal years 1970 and 1971; 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. MAHON: Committee on Appropriations. H.R. 16254. A bill making certain disaster relief supplemental appropriations for the fiscal yaer 1973, and for other purposes (Rept. No. 92-1318). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 1278. Joint resolution making further continuing appropriations. for the fiscal year 1973, and for other purposes (Rept. No. 92-1319). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on House Administration. House Resolution 890. Resolution authorizing payment of compensation for certain officers of the House of Representatives (Rept. No. 92-1320). Referred to the House Calendar.

Mr. HOLIFIELD: Committee on Government Operations. Report on saving lives in nursing home fires (Rept. No. 92-1321). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of Conference. Conference report on H.R. 5065 (Rept. No. 92-1322. 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. MAHON:

H.R. 16254. A bill making certain disaster relief supplemental appropriations for the fiscal year 1973, and for other purposes.

By Mrs. ABZUG:

H.R. 16255. A bill to prohibit the United States from engaging in weather modification activities for military purposes; to the Committee on Armed Services.

By Mr. CAFFERY:

H.R. 16256. A bill to designate the post office and Federal office building to be constructed in Houma, La., as the "Allen J. Ellender Post Office and Federal Office Building"; to the Committee on Public Works.

By Mr. CAREY of New York (for himself, Mr. ROY, and Mr. WOLFF):

H.R. 16257. 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. DENT:

H.R. 16258. A bill to amend the Occupational Safety and Health Act of 1970 to extend its protection to firefighters; to the Committee on Education and Labor.

By Mr. FREY:

H.R. 16259. A bill to amend the act incorporating the Veterans of World War I of the United States of America; to the Committee on the Judiciary.

By Mr. FULTON:

H.R. 16260. A bill to amend title 38 of the United States Code to provide that the statutory social security benefit increase effective September 1, 1972, be disregarded in computing income for the purpose of determining eligibility for compensation and pension under such title; to the Committee on Veterans' Affairs.

By Mr. GRAY (for himself, Mr. BLATNIK, Mr. KLUCZYNSKI, Mr. CLARK,

Mr. WRIGHT, Mr. JOHNSON of California, Mr. DORN, Mr. GROVER, Mr. KEE, Mr. HOWARD, Mr. MILLER of Ohio, Mr. MIZELL, Mrs. ABZUG, Mr. BEGICH, Mr. RANGEL, Mr. RODINO, Mr. BROYHILL of Virginia, Mr. BOB WILSON, Mr. YOUNG of Texas, Mr. WHALLEY, Mr. ANDERSON of Illinois, Mr. ROSENTHAL, Mr. MATSUNAGA, Mr. QUILLEN, and Mr. VANDER JAGT):

H.R. 16261. A bill to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes; to the Committee on Public Works.

By Mr. GRAY (for himself, Mr. BEVILL, Mr. BIESTER, Mr. BLACKBURN, Mr. GUDE, Mr. RIEGLE, Mr. WIGGINS, Mr. WARE, Mr. BADILLO, Mr. DANIELSON, Mr. ROY, Mr. SEIBERLING, Mr. CONOVER, and Mr. FAUNTROY):

H.R. 16262. A bill to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes; to the Committee on Public Works.

By Mr. HELSTOSKI:

H.R. 16263. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to institute programs designed to reforest and restore the quality of public and private forest lands; to enhance and expend recreational opportunity on such lands; to provide financial incentives to improve management of State and private forest lands; to establish a Federal forest lands management fund; to facilitate public participation in Federal resource management; and to enhance the quality of the environment and the resources of the public lands; to the Committee on Agriculture.

H.R. 16264. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

H.R. 16265. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 16266. A bill to establish rewards for information leading to the conviction of certain kidnapers; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 16267. A bill to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes; to the Committee on Banking and Currency.

H.R. 16268. A bill to provide that emergency unemployment compensation will be payable in a State if its rate of unemployment exceeds the national average rate of unemployment, and to lower the 120-percent requirement for purposes of the extended unemployment compensation program to 110 percent; to the Committee on Ways and Means.

By Mr. STEIGER of Arizona:

H.R. 16269. A bill to facilitate the incorporation of the reclamation townsite of Page, Ariz., Glen Canyon unit, Colorado River storage project, as a municipality under the laws of the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California:

H.R. 16270. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON:

H.R. 16271. A bill to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. BAKER:

H.R. 16272. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for income tax purposes of certain expenses incurred by the taxpayer for the education of a dependent; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 16273. 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. CORMAN:

H.R. 16274. A bill to regulate trade in drugs and devices by prohibiting the dispensing of drugs or devices by medical practitioners and their participation in profits from the dispensing of such products, except under certain circumstances, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 16275. 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. KASTENMEIER (for himself, Mr. CONYERS, Mr. RYAN, Mr. MIKVA, Mr. DRINAN, Mr. RAILSBACK, Mr. BIESTER, Mr. FISH, and Mr. COUGHLIN):

H.R. 16276. A bill to establish an independent and regionalized Federal Board of Parole, to provide for fair and equitable parole procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 16277. A bill to amend Public Law 90-335 (82 Stat. 174) relating to the purchase, sale, and exchange of certain lands on the Spokane Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. FRENZEL:

H.R. 16278. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing the disclosure of information to Government agencies; to the Committee on Banking and Currency.

By Mrs. HICKS of Massachusetts:

H.R. 16279. A bill to amend title II of the Social Security Act to increase the amount of a widow's or widower's benefit from 82½ to 100 percent of the insured individual's primary insurance amount; to the Committee on Ways and Means.

H.R. 16280. A bill to amend title II of the Social Security Act to provide a 50-percent across-the-board increase in benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government, and to remove the present limitation on the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. JARMAN (for himself, Mr. DINGELL, Mr. ADAMS, Mr. PODELL, Mr. HELSTOSKI, Mr. METCALFE, Mr. DEVINE, Mr. HARVEY, Mr. KUYKENDALL, and Mr. THOMPSON of Georgia):

H.R. 16281. A bill to restore and maintain a healthy transportation system, to provide financial assistance, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEMP:

H.R. 16282. A bill to provide that the determination of a State "off" indicator for purposes of the emergency and extended unemployment compensation benefit programs shall be made on the basis of whether the unemployment rate in each county in that State has fallen below the level prescribed for that State "off" indicator; to the Committee on Ways and Means.

By Mr. KYROS:

H.R. 16283. A bill to amend chapter 81 of subpart G title 5, United States Code, relating to compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

By Mr. McKINNEY:

H.R. 16284. A bill to promote more effective operations and management of the Federal parole system by reorganizing certain functions and creating new organizations, and for other purposes; to the Committee on the Judiciary.

By Mr. MALLARY:

H.R. 16285. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits at least half of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. MIKVA:

H.R. 16286. A bill to amend the act entitled "An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966; to the Committee on Interior and Insular Affairs.

By Mr. MILLS of Maryland:

H.R. 16287. A bill to amend the Commercial Fisheries Research and Devolopment Act of 1964 to establish a comprehensive program of reimbursement with respect to losses sustained by commercial fisheries as a result of natural and environmental disasters, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PEPPER:

H.R. 16288. A bill to amend the Small Business Act, to provide financial assistance for handicapped individuals establishing or operating small business concerns and for other purposes; to the Committee on Banking and Currency.

H.R. 16289. A bill to provide that meetings of Government agencies shall be open to the public, and for other purposes; to the Committee on Government Operations.

H.R. 16290. A bill to amend the Federal Aviation Act of 1958 in order to provide a more effective program to prevent aircraft hijacking, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 16291. A bill to provide for the awarding of a Medal of Honor for Policemen and a Medal of Honor for Firemen; to the Committee on Banking and Currency.

H.R. 16292. 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.

H.R. 16293. A bill to permit collective negotiation by professional retail pharmacists with third-party prepaid prescription program administrators and sponsors; to the Committee on the Judiciary.

H.R. 16294. 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. ROGERS:

H.R. 16295. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where

both are employed; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 16296. A bill to provide for increases in annuities payable from the civil service retirement and disability fund; to the Committee on Post Office and Civil Service.

By Mr. MAHON:

H.J. Res. 1278. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes; to the Committee on Appropriations.

By Mr. ROGERS:

H.J. Res. 1279. Joint resolution to authorize the President to designate the period from September 17, 1972, through September 23, 1972, as "National Bank-Women's Week"; to the Committee on the Judiciary.

By Mr. SCHERLE:

H.J. Res. 1280. Joint resolution authorizing the President to proclaim the fourth Monday in March of each year as "Agriculture Day"; to the Committee on the Judiciary.

By Mr. CELLER:

H. Con. Res. 681. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Corrections" parts I through VI; to the Committee on House Administration.

By Mr. PEPPER:

H. Res. 1089. Resolution to provide that meetings of committees of the House of Representatives shall be open to the public; 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 Mrs. HICKS of Massachusetts:

H.R. 16297. A bill for the relief of Maurice H. Haddad; to the Committee on the Judiciary.

H.R. 16298. A bill for the relief of George Francis Hoo; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## A DATE TO REMEMBER: FIFTH ANNUAL FAMILY REUNION DAY, SUNDAY, AUGUST 13, 1972

### HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. MANN. Mr. Speaker, Kiwanis International and Freedoms Foundation at Valley Forge invite all Americans and Canadians to celebrate Family Reunion Day next Sunday, August 13. When these splendid organizations suggest that we celebrate—not just declare—this fifth annual family day, they honor and serve us all, the individual, our nations, all men everywhere.

The essential spirit of Family Reunion Day is different from that of most national events. It urges every family to plan its own activities, perhaps a reunion dinner, picnic, or outing. The day is cited as an occasion for getting family members up to date on addresses, birthdays, other anniversaries, deaths, and significant events. Kiwanis groups, in some cases, use intensive publicity to insure the entire community's awareness of and participation in the occasion. Some Kiwanis clubs will hold special Family Reunion Day celebrations—athletic events and outings, or Kiwanis family meetings at which speakers will be chosen to interest children, or wives. The importance of the spirit of the day, to both the public and the private good can scarcely be overestimated.

This one observance, increasing in importance each year, might well merit on its own the words used opposite the title page of Oren Arnold's book, "The Widening Path, An Interpretive Record of Kiwanis":

> Suddenly we realize that the service clubs are perhaps the most important groupings of men in the world today; the most influential, the most impervious to criticism. If they wish to, they are now strong enough to control the nation. It is comforting to know that they work only for good.

That was true when written. It is true today and, if anything, more important.

Home, the keystone of the nations' strength, and of any society's, once called "the nursery of the infinite," is having a hard time of it everywhere today, assaulted from without, and weakened from within. It appears that we must be reminded of the obvious—the dignity of the home, its goodness and beauty, its absolute primacy in the life of the individual and of the Nation.

In all areas, the menace of mediocrity is obviously upon us . . . rampant are powers which cheapen life, which lessen the worth of the person . . . we were a most useful people, a happier people when we had each man hitching his wagon to a star. Too long now have we said "Search not the skies for opportunity, lower your head and seek security close at hand." . . . In place of this we (Kiwanians) must have a high goal, to lift the heart and set the soul to dreaming—a goal which will impel us to besiege and batter those forces which would destroy us . . . When man feels himself a cog in a wheel, a number, he shoots his own morals, blasts his own morale . . . we make of ourselves a pygmy people when we content ourselves with less than our best . . . As never before, we in Kiwanis must build the sovereignty, the dignity, the worth, responsibility and accountability of the individual.

Those thoughts, and some below, are taken from the Kiwanis 50th anniversary address by the then president of Kiwanis International, Edward B. Moylan, Miami. Surely they apply to the work of the American home in a day when, after being advised for years that "The family that prays together stays together," some of our public counsellors are also urging us, as I heard just this week, "The family that eats together, stays together." They point up the ever-alert wisdom of Kiwanis, and Freedoms Foundation, which several years ago had some 13,000 programs to promote family prayer at meals, and family church attendance. This year the need is greater, the problems more acute. Fittingly the program is, if possible, even more fundamental, touching the family at home, asking family members to pause, consider themselves and their intra-family relationships, and plan their own celebration there, in the home. Kiwanis has been said to have the most inspiring ideal known, second only to the Christian ideal of which it may be counted a part. Home and family are surely vital to that ideal.

The men who founded Kiwanis in Detroit in 1915 wanted a name more meaningful than the wordy titles in vogue at the time, for a club which they foresaw as a vital local group with a potential top membership of 5,000. The name they discovered is quite as apt now that Kiwanis International, in 39 countries, lists not 5,000 members but more than 5,000 clubs with nearly 300,000 members. The motto derived from the name is quite as appropriate for Family Reunion Sunday, August 13, 1972, as it is for the organization itself. "Kiwanis" is taken from "Nun Kee-wan-nis," a phrase of the Otchipew Indian tribe which, freely translated, is "We enjoy trading. we find joy in sharing our talents." This is the spirit of the name Kiwanis, and of the Kiwanis motto, "We build."

> "To build" is instinctive, intrinsic, and innate . . . building is essential to progress. It is equally essential to preservation. The ancient Noah was intrusted to "build an ark to the saving of his household." That militant, missionary apostle of the early church, Paul, used building as the criterion for judging every social indulgence. He said: "Does building edify? Does it build up?" . . . Because building is so basic to human nature, poets have used this analogy to express all kinds of development.

Here again I quote from Edward Moylan's address. Are all Americans building homes—not houses, homes? A house requires a contractor, and many craftsmen. A home is built by parents, often—of necessity—by one parent. A contemporary child psychologist says:

> One trouble with children is that they all have mothers and fathers, but some of them do not have parents.

If they have real parents working at the most important job on this our earth, children will have real homes, be they the poorest places of only a room or two.

Said Josiah Holland:

> Home in one form or another is the great object of life.

The late J. Edgar Hoover wrote in an article, "What I Would Tell a Son," which appeared some years ago in Family Weekly:

> Above all, I would teach him to tell the truth . . . Truth telling, I have found, is the key to responsible citizenship. The thousands of criminals I have seen in 40 years of law enforcement have had one thing in common: every single one was a liar.

Of parents, we are told many things worth recalling. Said Theodore Hesburgh, college president, of fathers:

> The most important thing a father can do for his children is to love their mother.

On mothers and motherhood, I take particular pleasure in quoting May Roper Coker, of Hartsville, in my own State of South Carolina, who said, on being named Mother of the Year some years ago:

> I never thought that you should be rewarded for the greatest privilege of life.

The American ideal-come-true was once the boy, or girl, who came from a

real home, no matter how deprived the neighborhood, to work his or her way to success, fulfillment, happiness, service to others. What happened to that dream? I believe it is still working well. But you do not see it in the headlines often. And many seem to have lost faith in it.

We should all be grateful to Kiwanis International and to Freedoms Foundation at Valley Forge for their creative, farseeing vision and efforts on behalf of the family, and for bringing into focus once again that universal ideal of the home that is a home, however humble—and for reminding us that it is not too late for each of us to hitch his wagon to a star if it has somewhere along the line become disconnected. Their efforts deserve all the support we can possibly give them. I urge you to celebrate Family Reunion Day on Sunday in the way you find best for you. Be sure, too, to listen and watch for the radio and TV announcements of the day to be made by Bob Hope, the 1972 national chairman.

As a member of Kiwanis in my city of Greenville, S.C., I, for one, am proud to salute both of the sponsoring organizations, and to offer them any assistance I can give to this truly noble work.

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## THE SICK(?) SOCIETY

### HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. WINN. Mr. Speaker, it was a pleasure for me to read in the August 3, 1972, issue of the Silver City Record, an editorial which pointed to the admirable aspects of American life. Too often, as the author stated, we fail to do this.

While we must not be blind to the many problems confronting our Nation, we should nonetheless proclaim with pride the accomplishments of our people. I know my colleagues will enjoy reading this:

THE SICK(?) SOCIETY

Gloom purveyors love to call the United States the "sick" society. Because the U.S. fails to measure up to their utopian standards, they claim that revolutionary changes are necessary. Hardly ever do they mention some of the benefits of living in this nation.

We have the highest living standard in the world. Our national income equals that of the next six highest nations combined. While half of the world subsists on $100 per capita income a year, the U.S. enjoys an average of $3600. Even the highly developed West European nations have per capita incomes of only about $1600. Russians, living in an alleged "workers' paradise," average $800 a year.

A mere six percent of the world's population lives in the U.S. Yet, it graduates as many from high school as all the nations in the world combined. We also have more college graduates than the total of all the other nations.

Professional pessimists often cite the number of American poor, some 15 percent of our population. But if 15 percent are poor, 85 percent are not poor. Most countries would be pleased if they had such low poverty figures. Many Americans, however, make a point of always looking at the negative side.

Adherents to the sick society myth believe that the good life cannot be measured in material terms alone. They are correct. The U.S. allows more personal freedom than any other nation. An American can freely travel from New York to Los Angeles. There are no commissars to check papers at state lines, and our high standard of living has given most Americans enough wealth and leisure time to afford the trip.

Under our capitalist system, any citizen can start the enterprise he wants. He has a free market in which to dispose of his product. Besides the freedom to work where he wants, an American can worship where he chooses, travel where he pleases and write what he wants. We have no state regulations against personal freedoms. Perhaps those who call this a sick society are sick.

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## A BILL TO ALLOW TAX DEDUCTIONS FOR THE EDUCATION OF DEPENDENTS

### HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. BAKER. Mr. Speaker, I am today introducing legislation to allow a tax deduction of up to $400 a year or $200 a semester for the education of a dependent attending any primary, secondary, or higher educational institution.

Financial crises are plaguing our nonpublic primary and secondary schools and our colleges and universities. Enrollments are climbing and expenses are climbing. The result is all too often an increase in tuition and various fees.

These increasing costs for elementary, secondary, and higher education, along with increasing Federal, State, and local taxes, are making it just about impossible for low- and middle-income families to exercise their right to choose to send a youngster to nonpublic grade and high schools, much less send that youngster on to college.

I remain opposed to any violation of the first amendment and believe we must maintain the separation between Church and state. And, of course, Federal assistance all too often proves to be a double-edged sword.

However, if this is truly the Nation I believe it is—a nation where there is unity without uniformity and diversity without division, then we must find practical means to assist the parents of nonpublic schoolchildren. We must seek and find constitutional ways to protect the rights of parents to freedom of choice in education.

Indeed, improving the quality of education is one of our most important goals. An integral part of this goal, it seems to me, is the survival of nonpublic schools in this land.

This tax deduction proposal will not challenge or destroy the significance of public education. I believe this proposal is equitable, will be workable, will be constitutional, and will fulfill our obligation to those parents who are trying to furnish their children with a good education.

Indeed, we must provide this much needed tax relief to the lower- and middle-income taxpayer who is shouldering the ever-increasing burden of providing for the education of his own children as well as for all the children across the country. And, the economic benefit will improve both public and nonpublic sectors. In our search for new methods of school financing, this type of legislation is necessary and appropriate. And, I am confident this search will continue to receive broad bipartisan support.

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## RETIREMENT LEGISLATION

### HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. BROYHILL of Virginia. Mr. Speaker, on July 27, it was my privilege to appear before the Post Office and Civil Service Subcommittee holding hearings on retirement legislation.

In my remarks, I pointed out that the recent increase in social security benefits warrants a review of the benefits paid to annuitants under the Civil Service Retirement System.

On July 12, 1972, the Springfield, Va., Chapter of the National Association of Retired Federal Employees adopted a resolution seeking an increase in annuities to correspond to the social security adjustment.

Mr. Speaker, the social security increase was 20 percent, but the civil service retirees did not ask for a like amount. Rather, they asked for only 15 percent, being willing to accept the 4.8 percent August first cost-of-living increase as a part of the total. In my opinion, there is a very definite need to increase the annuities of low-income civil service retirees. The position of the Springfield Chapter of the National Association of Retired Federal Employees is commendably moderate.

Mr. Speaker, I insert in the RECORD the resolution in question.

The resolution follows:

RESOLUTION ADOPTED UNANIMOUSLY BY SPRINGFIELD CHAPTER, NO. 893

Whereas, the National Association of Retired Federal Employees has for several years sought relief for the hundreds of thousands of retirees and their survivors caught between sharply rising living costs and inadequate annuities, and

Whereas, latest figures available from the U.S. Civil Service Commission show that some 698,000—more than two-thirds of the 900,000 persons involved—are now receiving less than $300 a month, and

Whereas, federal employees have made larger contributions toward their annuities than have those under the Social Security system and also have to pay income taxes on their annuities, while those drawing Social Security benefits do not, now therefore

Be it resolved that Springfield (Va.) Chapter, No. 893, NARFE, hereby calls for a 15% increase in annuities of less than $500 a month (taking into consideration the 4.8% increase effective this month) in accord with the recognition of the economic situation by the Congress evidenced in the 20% across-the-board increase just granted Social Security recipients, and that copies of this request for immediate action be sent to the Virginia Federation of Chapters and the National Officers of NARFE for further action and to Senators Byrd and Spong and Representatives Broyhill and Scott asking for their early and serious consideration of this request.

## GEN. "CHAPPIE" JAMES SPEAKS TO YOUNG AMERICANS

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. KEMP. Mr. Speaker, coming to Congress as I do from the very competitive world of professional football, I am keenly aware of what it is to develop within our young Americans an attitude of excellence and a commitment to be the best, whatever the circumstances or the handicaps. In many speeches before hundreds of young audiences, I have sought to stress the power of that kind of personal attitude and have attempted to convey the idea that limitations, the severest limitations placed on our performance as individuals, are self-imposed—doubt, fear, and skepticism.

The history of all professions—sports, business, government, whatever—are replete with instances of persons overcoming great handicaps to achieve success. In this era, in this country, one of the most difficult struggles being faced by some of our citizens is the struggle to overcome what should not be, but nevertheless remains, the handicap of race. The 14th amendment and scores of anti-discrimination laws have not eliminated the sad and very real fact that discrimination remains a handicap to success.

To all Americans, and black Americans particularly, I bring to your attention the remarks of Maj. Gen. Daniel James, Jr., USAF. In more eloquent terms than I, "Chappie" James describes the dedication, the perseverance, and the "never give up attitude" which brings success no matter the handicap. This personal attitude has brought to him the position of highest ranking black officer in the U.S. military.

I greatly admire his personal achievements and commend him on his promotion to major general in the USAF. His remarks give hope and encouragement to all Americans, particularly those black Americans who at times find themselves without hope; General James is a case-study in the power of a "never take no attitude."

The article follows:

[From the Wall Street Journal, July 25, 1972]

NOTABLE AND QUOTABLE

Air Force Brig. Gen. Daniel ("Chappie") James, deputy assistant secretary of public affairs, a noted fighter pilot and one of the highest-ranking black military officers, in remarks at the National Association of Secondary School Principals:

My young life was filled with orders, advice and encouragement.

I was told to eliminate one by one all the reasons some bigot might say I was not capable of standing beside him or deserving of equal opportunity. If he says you are dirty, make sure you are clean. If he says you steal, make sure you don't.

If he says you are dumb, make sure you learn. If he says you are scared, make sure you are brave, my son. And if there ever comes a time to fight for your country, don't you run away and hide.

And don't you ever, no matter what the provocation or the invitation, turn your back on your God or your country or that flag.

Remember, they said, you are not African. You are an American and this is your land. Many of those who will suggest you go back to Africa cannot trace their ancestors in this country as far back as you can trace yours.

This is your nation and don't you get so busy practicing your right to dissent that you forget your responsibility to contribute. If she has ills you hold her hand until she is well and then work for constructive change within the system.

Let your own contribution to the problems of your race be a by-product of your achievement in your chosen field. You will prosper in proportion to your contribution to the nation.

Remember that with the heritage of being an American goes the responsibility for developing that heritage and passing it on to your kids in better shape than you got it.

Don't stop to argue with the ignoramus on the street who calls you nigger. You don't have time. Press on. Perform. Perform. Excel. Excel. And when you drive back by in the limousine of success, that ignoramus will still be standing there on the corner wrapped in his hate.

The power of excellence is overwhelming. It is always in demand and nobody cares about its color.

## THE DAILY IBERIAN—A NEWSPAPER THAT CARES

### HON. PATRICK T. CAFFERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. CAFFERY. Mr. Speaker, at the top of the front page of each day's edition, the Daily Iberian in New Iberia, La., carries the motto, "Good communities are the result of citizens who care." This is a statement with which no man will find quarrel, but I believe it is appropriate to expand upon that by adding that a community's life is enriched and enlivened when it has the benefit of a newspaper that cares.

As a regular reader, I know that the Daily Iberian is a newspaper whose concern and affection for the area it serves is manifest daily in its superb chronicling of events and personalities in New Iberia and the entire Iberia Parish area.

Its publisher, M. A. "Red" Wolcott, long ago won my respect as well as the respect of his other readers and his colleagues, as a journalist of unimpeachable fairness and integrity.

He and his enterprising staff do indeed keep New Iberia apprised of national and international developments, but, more importantly, they have never lost sight of a newspaper's premier obligation to keep its readers abreast of developments and personalities in the immediate area. This is done not only through the Iberian, but also through the weekly Enterprise, which covers activities in Jeanerette, some 15 miles to the east.

The Daily Iberian news columns are objective, its editorial comment always fair and informed. Red Wolcott is not afraid to call things as he views them, but, because he is neither driven by malice nor encumbered by blind ideology, his career holds lessons for other, more heralded members of the journalism profession.

Too rarely, Mr. Speaker, do we stop for a moment to observe and appreciate those institutions in our own communities whose guiding principles are service to the people. The Daily Iberian is one such medium that has met this obligation well and is continuing to do so. Not merely because it is my hometown newspaper, I am proud to commend its achievements to the Members of this body.

## TRIBUTE TO NICHOLAS COPERNICUS

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. EILBERG. Mr. Speaker, February 14, 1973, marks the beginning of the 500th anniversary celebration of the birth of Nicholas Copernicus, the great Polish scientist and father of modern astronomy. The Copernican revolution, which placed the sun—rather than the earth—at the center of the then-known universe, provided the basic foundations for development of the knowledge that has finally enabled man to break the bonds which held him to this little spaceship, earth, and unravel the mysteries of the universe. Thus, in acknowledgment of the debt that we owe to Copernicus, and as a fitting tribute to him, the National Aeronautics and Space Administration has named the astronomical satellite which it will launch from Cape Kennedy this month in his honor.

The Copernicus satellite will orbit for 1 year, collecting scientific data on ultraviolet and X-ray emissions which hold vital clues to the composition, density, and nature of the celestial bodies from which they originate. It will carry experiments designed by University College, London, as well as Princeton University, and the data collected will be shared by Polish and other scientists throughout the world, in an international exchange of good will and technical information.

Americans of Polish descent can take great pride in the Copernican heritage that laid the foundation for the science and technology of today. In the 500 years since Copernicus was born, man has taken many strides toward discovering the secrets of the universe, but it was Copernicus who pointed the way. Furthermore, he made and published his discoveries in an age when knowledge was bound by rigid dogma, and thus he symbolizes for us the Polish heritage of dedication to individual liberty and intellectual freedom. It was that same dedication to freedom that drew Pulaski and Kosciusko to America to join our fight for independence.

Thus, I am pleased and honored to join my colleagues in paying tribute to Nicholas Copernicus, one of the greatest scientists and humanists of all times, and in hailing the U.S. contribution in honor of the worldwide celebration of the 500th year aniversary of his birth.

## A PROFESSIONAL VIEW OF DES

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. SCHERLE. Mr. Speaker, the debate over DES, the hormone used to induce faster growth in cattle, has aroused much heated controversy. Some of it is informed and based on scientific evidence; much of it unfortunately relies on distortion and scare tactics to marshal the weight of public opinion against this important economic aid to the beef industry and the consumer. When the smoke of battle clears—which may not be for months—those who advocate and those who oppose the ban recently imposed by the Food and Drug Administration on DES in cattle feed will still have to deal with the facts.

The cattle raisers' defense of DES deserves an open-minded hearing, and there could be no better forum for reasonable deliberations on this issue than the proceedings of this body. On Friday, August 11, the Beef Business Bulletin, a responsible spokesman for the industry, will publish the following editorial. It contains a concise and sensible summation of the principal arguments against a blanket ban on DES and for a rational reform of the law requiring it. This article should be read by anyone who wishes to understand the professional's view of the current controversy over DES.

EDITORIAL FROM BEEF BUSINESS BULLETIN

The beef cattle industry is deeply disappointed with the decision of the Food and Drug Administration to ban the use of DES in cattle feeds effective January 1, 1973. This move is particularly hard to take because only two weeks ago authoritative representatives of FDA and others told the Senate Health Subcommittee there was no solid evidence that residues of any estrogen, such as DES in beef livers, is even remotely related to cancer in humans.

This FDA action is but another in the series deriving from the inflexible, although well-intended, requirements imposed by the Delaney Clause of the Food, Drug, and Cosmetic Act. This much-misunderstood clause defies reality and prevents the exercise of sound scientific judgment. It is dangerous because it demands black-or-white judgments which, as any competent scientist will affirm, simply cannot be made on the basis of the best available present knowledge.

Some "consumer advocates" have, of course, claimed that the Delaney Clause is a "model consumer protection law" in that, once a substance is shown to be carcinogenic in laboratory animals, that substance is forbidden; no further scientific inquiry is necessary because Congress has decreed a ban. There is a prevalent view among scientists, however, that there are no-effect levels of all biologically active materials, and that these levels should be considered in arriving at safety determinations.

The Delaney Clause was nobly intended to eliminate any possibility of substances used in foods, cosmetics, or animal feed additives triggering human cancer. But with ultrasensitive assay techniques already available, not to mention those on the drawing boards, residues are certain to be found where once we could find no trace of the suspect chemical. As these techniques are refined, minute traces of "carcinogens" will be found virtually everywhere we look, bearing not the slightest relationship to the public health or safety. We all should remember that FDA has acknowledged publicly that the residue levels of DES found in beef livers, when they are found at all, are infinitesimal, comparable to two seconds in 32 years.

All of this underscores the need for additional data on no-effect levels, dose-response relationships, and benefit-risk ratios which can be used as a basis for bringing the outdated Delaney Clause into line with modern scientific judgment. Even the toughest of the truly qualified public health guardians agree that this short-sighted law is overue for modification. Until it is altered, the use of all animal drugs and other agricultural chemicals will be in jeopardy, subjected to irrational attack and possible cancellation of use in utterly unjustified situations.

## A BILL TO PROVIDE FOR A 20-PERCENT INCREASE IN ANNUITIES PROVIDED UNDER THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. WALDIE. Mr. Speaker, the Subcommittee on Retirement, Insurance, and Health Benefits met on July 27 to consider legislation that is urgently needed by a most important segment of our population—those retired Americans who dedicated their lives to the service of their Nation.

These Federal retirees, their dependents and their survivors, basically rely upon the annuity they receive each month from the Federal Government.

In too many cases that annuity is cruelly small.

Last year the subcommittee held a day of hearings on the problems confronting the Federal annuitant. That session was notable in that we of the subcommittee came away with the feeling that the basic structure of the Federal retirement system was sound, but needed some review.

Later, the subcommittee adopted one of the main proposals brought forth at the earlier hearing and amended the bill to increase the Government's contribution of employee health insurance to allow retirees who left the Government service prior to 1960 a chance to join the Federal program.

We met with the intention of hearing the various proposals to increase Federal annuities to keep pace with inflation and the cost of living—especially for those Federal annuitants whose income is very low.

The subcommittee heard testimony from representatives of the Civil Service Commission and public witnesses on the merits of such bills as H.R. 7805 which provides for a graduated increase in Federal annuities so that the lower-income group gains the greatest benefits.

We also heard testimony regarding H.R. 15973 and H.R. 15974 which also provide specific assistance to those lowest on the income scale.

During that hearing, Mr. Speaker, some very informative testimony was presented by several Federal employee unions and associations. In particular, the testimony of Mr. Thomas G. Walters, president of the National Association of Retired Federal Employees, was of extreme value in spotlighting many of the financial problems facing the Federal retiree today. I include Mr. Walters' very excellent statement at that hearing in the RECORD at this point:

STATEMENT BY THOMAS G. WALTERS, PRESIDENT, NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES BEFORE THE SUBCOMMITTEE ON RETIREMENT INSURANCE AND HEALTH BENEFITS, COMMITTEE ON POST OFFICE AND CIVIL SERVICE ON LEGISLATION TO INCREASE CIVIL SERVICE ANNUITIES AND ESTABLISH A MINIMUM ANNUITY AMOUNT, JULY 27, 1972

Mr. Chairman and Members of this Subcommittee, I am Thomas G. Walters, President of the National Association of Retired Federal Employees (NARFE). This is our Association's 51st year of incorporation, and today we have a membership of some 160,000 Federal retirees and survivors, organized into some 1100 chapters throughout the fifty states, Puerto Rico, the Canal Zone and the Philippines.

Mr. Chairman and Subcommittee members, I am appearing here today, on behalf of NARFE's entire membership, to urge this Subcommittee and the full Committee on Post Office and Civil Service to act early and favorably on pending legislation to provide an increase in Civil Service annuities, and to establish a minimum annuity for all retirees of the Federal Government and their survivors. I cannot emphasize strongly enough the desperate need for immediate action on such legislation.

The Senate Special Committee on Aging, the 1971 White House Conference on Aging, and various other groups concerned with the aged and aging, have identified the Number One problem facing this country's retirees as "inadequate income". I know for a fact, from personal conversations and thousands of letters from our members, that "inadequate income" is certainly the major problem of most Federal retirees. This need for an annuity increase was, in fact, voted by the delegates at our 1970 National Convention as the "paramount" legislative aim in the 92nd Congress. So far in this Congress, more than twenty separate bills have been introduced by our friends in Congress to increase Civil Service annuities, on the basis of granting the highest percentage increase to those with the present lowest annuities. Many of these bills have been introduced by members of the Post Office and Civil Service Committee, such as your bill, H.R. 7805, Mr. Chairman, which was co-sponsored by Mr. Hogan of this Subcommittee. We are deeply appreciative to each Member who has sponsored this legislation, but our problem now is to get a good measure out of this Committee and onto the floor of the House for a vote, so that we can get a measure on its way to the White House before the end of this 92nd Congress. In my opinion, we are today working on an emergency measure.

There has long been a dire need for this legislation, and the lack of a substantial increase in the past, has caused the financial situation of many retirees to continually worsen. However, I feel that the 20 percent increase recently enacted for Social Security recipients, has changed the status of the annuity increase from one of dire need to emergency.

Though much publicity is often given to the effect that Federal retirees receive good retirement benefits and are riding on a bandwagon in comparison to other retirees, statistics prove this is not the case. You must keep in mind, Mr. Chairman, that many of these annuitants retired a number of years ago when salaries were much lower and the re-

tirement computation formula much less liberal than it is today. The annuities these retirees receive from a career of Federal service is simply not enough to provide them with adequate living incomes in today's economy.

The latest available statistics show that some 266,000 retirees and survivors receive less than $100 per month; more than 496,000 receive less than $200 per month; and about 700,000 receive less than $300 per month. These are from a total of approximately 960,000 survivors and annuitants on the Civil Service Retirement rolls. In quoting such statistics in the past, we have often been confronted with the argument that the majority of these low income annuitants were "short term" Federal workers, who actually only worked a few years of their careers in the Government service, and thus would not be entitled to a large annuity.

We have never agreed that this theory was fully correct, and about a year ago we polled our members to see just what the story was. We asked that our members notify us if they had more than 15 years of service and received a monthly annuity of less than $350 per month. The staff of this Committee has already seen the volume of mail we received on this subject, and the Committee was earlier told of many of the individual cases involved. I think it is worth pointing out, however, that in the category of persons having more than 40 years of service, there were cases reported of incomes under $300 per month. This, Mr. Chairman, I believe points out the inequity of forcing thousands of career Federal employees to live their retirement years on incomes which do not correspond to today's living costs.

Although Federal retirees do receive periodic cost-of-living increases, these increases have no equalizing value in helping low income annuitants meet day to day living costs, as a 4 percent increase on a $100 per month annuity provides no substantial gain in buying power. What we need is a substantial increase, especially in these low annuities, so that future cost-of-living increases will have a more realistic base, thereby providing the financial relief intended. As one of our low-income annuitants recently put it, they are forced to buy food at "caviar prices" on "salt pork" pensions. I don't know anyone, Mr. Chairman, who does not wish he had more money, but legislation to increase annuities is not just fulfilling a whimsical desire of retirees for additional money for "extras", it is fulfilling a case of *real need* to meet necessary costs for survival.

Effective September 1, Social Security recipients will have their monthly pensions increased by 20 percent. I certainly do not begrudge them this increase, for I know it was needed and deserved. On the other hand, I firmly believe, as I know you do Mr. Chairman, that the need for such an increase is just as great and equally as deserved by retirees of our own Government. Since 1960, Social Security benefits have increased 65 percent. During the same period of time, Civil Service annuities have increased by 42.7 percent, a difference of 22.3 percent less than Social Security.

Social Security has an established income floor, which under the new law is $84.50 per month. I believe and firmly recommend that a minimum annuity level should exist for Civil Service annuitants in like manner to Social Security. I urge this Committee to favorably recommend passage of legislation such as H.R. 2187 by Mr. O'Konski and H.R. 4441 by Mr. Schwengel, establishing a monthly minimum annuity of $100 per month for a single person and $200 per month for a couple. Certainly, no Civil Service annuitant should receive less than the minimum granted Social Security recipients, and I do not believe anyone could, in good conscience, vote against such a measure. Any measure adopted along this line should provide that minimum Civil Service annuities never fall below the minimum benefit of Social Security.

Another point in comparison with Social Security, which I should like to call to your attention for action is the percentage of survivor benefits. Most Civil Service survivors receive 55 percent of their spouses' annuities, while Social Security survivors presently receive 82½ percent of the retirees' benefits, and H.R. 1, now pending Senate action would increase this to 100 percent. In our opinion, Civil Service survivors should be accorded equal annuities to those received by their retiree spouses.

I realize as well as anyone, Mr. Chairman, that there is a cost factor involved here, but there is also the factor of human survival and dignity involved. These retirees and survivors are not asking for, and do not want, mere welfare handouts, but they did spend their working years in the service of the Federal Government—years ago when salaries were much lower and the working hours much longer. The sincere dedication and patriotism of the vast majority of these annuitants cannot be questioned, and they certainly should be able to spend their late years free from poverty. It is my opinion that these annuitants and survivors who are suffering the most financially had the least to do with today's inflation. In our rapidly changing society, it simply cannot be argued that these Senior Citizens are receiving what they were promised when they went to work for the Federal Government. When I went to work for the Government they told me that after so many years of service I would be able to retire on $100 per month, which I thought would be a wonderful retirement income. I thank my lucky stars every day, that I don't have to exist on such a pitiful sum today, but there are thousands of retirees who are not so fortunate, and do have to eke out an existence on this type of income. It is on their behalf that I am pleading for a substantial annuity increase.

At this point, Chairman Waldie, I should like to go on record as being one hundred percent in favor of two bills you introduced last week to assist these low-income annuitants. H. R. 15973, would provide a monthly annuity for all retirees and survivors of $84.50 per month, the same income floor which is now granted Social Security beneficiaries, providing that any increase in the Social Security minimum would automatically trigger a like increase in the Civil Service annuity floor. This bill would apply to more than 145,000 annuitants and survivors, who are presently receiving less than $84.50 per month. Certainly no one can object to this measure for it only corrects a situation which is now putting Civil Service annuitants in an inequitable financial position with Social Security recipients.

The second bill which I am endorsing is H. R. 15974, which would provide a $20 per month increase to most annuitants below the $200 per month level, by granting a flat $20 per month increase to those now receiving less than $181 per month, and a proportionately lower increase for those in the $181 to $199 per month bracket, whatever figure would be necessary to bring them to a level of $200 per month. It cannot be denied that any one receiving less than $200 per month is in dire need of financial assistance, and though it is rather frightening to know, it is a fact that some 448,000 retirees and survivors today receive less than $200 per month and would thus benefit from the provisions of H. R. 15974. I urge this Subcommittee and the full Committee to promptly give these two bills a favorable report.

I would hope, Mr. Chairman, that after these hearings have been concluded, the Subcommittee and its staff could come forth with a clean bill which would incorporate the provisions of H.R. 15973 and H.R. 15974, along with provision for an equitable graduated scale increase in annuities of more than $200 per month, with the greatest increase being in the lower annuities and graduating to a smaller percentage increase in the present higher annuities. This could be accomplished along the lines of H. R. 7805.

I cannot stress strongly enough to this Subcommittee and the entire Congress the real and basic need of today's elderly retirees for a substantial increase in all annuities. NARFE will cooperate in any way, Mr. Chairman, to see equitable legislation enacted to provide these former Government employees financial relief. The need is there and the time for action is NOW!

There is no question but what our paramount aim is to secure an increase for all annuitants, but there are several other matters I would like to call to this Subcommittee's attention for early consideration. Of major concern to thousands of our members is the fact that a retiree is forced to take a percentage reduction in his annuity to provide survivor benefits, but if predeceased by the designated survivor, this reduction is still withheld and a new survivor cannot be named, unless the retiree remarries and a second spouse is available to receive the survivor benefits.

Though the provisions of the Second Spouse Act, allowing the naming of a second wife or husband as beneficiary, has benefitted thousands of survivors and potential survivors, it remains that many retirees do not remarry after the death of the designated survivor. That these annuitants should have to continue to pay a reduction for a benefit which will never be derived is, to my way of thinking, a gross inequity in the retirement law, and one which deserves immediate attention and correction by the Congress. Pending bills, such as H.R. 3617, H.R. 7805 and others, would correct this inequity. I trust that due consideration will be afforded this legislative need.

I should also like to point out a situation which has caused undue hardship to many survivors and will continue to do so until corrected. There were some retirees who did not elect a survivor annuity at the time of retirement because they did not feel they could exist on the annuities they would receive after the survivor reduction. Most of these persons are the older retirees who retired years ago when annuities were much lower and the percentage reduction for survivor benefits much larger than today's. I would like to suggest that this situation could be corrected equitably by giving them a second opportunity to designate a survivor, provided they make this election within a given period of time, such as January through December 1973, or such a time period.

I should also like to recommend that two limitation dates in the present Civil Service Retirement Laws be eliminated, so that we eliminate discriminating between various survivors because of the date they remarried, or the date they lost their spouses. The first date I should like to see eliminated from the law is July 18, 1966, contained in Sec. 205 of P.L. 91-93. Survivor annuitants who remarried after that date are allowed to continue their survivor annuities, but those who remarried before that date are penalized by the loss of their survivor annuity. I believe this is nothing more than plain and simple discrimination, and deserves to be corrected.

The second date which I should like to see eliminated is the January 8, 1971 date in the Second Spouse Law, P.L. 91-658. In order for a second spouse to receive survivor benefits under this law, the annuitant had to be living on the date of the bills enactment, namely January 8, 1971. Therefore, many second spouses whose retiree husbands had died before that date were left without any survivor benefits, despite the fact that their husbands had been paying the survivor reduction for years before their deaths. The

date of the husband's death does not change a survivor's need for retirement income, but these second spouse widows, whose husbands died before the Second Spouse Law was enacted, are now left without any annuity benefits. To my way of thinking, this limiting date should be eliminated from P.L. 91-658.

Mr. Chairman, I have on numerous occasions urged Congress to give equal tax treatment to Civil Service annuitants, who are presently taxed on their entire annuity income, while Social Security and Railroad Retirement benefits are exempt from Federal Income Tax. I know that this Subcommittee can not legislate on this particular issue, but I do urge the Members here today to use their influence with Members of the House Ways and Means Committee, urging them to give this correcting legislation due consideration. It is impossible for any of us to understand why our Government pensions are taxed by the Federal Government and others are not. We only ask for a fair hearing on this subject and consideration of our plight.

Mr. Chairman, the items which I have covered here today are some of the most glaring inequities in the Civil Service Retirement Law, which our Association believes should be corrected by the 92nd Congress. I am sure you realize that because of age, thousands of annuitants and survivors who are alive today, will not be here next year, so the need for correcting measures in retiree legislation are needed today, as tomorrow may be too late.

I thank this Committee for the beneficial legislation you have advocated and had enacted for us in the past, and I am hopeful that when the 92nd Congress is adjourned, there will be other laws to assist retirees on the statute books, especially a good law to increase Civil Service annuities, for this is certainly our foremost need at the present. I should be happy to work with Members of this Committee and your staff, in an attempt to work out equitable, just legislation which will benefit retirees and their survivors.

This hearing today has special meaning to me, as it is to advocate the enactment of annuity increase legislation for which we have worked so long; but it is also a rather nostalgic time for me, because after 34 years on Capitol Hill, working for better living and working conditions for Federal employees and retirees, this is probably my last official appearance before a Congressional Committee. I am pleased that this last hearing was before the Post Office and Civil Service Committee, because it is here that I have spent the most time testifying and receiving counsel from past and present Committee Members. There is no question but what working and financial conditions of Government employees and retirees have greatly improved over the past 34 years, and I like to think that I was somewhat instrumental in having some of these improvements brought about. My greatest hope, however, is for the future, and I hope to see the day when all annuitants and survivors can live their retirement years free from undue financial hardship. The legislation discussed here today would go a long way in making this hope a reality.

I thank all of you for the courteous treatment, words of wisdom and friendship which have been extended to me over the past 34 years. I shall always be personally thankful for the opportunities and experiences which have been mine in working with you and the members of your efficient staffs.

Mr. Chairman, I shall be pleased to attempt to answer any questions you or other Members of the Subcommittee may have.

I am hopeful that, as a result of that hearing, the Subcommittee will be able to meet and present a fair and equitable bill that will give Federal retirees an even break.

The Congress has not granted an actual increase in Federal annuities since 1961, although cost of living increases have been given. However, even those cost of living increases have not really benefited the lower income retiree.

In approving the recent 20 percent increase in Social Security benefits, the President pointed the direction for Congress to act on behalf of the Federal annuitant.

In view of the President's action I am introducing a bill today to mandate similar action for civil service annuitants. Mr. Speaker, I believe that the same factors that justified the 20-percent increase in social security benefits apply to those Americans who dedicated their careers to serving the public and their government. It would be an outrage to exclude those persons from a deserved increase in benefits which is vitally necessary to meet the increased demands of our inflationary economy.

I expect favorable congressional action on this legislation Mr. Speaker, and I am hopeful of administration approval as well.

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## INDIANA DUNES PARK: A LEGACY OF LETHARGY

### HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. MIKVA. Mr. Speaker, I am pleased to join with my colleagues in the House and the Senate in introducing legislation providing for a $4.6 million increase in the authorization for development of the Indiana Dunes National Lakeshore.

After years of hard work by Senator Paul Douglas, Congress in 1966 authorized the development of the Nation's first major urban national park. Eight years later we are still hearing excuses from the National Park Service why the park has not been developed. After spending nearly $28 million to purchase 50 miles of shoreline between Chicago and Michigan City, the public has only limited use of the park. Six years after creation of the park, there are still no lifeguards, no restrooms, and no tours of the historic dunes.

In fiscal year 1972, the National Park Service did not budget a single dollar for development of the Indiana Dunes National Lakeshore.

Under the 5-year plan established by the Department of the Interior, $2.5 million was to be spent in fiscal year 1973 to build roads, parking, trails, picnic sites, and other facilities at the Dunes park. But when Congress received the budget request of the Park Service, it contained only $1.2 million for this purpose. Fortunately the House Appropriations Committee responded to the pleas of Congressmen from the Great Lakes area, and increased the funds for development to $2.3 million.

So far the administration's legacy of parks looks more like a legacy of lethargy.

In an effort to keep prodding, those of us who are interested in seeing the Indiana Dunes National Lakeshore become a reality for the millions of residents in the Illinois-Indiana area met with Mr. George Hartzog, Director of the National Park Service, to discuss three problem areas. First, we were concerned about the serious erosion of the natural dunes aggravated by the construction of a breakwater near Michigan City. Second, we sought a commitment for prompt official dedication of the new park. And third, we asked the administration to support legislation I have cosponsored to expand the park's borders to include areas omitted by the original authorizing legislation.

Mr. Hartzog was pessimistic about the likelihood of obtaining funds to protect the dunes from erosion. He further doubted that the administration would support expansion of the park. And on the third point, he said he hoped that formal dedication could take place next year.

The one positive note to emerge from the meeting was Mr. Hartzog's promise that the Park Service would support legislation increasing the authorization for funds to develop the park, so that development work could proceed more quickly. I am pleased to join with the junior Senator from Illinois, Senator STEVENSON, in introducing legislation to accomplish that purpose.

In addition, I am pleased to note that our prodding has paid off and that formal dedication of the park has now been scheduled for September 8.

I am hopeful that after 6 years of lethargy and bureaucratic delay, we are finally on the way to developing the Indiana Dunes National Lakeshore to its full potential.

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## TRIBUTE TO MR. HOMER PHILLIPS

### HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. HUNGATE. Mr. Speaker, our governmental system works because of the untiring and unselfish efforts of loyal and dedicated men and women in each of our political parties. Such a Democratic leader was Mr. Homer Phillips of Macon, Mo., who died August 7, 1972.

He was a county official for 16 years, and a party leader all his life.

He will be sorely missed by his own community, Missouri, and the Nation. Some details of his career are set forth in the following article in the Macon Chronicle-Herald:

MR. HOMER PHILLIPS

Mr. Phillips was born May 25, 1912, at Aullsville, the son of S. P. and Gabriella Harrison Phillips. He was married June 20, 1936 at Macon to Margaret Ayers, who survives.

Besides his wife of the home, Mr. Phillips is survived by: two sons, Larry of Edina and Scott of Macon; one sister, Mrs. Aileen Purdy of Washington, Mo.; and five grandchildren.

He had been preceded in death by his parents and a twin sister, Hazel, who died at birth.

Mr. Phillips owned and operated the Phillips Insurance Agency in Macon for some 15 years and also operated his farm southwest of Macon.

He served as Macon County Assessor from 1952 through 1968 and received the Distinguished Merit Award from Gov. John M. Dalton as one of five outstanding county assessors of the State of Missouri. He was

twice appointed as one of Gov. Warren Hearnes' Honorary Colonels.

Mr. Phillips served as chairman of the Macon County Democratic Committee for many years and was treasurer of the 9th Congressional District Democratic Committee. He was Hudson Township Special Road District Commissioner for a number of years.

Mr. Phillips was a member of the First Baptist Church here and of the Macon County Historical Society.

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## RESULTS OF PUBLIC OPINION POLL OF OHIO'S 17TH DISTRICT

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. ASHBROOK. Mr. Speaker, we have just completed tabulation of my 12th annual opinion poll of the residents of the 17th Congressional District of Ohio. I am indebted to my constituents for always making this survey such a success. The response was excellent and the sincere concern of many persons was again expressed by the hundreds of personal notes, letters, and marginal memos.

The questionnaire prompts many people who might not otherwise write to give me the benefit of their views on a wide range of subjects. From my standpoint, the additional letters are as valuable as the results of the questionnaire itself.

The opinion poll was sent to every registered voter in the district, or in the case of nonregistration counties to those who voted in the last election. The difference of opinion expressed on many of the questions reflects the fact that all political persuasions were represented.

Although opinion was fairly well divided on a number of questions, we found decisive unanimity of sentiment on several controversial issues. It is clear, for example, that feeling runs high against U.S. involvement in the internal problems of foreign countries. Four-fifths of those responsing voted against a policy of providing arms, military advisers, troops or funds to assist foreign governments in putting down internal rebellions.

Another overwhelming "no" was recorded on the question of whether the Federal Government should legalize possession and use of marihuana in the home. More than 81 percent are against such legalization. Yet there is fairly strong sentiment in favor of reducing the severity of existing penalties for possession and use of marihuana for the first offense. Approximately 44 percent of those replying would approve of a lesser penalty, such as automatic probation, for first-time offenders.

Opposition to continuing to underwrite more than one-third of the costs of the United Nations was clearly indicated by the citizens of the 17th District. Nearly 79 percent favored reducing our contribution to a proportionate share based on our vote.

We also found strong opposition to granting unconditional amnesty—either now or after the fighting in Vietnam ends—to draft evaders and deserters. More than 90 percent believe amnesty should not be granted at all or that it should be conditioned on some alternate service. The breakdown was 51.4 percent totally opposed to amnesty, 35.4 favoring conditional amnesty, 5.2 percent supporting unconditional amnesty now and 3 percent after the war is over.

The question of how to end the Vietnam war and secure the release of our prisoners is still of great concern to us all and the frustration and disillusionment is evident. Slightly more than half of those responding would agree to withdrawing our support from the South Vietnamese Government if this demand were the only way to terminate the war and get our prisoners back.

Numbered among the "split decisions" was the preferred course of action the United States should pursue if the North Korean Communists were to invade South Korea again, whether the United States should establish diplomatic relations with Cuba, and whether we should expand trade relations with Communist China and the U.S.S.R.

Interestingly enough, percentages may not always tell the full story. One person voting in favor of expanding trade with Communist Russia added "Send them Bibles."

I again tried to cover a broad range of domestic and foreign policy questions in this poll and to word the questions in a fair and impartial manner. As I have often said before, representing the people of the 17th District in the Congress is a two-way street. Having the benefit of their views on the issues covered by this opinion poll, as well as thousands of comments on a variety of other topics, works to our mutual advantage.

The results of the opinion poll follow:

1972 PUBLIC OPINION POLL OF 17TH OHIO DISTRICT

| | Percent | Yes | No | No opinion |
|---|---|---|---|---|
| 1. The United States has approximately 50,000 troops stationed in South Korea. If the North Korean Communists again invade South Korea as they did in 1950, based on our Vietnam experience, which of the following would more closely approximate your opinion as to our response. (Check only one.) | | | | |
| (a) Withdraw the troops and do not become involved | 25.8 | | | |
| (b) Withdraw the troops but give tactical support to the South Koreans | 20.4 | | | |
| (c) Dispatch more troops to South Korea to fight the invaders but fight to win | 22.7 | | | |
| (d) Use massive retaliatory air and sea striking power against the invaders but do not commit ground troops | 29.1 | | | 2.0 |
| 2. The prisoners of war issue is the main stumbling block in terminating our military role in South Vietnam. If the Communists do not yield and the last issue to be resolved is their demand that we withdraw our support from the South Vietnamese government, would you agree to this demand to terminate the war and get our prisoners back? | | 54.6 | 38 | 7.4 |
| 3. Which assessment of the President's trip to Communist China most closely parallels your thinking? (Check only one): | | | | |
| (a) It has helped relieve world tensions and will benefit the United States | 42.5 | | | |
| (b) In general it seems that we made most of the concessions and the Red Chinese made few if any | 23.2 | | | |
| (c) The United States gave away more than it got and undermined the future security of Taiwan | 26.7 | | | 7.6 |
| 4. As a general policy, do you believe the United States should provide arms, military advisers, troops, or funds to assist foreign governments to put down internal rebellions in foreign countries? | | 11.6 | 80.9 | 7.5 |
| 5. Do you favor the United States establishing diplomatic relations with: | | | | |
| (a) Communist China | | 51.9 | 41.0 | 7.1 |
| (b) Cuba | | 40.5 | 50.1 | 9.4 |
| 6. Do you favor expanding trade relations with: | | | | |
| (a) Communist China? | | 45.1 | 47.7 | 7.2 |
| (b) Soviet Russia? | | 42.9 | 46.7 | 10.4 |
| 7. Total yearly costs of the United Nations run more than $1,000,000,000 of which we pay about 36 percent. Should we reduce our contribution to a proportionate share based on our vote? | 77.8 | 8.8 | 13.4 | |
| 8. A Presidential blue ribbon defense panel reports that the Soviet Union is achieving military superiority over the United States Should we (Check one): | | | | |
| (a) Maintain at least military equality with Russia? | 47.7 | | | |
| (b) Seek clear-cut military superiority over Russia? | 32.1 | | | |
| (c) Place reliance on negotiated agreements rather than military superiority? | 20.6 | | | 0 |
| 9. Which approach most closely approximates your opinion regarding the question of amnesty for draft evaders and deserters? (Check one) | | | | |
| (a) Unconditional amnesty now | 5.2 | | | |
| (b) Unconditional amnesty after the fighting in Vietnam ends | 3 | | | |
| (c) Amnesty conditioned on some alternate service such as 2 years in peace corps, VISTA, etc. | 35.4 | | | |
| (d) Amnesty should not be granted | 51.4 | | | 5 |
| 10. Do you favor no-fault auto accident insurance whereby insurance companies would compensate policyholders regardless of who is at fault? | | 59.6 | 30.5 | 9.9 |
| 11. Do you believe the Federal Government should legalize possession and use of marihuana in the home? | | 13.3 | 81.5 | 5.2 |
| 12. Would you favor reducing the severity of existing penalties for possession and use of marihuana such as automatic probation for 1st offense? | | 44.2 | 53.5 | 2.3 |
| 13. Do you favor a constitutional amendment to limit the President to one 6-year term? | | 26.0 | 68.4 | 5.6 |
| 14. Should Federal and public employees have the right to strike? | | 34.1 | 58.3 | 7.6 |
| 15. Do you favor a national health insurance program to cover catastrophic or prolonged illnesses? | | 54.6 | 36.6 | 8.8 |
| 16. At present, 5.2 percent of your paycheck up to $9,000 is deducted for social security. The employer pays an equal amount. To finance increased benefits, would you be willing to have deductions: | | | | |
| (a) Increase up to 7 percent | 23.6 | | | |
| (b) Increase up to 10 percent | 5.2 | | | |
| (c) No change | 61.4 | | | 9.8 |
| 17. If you had to rank the major causes of inflation today, in what order would they be? (Please rate 1, 2, 3, etc.) | | | | |
| (a) Excessive price increases (3). | | | | |
| (b) Excessive wage demands (2). | | | | |
| (c) Excessive business profits (4) | | | | |
| (d) Excessive government spending and deficits (1). | | | | |
| (e) Balance of trade deficits (5) | | | | |
| (f) Other (6) | | | | |

## AS ENERGY CRISIS GROWS BROADER

### HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. BOGGS. Mr. Speaker, for some time now we have been hearing about an impending "energy crisis." It is now painfully apparent that the energy crisis is upon us and not likely to improve or pass away easily.

A shortage of energy is a new and disturbing phenomenon for Americans. Our country has never faced a shortage of energy, the ultimate raw material of production. Now that the demand for energy is outdistancing supply, we are increasingly subjected to brownouts and blackouts, and shortages of natural gas and heating fuels.

The time may not be far off when Americans will find that the light switch is occasionally dead or that the corner filling station is periodically without gasoline.

To correct this situation will require imaginative and innovative policies designed to stimulate the production of clean, inexpensive energy.

The energy crisis was the subject of a timely and perceptive editorial which recently appeared in the Times-Picayune of New Orleans:

AS ENERGY CRISIS GROWS BROADER

Talk about the nation's energy shortage remains to some persons just that—"talk." But not to those who, in other areas, have already experienced brownouts.

Later on this summer, some motorists are going to pull into service stations and find that "fill 'er up" won't fill 'er up. Gasoline shortages are due in some places, says Hollis M. Dole, assistant secretary of the interior.

Declaring there will be "trouble, trouble, trouble" across the whole energy field, he asserts, "There are unmistakable signs that even gasoline, which most people take for granted just as much as the air they breathe, may become in tight supply in certain sections of the country by late summer."

Rising demand for gasoline has brought four price boosts in recent months, he reports. East of the Rockies, consumption has increased 6 per cent; west of the Rockies, 10 per cent.

Appearing before a subcommittee of the House Public Works Committee, he urged concentration on finding oil and gas resources on the Atlantic coastal plain. He cited an estimate that the area's reserves might be as high as 19 billion barrels of oil and 46 trillion cubic feet of gas.

Another manifestation of the energy crisis cropped up this week at Pascagoula with announcement that a $250 million refinery may be built to transform crude oil into synthetic natural gas and fuel oil.

Pennzoil Co., through its United Gas Pipe Line Co., would base its operation on foreign crude. The synthetic natural gas would go into the United Gas interstate system.

The Oil and Gas Journal estimates that synthetic natural gas plants projected, planned or under construction could produce 4.1 billion cubic feet a day. As in other areas of the energy problem, a chief question is government's position on pricing.

The energy crisis will bear down on the consumer in terms of scarcity and rising costs. To spare him as much pain as possible calls for a fine-tuned coordination of governmental authority and private initiative.

## COLORADO SECOND DISTRICT 1972 OPINION POLL RESULTS

### HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. BROTZMAN. Mr. Speaker, I am today making public the results of the annual Colorado Second District opinion poll, and as is my custom I insert the gleanings of this questionnaire in today's edition of the CONGRESSIONAL RECORD.

As is usually the case, this poll elicited an extremely high response, with more than 35,000 residents of the second district taking part. Those colleagues who have conducted similar polls will recognize the fact that the participation is perhaps the greatest of any project of this type in the United States.

I should explain, Mr. Speaker, that one of the reasons for this fine participation is the fact that I utilize a brief questionnaire on which respondents can register their opinions, in a very few minutes, simply by punching out small squares in "yes," "no," or "undecided" columns.

One bonus of this format is the fact that the questionnaires can be tabulated, rapidly and completely, by modern, computerized business equipment. Thus, the information I am about to present constitutes a completely current sampling of the attitudes and opinions of my constituents.

And because, historically, the residents of my district have accurately represented the attitudes of the citizens of this Nation as a whole, I think this data might well be studied with particular care.

Among the highlights of the sampling were the following:

A huge majority—81 percent—approved of further increased scientific and trade contacts with the Soviet Union. This certainly is a resounding vote of confidence for this Nation's current policy of rapprochement with the largest of the Communist bloc nations.

By a margin of 50.2 to 40.1 my constituents indicated support of the current U.S. strategy in Southeast Asia. The balance were undecided or listed no opinion.

And on the question of whether the current economic policies of the U.S. are working, 52.7 percent indicated that they do not believe so. However, this question also drew the largest "undecided" response of the poll, an unusually-high 21.6 percent.

Finally, I would like to point out that a proposal which I have recently made in this body—that an "Envornmental Quality Corps" be formed to put our unemployed veterans and other young people to work upgrading our physical environment—received the highest "yes" response of the 10 questions, 82.5 percent. Ten percent answered "no," with 5.6 percent undecided and 1.9 percent not responding. Incidentally, this proposal was the substance of H.R. 15537, which I introduced on June 15, 1972 and which 26 of my colleagues have subsequently introduced.

The complete results of the questionnaire tabulation are as follows:

TABULATION OF COLORADO'S SECOND CONGRESSIONAL DISTRICT 1972 OPINION POLL

[Result in percent]

1. Do you favor further increases in U.S. diplomatic contact with Communist China?

| | |
|---|---|
| Yes | 81.0 |
| No | 11.6 |
| Undecided | 5.7 |
| No Response | 1.7 |

2. Do you favor increased scientific and trade contacts with the Soviet Union?

| | |
|---|---|
| Yes | 80.7 |
| No | 12.3 |
| Undecided | 5.3 |
| No Response | 1.7 |

3. Do you generally support the current U.S. strategy in Southeast Asia?

| | |
|---|---|
| Yes | 50.2 |
| No | 40.1 |
| Undecided | 7.7 |
| No Response | 2.0 |

4. Should the power of the President to commit U.S. troops to combat without prior consent of the Congress be reduced?

| | |
|---|---|
| Yes | 55.4 |
| No | 35.4 |
| Undecided | 7.2 |
| No Response | 2.0 |

5. Should some form of amnesty be granted now to those young Americans living abroad to avoid serving in the armed forces in Vietnam?

| | |
|---|---|
| Yes | 24.8 |
| No | 65.9 |
| Undecided | 7.4 |
| No Response | 1.8 |

6. Do you favor proposals for an all-volunteer military except in terms of grave national peril?

| | |
|---|---|
| Yes | 72.6 |
| No | 19.6 |
| Undecided | 6.0 |
| No Response | 1.8 |

7. Do you favor a federal program to make health insurance for catastrophic illnesses available to all citizens?

| | |
|---|---|
| Yes | 63.1 |
| No | 22.3 |
| Undecided | 12.4 |
| No Response | 2.2 |

8. Do you believe the Administration's current economic policies are working?

| | |
|---|---|
| Yes | 23.6 |
| No | 52.7 |
| Undecided | 21.6 |
| No Response | 2.1 |

9. Would you favor an Environmental Quality Corps to put unemployed youth and veterans to work improving the environment?

| | |
|---|---|
| Yes | 82.5 |
| No | 10.0 |
| Undecided | 5.6 |
| No Response | 1.9 |

10. Should the Indian Peaks area northwest of Boulder, Colorado, be accorded National Wilderness Area status?

| | |
|---|---|
| Yes | 78.2 |
| No | 5.2 |
| Undecided | 14.2 |
| No Response | 2.4 |

(Figures shown above may not add to exactly 100% due to rounding.)

ARTHUR L. HODGES

## HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. WYDLER. Mr. Speaker, Arthur Lewis Hodges recently passed away. He was a fine gentleman above all, but he was also managing editor of the Garden City News. Mr. Hodges had a distinguished career in Long Island journalism standing almost half a century. He came to Long Island from the Lexington Herald in his native Kentucky in 1925 to serve as city editor of a chain of weekly newspapers owned by the late Col. Lloyd C. Griscom and in 1926 joined the staff of the Nassau Daily Review, Long Island's first daily newspaper. There he remained for 26 years as Long Island started its enormous growth. During that time he served as city editor, associate editor, and finally editor. While there he was elected president of the New York State Society of Newspaper Editors, the youngest man to ever hold that position. After the Nassau Daily Review-Star was sold to the Newhouse organization to become merged in the Long Island Press, Mr. Hodges became editor of two South Shore weeklies, the Freeport Leader and the Tri-Town Leader of Lynbrook, remaining in his post for 6 years. He was editor of the Long Island Commercial Review in 1958 and 1959, one that was owned by Arthur Hug, Jr., now president of the Long Island Trust Co., and Mrs. Dora M. Whitmore, now in charge of the trust company's public relations. Since 1960, Mr. Hodges had been public relations director for the County Federal Savings and Loan Association of Rockville Centre. Mr. Hodges came to the Garden City News in 1968 as associate editor under Winchell A. Royce. On Mr. Royce's retirement in 1970, Mr. Hodges became managing editor. Intensely interested in local history, Mr. Hodges was a trustee of the Nassau Historical Society since 1936 and was president from 1960 to 1964. In collaboration with Preston R. Bassett, he wrote a book "The History of Rockville Centre," and many years earlier "The History of Long Island." Mr. Hodges was a director of the South Nassau Communities Hospital in Oceanside, of the Legal Aid Society of Long Island, and the Nassau County Historical Museum. He was a member of Grolier Club, the Dealine Club, and the Silurians. He was a man with a distinguished career in journalism and a distinguished life in his community. Upon his passing the Garden City News had an editorial concerning him which follows:

ARTHUR HODGES

He was already an accomplished newspaper man when he came from his native Kentucky 47 years ago to be City Editor of a group of North Shore weeklies. Through the following years he was to become the most widely known and respected figure in Long Island journalism, as Editor of the Nassau Daily Review-Star, of the Freeport Leader, the Long Island Commercial Review, and at the end Managing Editor of this newspaper.

A cultured man, he had far-reaching interests in other fields. Years ago he wrote a history of Long Island, and in 1970, as Village Historian, he wrote in collaboration with Preston Bassett "The History of Rockville Centre". He was president for four years of the Nassau Historical Society, and a director for 36. He was a Trustee of the South Nassau Community Hospital, and of the Legal Aid Society, and of the Friends of Historic St. George's, Hempstead.

But we at the News will remember Arthur Hodges as much more than that. He was a man of patience as well as competence who would ride out the labor pains of producing a newspaper under stress with grace and optimism. He was a good companion, interesting and stimulating, universally liked and respected.

Newspaperman, scholar, gentleman—a fitting epitaph for Arthur Hodges; above all, Gentleman in the word's finest sense, a gentle man.

SBA HEAD SUITS ENTHUSIASM TO JOB

## HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. HAMMERSCHMIDT. Mr. Speaker, I call attention to a recent column in the Arkansas Gazette concerning a former Member of the House of Representatives, Thomas S. Kleppe. The column deals with Tom Kleppe's activities as Administrator of the Small Business Administration.

Knowing of the great interest of the House in these matters, it is a great pleasure to enter for the RECORD the July 27 column of Leland DuVall written after Tom Kleppe visited Little Rock. The article follows:

SBA HEAD SUITS ENTHUSIASM TO JOB

(By Leland DuVall)

Under a different set of circumstances, Thomas S. Kleppe might have become an evangelist, the director of a success-motivation program or (in the days when athletics was more a matter of inspiration than skill) a football coach. He is none of these; he is the national administrator of the Small Business Administration.

Kleppe was at Little Rock Tuesday for an official visit to the office of the SBA and to meet bankers who, under the regulations of the agency, play a key role in government-sponsored credit. In a morning press conference, and later at a luncheon with bankers, Kleppe exhibited the enthusiasm and the inspirational attitude that would have made him successful as an evangelist or as a coach.

Kleppe employs his enthusiasm to support "small" business. While other observers of the commercial and industrial scene are worried over the threat that "big" business may swallow up the little companies, Kleppe is convinced that small business will survive and will continue to play an essential part in the nation's economy. He noted that 95 per cent of the companies in this country qualify as "small" businesses under the official definition of the SBA. (Incidentally, the SBA has the only legal and official definition of the term.) These companies account for 37 per cent of the Gross National Product and hire 44 per cent of the labor. (There was no effort to trace the trend line and determine whether "small" businesses are improving their position or losing ground to the corporate giants.)

Even the SBA definition of a "small" business is a little hazy. In general, it applies to (1) a manufacturing company with fewer than 500 employes or (2) a commercial business with annual sales of less than $1 million for a retailing firm or $5 million for a wholesale company. These figures are subject to adjustments to cover special cases.

Having determined that a business qualifies for financing under its definition, the SBA is prepared to accept applications for loans or for loan guarantees. As a general rule, many of these companies are not prime candidates for loans from their friendly banks unless someone will assume a major part of the risk. The SBA, in effect, signs the notes of eligible companies (for up to 90 per cent of the face amount) so that the bank can make the loan.

"We are not in competition with banks," Kleppe said. "SBA tries to fill that niche which is not bankable without a guarantee. We take risks that banks won't touch because that's our job."

Kleppe's enthusiasm surfaced noticeable when he discussed the strategy of the SBA in making the loans attractive to banks. In this program, he said, private capital is brought into use through an agency of the federal government—a plan that has a special appeal to President Nixon. He rejected as "the negative view" a suggestion that the banks found the package attractive because there was a practically no risk involved in a profitable loan. His "positive" analysis was that the SBA had cut the red tape and removed the hindrances so that the banks could afford to consider an SBA-guaranteed loan. Under the old arrangement, he said, the amount of paperwork required for a guaranteed loan was so great that banks simply could not afford to handle too much of the business. Now the number of forms has been reduced and the time lag has been shortened so that the loans clear quickly.

Kleppe said that the SBA was "bogged down in red tape" when he became administrator; now, the paperwork has been reduced to one third of the former requirement. The time needed to process a loan application has been cut in half (more in some cases), and the improved service is being provided with a much smaller staff than was formerly on the payroll.

"Bankers simply cannot afford to pass up the opportunity to use our guarantee service," he said.

On the Arkansas scene, Kleppe predicted that 30,000 new job openings would be needed in the next three years. Labor Department figures indicated that almost 60,000 new jobs would be needed in the first five years of this decade but part of these have been provided.

"SBA cannot do the job alone," he said, "but it has the resources and the expertise to help Arkansas reach that goal—particularly through the economic development program."

He said the agency's local development program had helped create or save more than 2,000 Arkansas jobs and had supported a total investment of more than $13 million. In the fiscal year that ended June 30, he said, the SBA had loaned $9 million in the Little Rock area.

Nationally, the SBA apparently is in a period of rapid growth. Kleppe said the lending authority had been doubled in two years and was due for further expansion. He said losses on loans were running about 5 per cent while the "trouble rate" had declined in two years from 10.5 per cent to 8.6 per cent.

Kleppe's visit to the Little Rock office is part of a national tour that will take him to 40 offices throughout the country. He insisted, however, that there was no political significance in the fact that the tour is being made in a campaign year.

"We simply want all the people in the agency to be good public relations representatives of the SBA," he said. "President Nixon happens to believe that government should be brought as close as possible to the people and that is what I am trying to accomplish."

If this be politics, make the most of it.

## ABSTRACT QUOTAS

### HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. WYATT. Mr. Speaker, columnist John Chamberlain has very recently written a perceptive article on the subject of quotas for national political conventions. In view of the experience gained by the Democrats at their recent convention, and in view of the interest being expressed for some additional reform of rules for future Republican conventions, I think this column is of considerable interest to those of us who are interested in the problem. I commend the reading of this column to my colleagues of both parties:

ABSTRACT QUOTAS

(By John Chamberlain)

I can't say that I believe in a single prescription for saving the nation that has appeared in the Village Voice, which is the "with it" organ of the New York Left.

Nevertheless, the voice is the vehicle of one leftist who knows how to read a crystal ball. He is Jack Newfield, who told us, long in advance, that a new wave of populism was in the making and that the "prophetic minority" on Vietnam would someday be forcing the issue of winding up a detested war.

Newfield went to the Democratic national convention as a member of the New York delegation. The Democrats, he says, "did not make room for the white ethnic workingman." The McGovern guidelines "created quotas for women, youth and blacks, but none for poor people, or senior citizens, or ethnic minorities—Irish, Italian, Polish." In his own New York delegation Newfield couldn't find 40 Irish or Italian Catholics out of 278 people. It so happens that the Italians outnumber the blacks by two to one in New York State.

In the name of inclusion, then, the McGovern rules have become the engine of a new exclusion.

The political error is bad enough; the Irish and the Italians who supported the Conservative party's Jim Buckley for the Senate in 1970 on the law-and-order issue will be that much more confirmed in their feeling that the Democratic party is no longer their party. But the deeper error is one of law. The idea of proportional representation by classes, ethnic groups, sex and age brackets runs head on into the constitutional guarantee that the privileges and immunities of the citizens shall be equal regardless of origins or economics. It is spelled out in the Fourteenth Amendment which the Supreme Court has invoked time after time in recent years: No person shall be denied "the equal protection of the laws."

A quota system that specifies people must be black, or under 25, or female in fixed proportions in order to stand for election as delegates in a primary denies the right of individuals to compete as individuals or to vote for whatever representatives they choose. What the quota does is to assign arbitrary classification to people, which is to deny their common humanity. It tells blacks that they must be represented by blacks, women by women, young people by young people. But the Constitution calls all people citizens. The citizen has a right to be represented by any agent he chooses to represent him or her, irrespective of class, age, sex or whatever.

Thirty years ago, when I was teaching a course in journalism at Columbia University, my Jewish friends used to rib me on the subject of quotas that effectively kept the proportion of Jews in American colleges from going above 10 per cent. The Columbia School of Jounalism insisted at the time that enrollees must represent a geographical mix. The argument was that kids from Grand Street in New York should get to know boys and girls from the plains of Oklahoma and mountains of Colorado. It was a plausible reason, but my Jewish friends questioned its sincerity. They insisted, quite justly, that this discriminated against their right to compete in the race to become journalists in accordance with standards of ability.

Quotas exclude even more than they include. Surely the courts, which have ruled time and again that the Fourteenth Amendment gives the cover of equal protection to every individual as an individual (one man, one vote), will have to take a hard look at the McGovern rules before we have another Jack Newfield complaining that the Irish, Italians and Poles couldn't make it to a national convention.

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## "SANDY" CAMPBELL, OUTSTANDING ERIE COUNTY ATHLETE, IS OLYMPIC BOUND

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. KEMP. Mr. Speaker, I was very proud and pleased to learn that Dwight G. "Sandy" Campbell of the village of East Aurora in my district has been selected as a member of the U.S. Olympic team in the kayak and canoeing competition.

Sandy, a 1967 graduate of Dartmouth and a member of the faculty of Hampshire College, Amherst, Mass., earned a further honor 2 weeks ago by finishing second in the U.S. Olympic whitewater slalom trials at Bloomington, Md.

The canoe-and-kayak squad will be leaving for Germany August 10 and will be the first full U.S. team to arrive on the Olympic scene. The course at Augsburg, Germany, will not be new to Sandy Campbell and most of the team. They financed themselves, paying their own air flight, hotel and food bills, last June for a week's practice at Augsburg and to compete in the world international championships in Czechoslovakia.

Sandy has described the Olympic course as the most demanding ever used for international competition, but he believes that the team's June experience will put most of them up in the standings.

Augsburg is an artificial course on the Eis Canal, converted through prestressed concrete walls and obstacles into a wild, rapid stream. There are tricky eddies, a boil and curl to the swift flowing water. The course is 800 meters and like a slalom course in skiing has some 30 gates and direction poles.

Sandy teaches canoeing and kayaking as part of the outdoor sports curriculum at Hampshire College, which is for high IQ students. He was a varsity swimmer at East Aurora High and learned canoeing as a boy in Algonquin Park. He acquired his interest in kayaking while at Dartmouth.

Sandy has made frequent trips to Europe and has competed in kayak and canoe racing in the world championships in Czechoslovakia, where he finished 23d and was the second American; and in England, France, Germany, Norway, Switzerland.

Thirteen were selected for the U.S. Olympic team, three in the kayak singles, three in canoe singles, two two-man canoe teams, and three women in kayak singles.

Sandy Campbell has been chosen as the No. 2 kayak racer. This honor is the culmination of many years of hard work and dedication and I know that it is richly deserved.

I will be meeting Sandy in my office tomorrow to present him with proclamations from the citizens of the county of Erie, N.Y., and his home village of East Aurora. We congratulate him on the great honor he has received. I am confident that Dwight G. "Sandy" Campbell will be an outstanding representative of the people of Erie County and of our Nation. Our thoughts and hopes will be with him as he competes in Germany this month.

Mr. Speaker, I include for the interest of my colleagues the proclamations from the county of Erie, N.Y., and the village of East Aurora:

PROCLAMATION

Whereas, Dwight G. "Sandy" Campbell of the Villege of East Aurora, New York, has been honored by being selected as a member of the 1972 United States Olympic Kayak-and-Canoe Squad, and

Whereas, this honor has been earned by many years of hard and diligent training on his part, and

Whereas, as a member of this esteemed group of athletes, he will represent all of the people of the United States of America and especially the people of the Village of East Aurora, New York, and

Whereas, as a member of the Olympic team, he will serve as a good-will ambassador and help promote understanding and friendship amongst the nations of the world.

Now, therefore, I Robert B. Kelly, Mayor of the Village of East Aurora, New York, do hereby call the attention of all of the people of our village to this great honor that has been bestowed upon Dwight G. "Sandy" Campbell and through him to the Village of East Aurora, and urge all of them to support our 1972 Olympic team, and on behalf of all of the people in the Village of East Aurora, I congratulate Dwight G. "Sandy" Campbell on his being honored by being selected as a member of the United States Olympic team and want him to know our thoughts and prayers will be with him as he competes in Germany this month.

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PROCLAMATION

Whereas, Dwight G. "Sandy" Campbell of East Aurora, Erie County, New York, has been honored by being selected as a member of the 1972 United States Olympic Kayak-and-Canoe Squad; and

Whereas, this honor has been earned by many years of hard and diligent training on his part; and

Whereas, as a member of this esteemed group of athletes, he will represent all of the people of the United States of America and especially the people of Erie County, New York; and

Whereas, as a member of the Olympic team, he will serve as a good-will ambassador and help promote better understanding and friendship amongst the nations of the world,

Now, therefore, I Edward V. Regan, County Executive of Erie County, New York, do hereby congratulate Dwight Campbell and acknowledge the great honor he has brought to Erie County, and urge Erie County citizens to support our 1972 Olympic team. Our thoughts and hopes will be with him as he competes in Germany this month.

## TREATMENT FOR CHILDHOOD AUTISM

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. HARRINGTON. Mr. Speaker, childhood autism, like other mental illnesses, is a little understood disease. Only in the past decade have techniques been developed to treat autism.

During this past session, I have inserted into the RECORD several articles about childhood autism. Today, I would like to draw attention to an article which appeared in the Journal of Autism and Childhood Schizophrenia. Written by Robert Holter and Bertram A. Ruttenberg, "Initial Interventions in Psychotherapeutic Treatment of Autistic Children" describes nine children who were treated for autism. One of them is now an honor student in college.

The article follows:

INITIAL INTERVENTIONS IN PSYCHOTHERAPEUTIC TREATMENT OF AUTISTIC CHILDREN [1]

(By F. Robert Holter [2] and Bertram A. Ruttenberg)

(NOTE.—General considerations (conceptual approach, anamnesis, and group observations), and individual aspects of initiating treatment are discussed in light of psychoanalytically oriented therapeutic experience. Brief clinical examples from case histories of nine children, diagnosed in accordance with Kanner's (early infantile autism) and Mahler's (primary and secondary autism) descriptions, and exposed to intensive outpatient treatment, both in a day-care center and in private practice, are presented to illustrate the approach. Suitable interventions are made by following the child's cues within a developmental frame of reference. Such interventions yield significant common experiences which are remembered rather than shut out, and can be utilized to establish widening dialogues, an interaction and, eventually, a relationship between the child and therapist.)

Although infantile autism was recognized as a separate clinical category and reported by Kanner in the early 1940's, the development of specific treatment techniques is relatively recent (Wenar & Ruttenberg, 1969). Since most treatment methods either focus on, or at least encompass the initiation of relationships between the child and the therapist (variously referred to as "establishing contact," "developing trust," "motivating," "engaging the child's interest," or "developing rapport"), the principles and techniques of initial approaches or interventions in psychotherapeutic treatment of autistic children merit discussion and a sharing of experience.

This paper reflects our work with autistic children in private practice and at the Developmental Center for Autistic Children since 1956. At the Center, most children are treated on a long-term, outpatient hospital basis, 5 days per week. Parental involvement is a part of the treatment process (Ruttenberg, 1971). Our diagnoses of primary or early infantile autism are based on descriptions by Kanner (1949). Secondary autism is diagnosed in accordance with Mahler's (1958) concept of regression to the use of autistic defenses when the symbiotic level of development cannot be achieved or maintained. Both primary and secondary autism are conceptualized as deviations from a normal development which progresses from an undifferentiated (Hartmann, 1958) or autistic (Mahler, 1958) phase. Our concepts are derived from long-term psychotherapeutic experience.

In order to illustrate the general considerations and individual aspects of our approach to initial therapeutic interventions, we selected 9 suitable examples from 45 case histories detailing relevant information about our young autistic patients. The four boys and five girls, six with primary autism, two with secondary and one with early infantile autism were exposed to our treatment for periods ranging from 1½ to 7 years as shown in Table 1.

TABLE 1.—DIAGNOSIS AND AGE OF SELECTED CHILDREN IN PSYCHOTHERAPEUTIC TREATMENT

| Name and diagnosis of autism | Age (years) | |
|---|---|---|
| | At commencement of treatment | At termination of treatment |
| Georgia, primary | 5 | [1] 7¾ |
| Sam, early infantile | 4 | 6½ |
| Larry, secondary | 7 | 14 |
| Robert, primary | 7 | 8½ |
| Kay, primary | [2] 8 | [1] 8½ |
| Eddie, secondary | 4 | 7 |
| Gretchen, primary | 3 | 5 |
| Mary, primary | 4½ | 8 |
| May, primary | 8½ | [1] 9½ |

[1] Present age, treatment continues.
[2] With new therapist.

GENERAL CONSIDERATIONS

*Conceptual approach*

Autism, whatever the cause of this disorder, leads to a disturbance in the child's ability to use his mother, first as a need-filling object and then as a human object which he can ultimately recognize as one that is not himself. If treatment is to produce a psychically viable human being it must address itself to this deficit. While a variety of treatment techniques may be of benefit at certain later stages, we believe that the initial task is to enhance the mother-child relationship. This can be accomplished by direct aid to the mother or by the child-therapist relationship—a temporary supplementation. After pediatric and neurological examinations we proceed to evaluate the child and his mother, separately and as a unit. We strive to determine the child's developmental level and assess the patterns of communication between mother and child. It is useful to think of the child in terms of his autonomous ego functions and capacity for object relationships. We believe that an important interrelationship appears to exist between these two capacities.

Psychotherapeutic treatment of autistic children is extraordinarily demanding. It calls for "looking and feeling in depth," an extensive knowledge of the first 3 years of human development, and also an ability to function empathetically at the borders of self and not self. The therapist must be intimately attuned to the feelings of the autistic child. He must develop an ability to recognize the child's needs and shift, momentarily, to meet such needs. An ability to distinguish between the rage of a primary autistic child whose repetitive patterns have been interrupted and the anxiety or panic of a child who struggles to emerge from his autistic state can be of crucial significance. If the panic is not recognized the child can be driven to regressively reinforce his autistic defenses.

Georgia, a nonverbal girl, is an example. Treatment in a new setting was moderately successful. She had begun to give up some of her more autistic and self-destructive behavior, allow for more eye contact, enjoy rhythmic play, permit some body contact; and use her child-care worker in a part object manner. Lack of understanding of Georgia's signs which pointed to beginnings of a deviant symbiotic relationship caused the overzealous child-care worker to press too soon for excessive physical contact. The worker's failure to recognize the developing panic caused Georgia to regress markedly. In her overwhelmingly helpless state she began to scream, run aimlessly, rock and beat her head and thighs with her fists. The worker, pressing to regain the previous level of contact caused the child's regressive rejection of the previously accepted body contact and rhythmic play. Even after the sources of Georgia's panic were recognized, the autistic defenses considered, and the symbiotic needs properly gratified, many weeks were devoted to the reinstatement of the child's previous level of functioning. She has now recovered that level.

*Anamnesis*

Assessment of historical and developmental material, chiefly obtained from parents, is made to ascertain the child's highest level of object relationship and achievement of autonomous ego functions, as well as his current level of functioning in any of his relationships.

All mothers weigh the cues which they receive from their infants in a manner related to their own personalities and needs. We must, therefore, assess the mother's ability to read such cues. Of special significance are cues that the mother misinterprets, overresponds to, or repeatedly misses. Identifying the patterns of "cue weighing" is an important part of the initial appraisal of the mother-child unit. It helps us to detect the ways in which the mother can grasp, or fails to sense her child's capacities and needs.

Sam's parents detailed a history suggesting secondary autism and relating the onset of his autistic symptoms to a high fever at the age of two. During the course of a home visit we noted the above-average capacities of his 1½-year-old sister. The mother remarked that Sam had been even more capable at that age, and had received more love and attention than his sister. Our study of home movies reflecting this period of Sam's life, revealed a withdrawn, inactive boy, functioning at a subnormal level, handled stiffly and with detachment by his mother, who seemed depressed. These retrospective observations were supported by earlier films prompting us to change the diagnosis from secondary to early infantile autism.

*Group observations*

We evolve our more individual approaches to the autistic child from relevant information in his background, from observations of his interactions with parents, with other adults (including staff) and his behavior in a group of children.

Larry's secondary autism was first noted when he was hospitalized in his fourth year of life due to seclusiveness and delayed speech. These symptoms had developed at the age of two and one-half when a brother was born. He ignored his brother and all other children. Seclusiveness was also in evidence with respect to hospital personnel and parents. History and observations in the hospital milieu revealed keen interest in mechanical objects. Accordingly, at the initial phase of his treatment, the boy was allowed for months to go to the Center's basement

[1] This study was supported in part by National Institute of Mental Health Grant MH19483 (formerly, MH16419).

[2] Requests for reprints should be sent to Dr. F. Robert Holter, Development Center for Autistic Children, 120 North 48th Street, Philadelphia, Pa. 19139.

when he traced the plumbing pipes from one end of the building to the other. He received the therapist's undivided attention and no attempt was made to involve him with other people for a considerable period of time. Thus, a treatment dialogue was initiated, evolving into a treatment relationship which has made his marked recovery possible.

INDIVIDUAL ASPECTS

*Emotional availability*

We are keenly interested in the child's ability to give cues of relationship direction or prerelationship behavior and believe that the therapist is the "instrument" for their measurement. Accordingly, bearing in mind all cues provided by background material and nonparticipant observations, the therapist makes himself emotionally available and follows the child's cues, frequently improvising and innovating on the spot. The therapist's *undivided* attention is invested in observing the child from a neutral position which facilitates detection of approach behavior or contact cues. We feel that the autistic child cannot remain unaware of a nonthreatening adult who invests all of his emotional energy in observing that child. The therapist soon detects some contact cues or combination of approach and avoidance behavior which offer useful information and guidance for the next step.

Robert repeatedly threw himself on the floor and resisted or ignored all attempts to involve him in activities or a relationship. Repeated traumata including numerous hospitalizations for physical illness were a part of his life. The therapist consistently devoted periods of intense attention to the child. He noted one day that Robert had begun to prepare for his arrival and look in his direction when the therapist was not observing him. Soon the boy walked by and moved close enough to establish a fleeting body contact. In time, it was possible to initiate dialogues in which there was touching and expressions of pleasure and excitement prompted by the therapist's emotional and physical contact. A relationship had evolved causing Robert to give up his autistic withdrawal.

*Reading the cues*

Cues related to avoidance of contact, such as refusal to establish eye contact and retreat to a neutral position, are easier to read than those which indicate a desire for contact. When sequences or patterns of behavior of autistic children are studied, contact cues such as the struggle against a desire to look, furtive glances, circling, or tangential approaches (walking back and forth), and increases in motor activity when the therapist is within a given radius, tend to merge. We have found that a *long timetable* must be projected for observing responses of autistic children. The delay is usually quite long. It may cause the responses to be missed or not related to the cue. The therapist must observe substantially longer and in greater depth. He must also guard and protect his emotional investment from wavering lest the sequence be interrupted.

Kay exhibited 26 varieties of stereotyped movements. She was hyperactive and aimless in her wandering about the play-therapy room, approaching others only when she wanted something. Kay had been treated previously for some time, attaining only the part object level of a relationship. She remained fixed at this persistent need gratifying plateau. The new therapist, employing emotional availability, stood in the therapy room investing all of his attention in the girl for 30 to 40 minutes at a time. As she came nearer, he began to respond to one of her stereotyped movements, a rhythmic patting on the wall, by gently repeating "pat, pat, pat," in the cadence of her movement. Kay would run away and appear uninterested for 5 or 10 minutes. She began to return when the therapist continued to exhibit interest and availability. His hands were offered, palms up, and Kay began to pat them furtively, giving up her patting on the wall. This was the beginning of a widening interaction that enabled Kay to achieve the stage of object relationship which Spitz (1959) calls libidinal object proper.

*Responses to cues*

Successful responses have to be flexible and in accord with the nature of the child's cues. Creative dialogues between therapist and child, often initiated by intuition, are highly individualistic. Observations and intuitive responses are objectively evaluated when the therapist proceeds to examine his own responses, reaches an understanding of the child's behavior, and a sequence of therapeutic steps. Responding to a reversal in vocalization provides an example.

Eddie, a hyperactive boy, bounced, rolled, and somersaulted, giving only fleeting attention or eye contact. Whenever the therapist caught Eddie's glance, he averted his gaze. Intuitively the therapist chose to echo the child's vocalizations, which at first resembled wild screeching. Gradually screams changed to an "ee-ah" sound which tended to increase as Eddie came closer to the therapist. One day, after Eddie's vocalizations were echoed in an exchange lasting several minutes, the child suddenly reversed the sequence of the sound, looked at the therapist, and laughed. The therapist responded with the reversed "ah-ee" and also laughed. Thereafter Eddie mixed his vocalizations and laughed as the therapist responded in similar fashion. Awareness of the child's minimal interest cues, of the opportunity for vocal contact, and alertness to the reversal of sounds enabled the therapist to join the child's world and commence a relationship. Eddie's contact was gradually extended to the rest of the staff and his vocal interchanges eventually evolved into communicative speech.

*Selective participation in the child's discharge phenomena*

Since autistic children tend to function largely on physiological and discharge levels of behavior, selective participation in feeding, vocalizations, motor activity, and in other outlets to discharge excitement and affect appear to be most difficult for them to ignore. Initially, patterns serving to discharge diffuse tension are carefully distinguished from those serving to discharge specific effects.

Gretchen, a large, hyperactive, whining, and frantically anxious girl, allowed no eye or body contact when she came to the Center. The child repeatedly used her fists to strike the side of her head and bruised her knuckles rubbing the edges of furniture or pounding on walls. When she whined and pressed herself against the wall, rocking and rubbing her body, the therapist joined in, proceeding to imitate the rocking and vocalization. Within 5 minutes, the whining stopped and Gretchen began to glance at the therapist and smile faintly. She put her thumb into her mouth and accepted brief eye and body contact. Gradually her aggression directed against herself became markedly reduced and her acceptance of human contact increased.

*Affect sharing*

Anger, rage, panic, quiescence or excitement are among the affective states of autistic children. *External affect sharing* is essential to helping the psychotic child to emerge from his state of withdrawal. Excitement deserves special mention because autistic children appear to develop a capacity for unrelated discharges of excitement with adeptness at isolating such discharges from apparent relationships. Prolonged participation in discharges of excitement should be generally avoided.

Mary's therapist could use her affectomotor discharges to increase excitement and its discharge or to facilitate a relationship behavior. Beating activity rhythms on a drum would cause her to run back and forth and jump up and down in response to the rhythmic intensity. Participation devoid of other inputs would tend to yield no more than a discharge. However, eye contact, vocalization, and upturned palms offered for a patting routine prompted the child to move toward an everwidening involvement in affectomotor expressions directed at her therapist. The dialogue developed into a relationship in which Mary initiated holding and rocking.

*Inclusion in memory traces*

If the described interactions are successful, the autistic child should be able to include them in his shut-off memory so that a meaningful and revealing exchange with the therapist can be established.

May had a wide variety of stereotyped hand and facial movements. Her vocalizations were limited to primitive sounds. In order to encourage these vocalizations, her therapist took a small cardboard box which she liked to hold close to her face and used it as an echo chamber. May briefly used the box imitatively. The next day the child picked up the box, incorporated it in her bizarre hand movements, and indicated a desire that the therapist should make some sounds. The girl thus showed that she has remembered the shared experience and signaled her desire to repeat it. The therapist responded to that wish and gradually mobilized May's interest in using her mouth and voice. She is now making prespeech vocalizations in the context of seeking out physical and visual interactions with the therapist.

CONCLUSIONS

Our brief clinical sketches of nine autistic children merit a note on their progress. Three girls are still in treatment. Georgia's rage and panic reactions have disappeared. Kay continues to develop her psychotherapeutic relationship at the Center. May developed pre-speech vocalizations within 1 year. Two boys left us when their families moved to another area. Sam managed to develop a relationship with his child-care worker, while Robert proceeded to use intermittent verbal communications. Mary's treatment was discontinued after her therapist and child-care worker left the Center. She mourned the loss of both adults. Eddie was transferred to a residential center. At that time, he used communicative speech and had a capacity to form relationships. Gretchen reached symbiosis and plateaued. Larry, however, succeeded beyond expectations. At the age of 19, he completed his first semester in college after some years as an honor student in a public high school.

The nine children were exposed to psychotherapy and the initial interventions intended to commence and facilitate such treatment. Seven advanced to a degree, one regressed at a point of possible advancement and one reached the heights of possible recovery. Our initial therapeutic interventions were neither unique nor necessarily superior to other possible approaches. However, they were instrumental in moving us to the higher stages of more visible and more encouraging therapeutic progress.

We believe that suitable initial therapeutic interventions prompt significant common experiences which will be remembered rather than shut out by the autistic child. Such experiences can be effectively utilized to establish a widening dialogue between the child and therapist. The dialogue facilitates our understanding of the child's fixations and formulation of further approaches which can evolve into pre-relationship, and then into relationship behavior. Step by step, the fixation and defensive patterns can be identified and removed through a painstaking process of constant appraisal, formulation, devising of therapeutic interventions, and continued observation, reappraisal and reformulation.

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## DEATH, DISEASE, AND THE BLOOD MARKET—PART I

### HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. VEYSEY. Mr. Speaker, an article in the Evening Star, July 16, 1972, contained an informative summary on what is wrong with our Nation's blood supply and some excellent examples of what we could do to improve it.

The article, entitled "Death, Disease and the Blood Market," is especially worthy of attention because it is the work of Miss Judith Randall; one of the most respected writers in medical journalism. The most recent recognitions of Miss Randall's expertise are the Albert Lasker Award for Medical Journalism, which was given to her in 1970; the Florence Claude Bernard Award of the National Society for Medical Research, given to her in 1971; and the Front Page and Bill Pryor Awards of the Washington-Baltimore Newspaper Guild, which were also given to her in 1971.

The first part of Miss Randall's article describes some of the tragedies that have resulted from the use of "bad blood." She explains the current effort in Congress to deal with this problem and then details the reasons why there are so few reliable statistics in the field.

I will be adding to this report a part II tomorrow.

From the Evening Star, Sunday, July 16, 1972:

DEATH, DISEASE AND THE BLOOD MARKET

(By Judith Randal)

Late last summer, a middle-aged Long Island housewife checked into a local hospital for a complex operation which was carried out with apparent complete success. But 2½ weeks after she went home she had to be admitted to another hospital and within 10 days she was dead.

The culprit? Serum hepatitis, an infection of the liver acquired from the blood she had received during the surgery.

This medical tragedy was repeated about 3,500 times last year, and another 135,000 Americans who received transfused blood contracted serum hepatitis but did not die. Indeed, experts estimate conservatively that of the 31 million patients who annually enter the nation's hospitals, about 22 million require blood transfusions, and about 10 percent of these develop the disease.

In 1963, the Journal of the American Medical Association reported that one out of every 150 transfusions given to people over 40—the age group most likely to need blood—caused the death, from serum hepatitis, of the recipient.

Since then the number of cases has been steadily climbing as population growth, the use of artificial kidneys and advances in heart surgery, cancer therapy and the treatment of other diseases such as hemophilia, have raised the nation's blood needs by about 10 percent a year.

Because some serum hepatitis is not reported to the government's Center for Disease Control in Atlanta and some goes unrecognized for what it is, scientists have reason to believe that there is from two to 10 times as much of the disease as the official figures suggest.

LEGISLATION

This grim assessment has led to a bill, introduced in the House by Rep. Victor V. Veysey, R-Calif., and in the Senate by Charles Percy, R-Ill., that would put the nation's hodgepodge of blood banking arrangements under coordinated federal supervision. It also figured in President Nixon's decision last year to have a Department of Health, Education and Welfare task force look into the situation in depth.

The task force, headed by Dr. Ian Mitchell, a government physician, will make no recommendations until after a $427,000 study being made for HEW by a management consulting firm is completed in early fall. Meanwhile, specifics and statistics in this field are hard to come by. Statistics are not even sure, for example, whether hepatitis acquired from transfusions and ordinary infectious hepatitis acquired by other kinds of person-to-person spread are caused by the same virus or how many viruses are involved. Indeed, no hepatitis virus has yet been isolated at all.

Nor is there any sure-fire test that detects the presence of hepatitis infection in blood. Since July 1 the so-called Australia antigen test, which picks up what is thought to be a footprint of the virus, has been required for all blood handled by blood banks that are subject to the interstate commerce law—about 80 percent of the total. But the test is only about 25 percent accurate and even a more sensitive version that has been developed by Abbott Laboratories and is now under study by the government promises to be no more than 50 percent reliable.

If, however, the scientific aspects of the situation are clouded one thing is crystal clear—that the crux of the hepatitis problem lies in the fragmented nature of blood banking and its complex and uneasy mixture of altruism and private enterprise.

Says Mitchell: "We have tended to pin our hopes on technology rather than on reorganizing the way we do things. Sooner or later we are going to have to pull our socks up and face this reality head on.

When most people think of blood they think first of the American National Red Cross, whose 59 regional blood centers do, in fact, collect about 40 percent of the estimated 8 million pints of this tissue now being transfused into the veins of Americans each year.

Another 40 percent is collected by the 1,500 members of the American Association of Blood Banks (AABB)—a trade association with both nonprofit and profit-making elements. In addition, however, there are an unknown number of independent, primarily commercial, shops that do not belong to either organization. While they may collect some whole blood they are primarily engaged in a procedure called plasma-pheresis.

This is a technique that enables blood collecting agencies to withdraw whole blood from the donor and then return the red cells to him by intravenous injection, retaining the colorless plasma. The plasma is then sold to drug companies or other processors which separate it into its various components such as gamma globulin, serum albumin and the blood fractions that are routine life and death necessities for some 20,000 patients with one type or another of hemophilia.

No one has any real idea of how many firms make their living by this practice or how much blood they draw. What is known is that plasmapheresis is a mushrooming industry and a large part of the reason why blood-banking as a whole is at least a $300 million-a-year business.

This tangled web of blood banking arrangements has had two major consequences. One is that although the AABB runs a clearing-house system in which many banks participate, about 20 percent of the whole blood collected in this country goes to waste because it is not used within the three weeks safety limit. The AABB system is only a partial system, and a true allocation network has yet to take shape. The result is an annual multi-million dollar loss.

PURCHASED BLOOD

The other major consequence is that the United States is the only nation in this hemisphere that relies heavily on paid as well as volunteer donors. Dr. J. Carrott Allen, a Stanford University professor of surgery, regarded by many as the leading authority on the subject, estimates that 35 percent of the nation's blood is bought rather than given—a figure the government corroborates—and that 92 percent of the serum hepatitis is due to purchased blood.

While some "professional"—i.e. paid—donors are, he says, soldiers or college students in search of a little extra cash, more are skid-row derelicts or prisoners who have reason to conceal the fact that they may not be in the best of health or have had hepatitis or some other blood-borne disease such as malaria in the past. The mere fact that so many commercial collecting centers are in run-down inner city neighborhoods, he charges, is evidence that they wish to attract this type of person.

A donor of this kind typically gets $5 to $10 for a pint of blood, which is sold to blood banks for $40 to $50—more if it is blood of a type that is scarce. The Red Cross is not involved in this traffic and makes no charge for the blood it supplies, but other nonprofit banks—including some that belong to the AABB—often add a further markup charge. The result is that a great deal of blood banking is profitable on both the wholesale and retail levels.

To supplement its supply of plasma, the blood industry also draws on plasmapheresis firms in medically backward nations where the jobless poor often find their very tissues their only livelihood. A Florida businessman who owns such a company in Haiti and who plans to open branches elsewhere in Latin America is one of the many entrepreneurs who make a handsome profit in the bargain. So is a Louisville, Ky. doctor. His refrigerated trucks pick up foreign plasma in Miami and take it to destinations as far away as California.

Refrigeration, however, is no guarantee of safety because the hepatitis virus or viruses—no one is sure which—can only be reliably destroyed by heat. While some blood fractions can be thus sterilized and are, other fractions would be destroyed by high temperatures. In any case, the U.S. government rarely if ever inspects these foreign operations, leaving it up to the U.S. drug companies that process the plasma to be sure—to the extent of their abilities and conscience—that the raw material they use is infection-free.

Washingtonians probably have less cause to worry than many Americans since virtually all the blood used for transfusions in

the greater metropolitan area is given voluntarily and collected by the Red Cross. However, should they find themselves in an out-of-town hospital and in need of a transfusion, they will get whatever is in the refrigerator, and it may be purchased blood. Similarly plasma fractions administered by local hospitals may have been made from material obtained from paid donors.

Dr. Allen, a self-confessed zealot on this subject, brings impressive evidence to his claim that blood that is paid for tends to be high-risk blood. The data, to be published this summer by the Commonwealth Fund, a foundation in New York City, is based on 11,627 scientific reports that Allen collected over a period of 18 years and had analyzed by professional statisticians.

"If a national voluntary blood program is enacted," he said in a recent interview, "It will certainly save more lives than I could have saved had I spent 24 hours a day all these years performing an operation nobody else could perform."

Nor is Allen alone in this view. In Veysey's office are 11 different reports from scientific journals in the last two years that compare the rates of hepatitis between patients receiving purchased and volunteer blood. The studies were made by testing a total of more than 250,000 pints of blood for the presence of Australia antigen and following the progress of the patients into whom they were transfused.

Despite the fact that the test misses more contaminated blood than it turns up, these studies demonstrate that the risk of serum hepatitis is 11 to 70 times greater, depending on the experience of the hospital in question, when a transfusion is not obtained from a volunteer source.

The author of one of the studies—Dr. David J. Gocke of the Columbia-Presbyterian Hospital in New York—recently concluded that "one might anticipate a greater decline in post-transfusion hepatitis by transfusing only volunteer blood than by (the present practice of) screening donors for Au (Australia antigen)."

In fact, the AABB is planning to phase out paid donors by 1975, and some of its members have already taken steps in that direction. On paper there seems to be no reason why its members and the Red Cross regional centers could not in tandem expand their operations to meet the country's entire needs and so drive the "commercials" out of business.

But one reason the AABB was organized after World War II was to fight the encrochment of the Red Cross on hospital blood banks, and the two groups have a long history of mutual suspicion and competition. Their philosophical differences continue to run deep, making prospects for their joining forces dim.

In an April speech, for instance, George M. Elsey, president of the Red Cross said that his organization will "willingly accept any responsibility the Congress and the executive entrust to it . . . that will provide safe, high quality blood, components and derivatives to anyone in the United States who may need them, regardless of previous donations or ability to replace."

The AABB, on the other hand, sees blood banking in a different light. Its members, like all blood banks—including those of the Red Cross—charge a processing fee that covers the costs of overhead, salaries, and the laboratory tests that type blood and match the donor and the recipient. But unlike the Red Cross and in addition, they also require a $25 deposit for each pint transfused. It is returned only if the pint is replaced.

AABB OPPOSITION

Furthermore, some of the largest and most affluent AABB members have long counted primarily on paid donors and these members have been well represented among the association's officers. This may help to explain why the AABB opposes such measures as labeling blood as either purchased or volunteer. In fact, the AABB also opposes the creation of a single nationwide voluntary blood donation system on the grounds that it would be "monolithic" and would "stifle research."

At issue, too, is whether volunteer donors would or could supply enough blood to meet the nation's needs. The commercial blood bankers, for example, say that purchased blood is a necessary evil and better than no blood at all.

Others with long experience, both in government and the nonprofit end of the business, say that no matter what the scheme to encourage giving, it only works during the heat of a publicity campaign. Furthermore, they argue, even a country like Canada, which relies entirely on volunteers for transfusion purposes, imports some blood components and blood derivatives for the treatment of various disorders and for diagnostic tests.

The other side of the coin is that there would be more than enough blood to go around for all Americans if only 5 percent of the population gave a pint once each year. Leo Perlis, director of community relations for the 14-million member AFL-CIO and, together with Dr. Allen, the most persistent advocate of a wholly volunteer system scoffs at the idea that the public wouldn't respond if it understood what is involved.

"Blood is a living tissue that strikes right at the heart of human values," says Perlis. "We have never really tried a volunteer system. We could always phase it out if it didn't work."

Perlis believes that the Red Cross could do the job alone if it took the task more seriously. Allen would prefer a national commission, comparable to the Atomic Energy Commission, which would set and enforce standards and award contracts for carrying out services. Perhaps, he suggests, a postcard could be sent to everyone from 19 to 23 years old on his birthday. He points out that if even half of these young people responded to the appeal for a donation, there would then be enough blood for all.

Meanwhile, the regulations that do apply to blood-banking do not come to grips with the donor issue and might best be described as largely laissez-faire.

For example, the Division of Biologic Standards, a part of the National Institutes of Health, has had much the same power to license and inspect blood banks as the Food and Drug Administration has to license and inspect the manufacturers of drugs. But the law that gives the federal government this authority applies only to banks engaged in interstate commerce and has not, in the view of DBS officials, allowed it to tell even these banks that they must use volunteer blood or label blood as purchased or volunteer.

On July 1 DBS was transferred to the Food and Drug Administration and rechristened the Bureau of Biologics, Dr. Harry M. Meyer, director of the new bureau, is giving the blood problem a high priority and is confident that changes are possible even without the passage of further legislation by Congress.

However, by no means all of his colleagues agree. Dr. John N. Ashmore, chief of the bureau's blood and blood products laboratory, long a key regulatory official, thinks that many of the suggestions made by the would-be reformers are, to put it kindly, naive.

"The present law only gives us the power to inspect and to insist that certain standards involving cleanliness and the like are met," he says. "As for labeling blood, the blood bank that did this might just as well hang out a shingle saying 'going out of business' and then there wouldn't be enough blood to go around."

Critics of the past performance of DBS scoff at this assessment and say FDA can take steps the old agency balked at taking if it is so inclined. They point out that when DBS became convinced four years ago that pooling the plasma of many donors increased the risk of hepatitis they ended the practice by simply forbidding blood banks in their jurisdiction from continuing it. Because these blood banks handle 85 percent of the blood used for transfusions, the others also complied lest they become involved in liability suits in the federal courts.

Says Kenneth Hagerty, a staff aide to Rep. Veysey, one of many congressional champions of an entirely voluntary system: "The trouble with DBS was that it tended to see the problems that beset the industry it regulated as looming larger than the public interest. There is nothing in the law that says federal agencies must insist on volunteer blood, but there is nothing that says they can't either."

Whatever the merits of this argument, it is indisputable that blood bankers and DBS rarely quarreled openly. In its 17 years of operation, the agency forced compliance with its standards through court action just four times. No other disciplinary legal measures have been taken with regard to blood since the federal statute governing "the purity potency and safety" of biologic products became law in 1902. Whether this pattern will change now that FDA holds the reins remains to be seen.

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## CONGRESSMAN REID MOVES TO HALT SKYJACKERS

### HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. BADILLO. Mr. Speaker, we are all deeply concerned over the increasing number of skyjackings and the unending reign of terror which is being perpetrated against airlines and airline passengers. Last week's Delta Airlines skyjacking to Algeria brings to 28 the number of such incidents so far this year. Clearly these demented acts demand the strongest possible measures by the United States and the community of nations.

One of the major problems contributing to the rising trend of air piracy is the refusal of certain nations either to extradite accused skyjackers or to prosecute them in their courts. In a forceful attempt to plug this serious gap, our distinguished colleague from New York (Mr. REID) has recently introduced legislation which would close all American airports to any foreign airline which operates in any country refusing to prosecute or extradite skyjackers. The skyjacking crisis demands prompt and effective action by all nations and Mr. REID's legislation represents a very important development in this area. I am pleased to be a cosponsor of this long-overdue measure.

The August 6 Sunday News devoted its lead editorial to supporting Congressman REID's bill. I commend this editorial to our colleagues' attention and insert it herewith for inclusion in the RECORD:

[From the New York Sunday News, Aug. 6, 1972]

NO PLACE TO HIDE

Rep. Ogden Reid (D-N.Y.) has sponsored a sweeping measure that could seal off the

ratholes into which skyjackers now scuttle after pulling their crimes.

The bill would ban from U.S. airports the commercial craft of those nations that either (1) give refuge to air pirates, or (2) provide service to nations that refuse to punish skyjackers or return them to the countries where their crimes were committed.

It is the latter provision that cuts to the heart of the matter and, in our opinion, would most effectively deter international skyjacking.

Algeria and Cuba, to name just two havens favored by aerial outlaws, can afford to thumb their noses at Uncle Sam when he demands the return of skyjackers. They have no air traffic with the U.S. that could be harmed by purely American sanctions.

But both nations are served by free world and Communist airlines. Under the Reid bill, outfits like Aeroflot, Air France, Alitalia and British Overseas Airways would lose U.S. landing privileges if they failed to quarantine the protectors of skyjackers.

Such drastic reprisals would provoke a storm of laments and curses from the international aviation community. So be it.

It is American planes that are the most frequent target of skyjackers, and American citizens whose lives are most often imperiled by these outrageous crimes.

We urge Congress to approve the Reid bill without delay. It's time we stopped begging other countries to cooperate in squashing air piracy and started twisting a few arms.

## COST OVERRUN ON SRAM MISSILE

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. ASPIN. Mr. Speaker, the Boeing Aircraft Corp. is suffering more than $300 million in contract cost overruns in the development and production of the SRAM air-to-surface missile.

More than 600 changes in the design of this missile are the principal cause of a 50-percent cost overrun. If the Air Force had designed a decent missile to begin with, these problems would not occur.

As my colleagues may know, the SRAM is a nuclear-tipped missile designed to be carried by B–52 Stratofortresses, the F–111B bomber, and the proposed B–1 bomber in order to neutralize enemy ground defenses when the bombers approach enemy territory to attack.

Boeing and the Air Force have concluded three separate contracts—one for research and development and two production contracts. The cost of producing 465 SRAM missiles under the 1972 contract with Boeing recently has jumped an additional $31 million. More changes in design and inflation have caused these new cost overruns.

Depite the fact that the Air Force has concluded these three separate contracts for more than 500 missiles, only 85 of the missiles have actually been delivered to the Air Force.

Mr. Speaker, I believe this cost overrun is a reflection of the poor planning, inadequate technical information, and the military's consistent underestimation of the cost of all new weapon systems.

## BUDGET SCOREKEEPING REPORT NO. 5

### HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. MAHON. Mr. Speaker, I am inserting, for the information of Members, their staff, and others who may be interested, a few excerpts from the most recent "budget scorekeeping" report for the session, prepared by the staff of the Joint Committee on Reduction of Federal Expenditures.

The report reflects the impact of congressional actions on the President's budget requests through August 4.

The report contains considerable information for those who have need for details, and a copy has been sent to all Members.

The excerpts I am including—that is, the text "highlights" and the main scorekeeping table of the report—are more or less self-explanatory.

I would add that these scorekeeping reports, now in their fifth year, are the most comprehensive current source of information on what is happening legislatively to the President's budgetary recommendations. They are authoritative, being carefully prepared by an experienced staff dedicated to complete objectivity, reporting the facts as best they can be ascertained. Some estimating is necessary, especially in respect to legislative actions affecting outlays—expenditures.

The following material is excerpted from the "1973 Budget Scorekeeping Report, No. 5," as of August 4, 1972:

EXCERPTS FROM 1973 BUDGET SCOREKEEPING REPORT NO. 5

HIGHLIGHTS

Fiscal 1973 scorekeeping to date

The impact of congressional action to date, August 4, 1972, on the President's fiscal year 1973 requests for budget authority, budget outlays and budget receipts, and the projected unified budget deficit, as shown in this report, may be summarized as follows:

[In million of dollars]

| | House | Senate | Enacted |
|---|---|---|---|
| Budget authority increase: | | | |
| Appropriation bills | +479 | +3,68 | +2,092 |
| Legislative bills | +15,365 | +6,30 | −585 |
| Total, budget authority increase | +15,844 | +9,996 | +1,508 |
| Outlay increase: | | | |
| Appropriation bills | +270 | +2,100 | +1,063 |
| Legislative bills | +5,126 | +4,276 | +3,228 |
| Total, outlay increase | +5,395 | +6,376 | +4,292 |
| Revenue decrease (increases deficit) | −59 | −1,585 | −1,602 |
| Deficit increase | +5,454 | +7,961 | +5,894 |

In terms of completed congressional action to date, major scorekeeping actions affecting the President's budget requests include:

Black lung benefits—increase of $969 million in budget authority and outlays;

Social security benefits—increase of $2.1 billion in outlays due to enactment of a 20% benefit increase instead of a 5% increase as requested;

Social security taxes—decrease of $1.6 billion in revenue due to delay in effective date of proposed wage base increase.

Labor-HEW appropriations (pending conference report)—increase of $1,762 million in budget authority and approximately $725 million in outlays.

Ten regular 1973 appropriation bills have been considered to date. Action is shown in this report for seven appropriation bills at the completed stage reflecting a net outlay increase of $973 million, mainly due to the increase in the Labor-HEW bill. For the remaining three pending appropriation bills, House action indicates a net outlay decrease of $169 million and Senate action indicates a net outlay increase of $52 million.

Also pending are several legislative bills containing "backdoor" or mandatory spending authorizations. One major bill, the multibillion dollar Water Pollution Control Act, is in conference. House action on general revenue sharing legislation reflects the shift of retroactive fiscal 1972 costs into fiscal 1973 due to delay. Other significant pending legislative measures relate to federal employee health benefits, veterans benefits, railroad retirement and disaster relief. These and other actions are shown in scorekeeping table No. 1, p. 6.

*Fiscal year 1973 budget deficit*

The following is an analysis of the budget deficit for fiscal year 1973, reflecting budget revisions, amendments and congressional action to date, August 4, 1972:

[In millions]

| | *Deficit estimate* |
|---|---|
| Original deficit estimate, January 1972 | $25,472 |
| Budget revisions, as of June 5, 1972: | |
| Net outlay increase due to certain congressional actions, mainly black lung benefits | +895 |
| Shift of fiscal 1972 revenue sharing request into fiscal 1973, assuming enactment of retroactive provisions of pending legislation | +2,250 |
| Net outlay changes, including interest | +583 |
| Revenue revisions | −2,200 |
| Revised deficit estimate, as of June 5 | 27,000 |
| Amendments to the 1973 budget estimates, as transmitted to date: | |
| Additional outlays for Vietnam war | +1,200 |
| Disaster-relief outlays incident to Hurricane Agnes, etc | +900 |
| Additional outlays for drug abuse programs | +100 |
| Deficit estimate, as revised and amended | 29,200 |
| Congressional action to date (in addition to amounts included in the June 5 budget revisions): | |
| Social Security: | |
| Payments, 20% increase | +2,100 |
| Revenue loss (due to delay in effective date) | +1,600 |
| Estimated outlay increase in the Labor-HEW appropriation bill | +725 |
| All other outlay changes, net | +574 |
| Deficit estimate, as revised and amended, and adjusted by Congressional action to date | 34,199 |

This fiscal 1973 deficit estimate of $34.2 billion is on the unified budget and reflects a federal funds deficit of $41.3 billion and a trust fund surplus of $7.1 billion.

*Fiscal year 1972*

Final figures for fiscal year 1972 recently announced indicate that actual outlays were $231.6 billion and receipts were $208.6 billion, and the unified budget deficit for fiscal year 1972 was $23 billion (reflecting a federal funds deficit of $28.9 billion and a trust fund surplus of $5.9 billion).

TABLE NO. 1.—ESTIMATED EFFECT OF CONGRESSIONAL ACTIONS DURING THE 2D SESSION OF THE 92D CONGRESS ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF AUG. 4, 1972)

[In thousands of dollars]

| Items acted upon | Congressional actions on budget authority (changes from the budget) | | | Congressional actions on budget outlays (changes from the budget) | | |
|---|---|---|---|---|---|---|
| | House | Senate | Enacted | House | Senate | Enacted |
| | (1) | (2) | (3) | (4) | (5) | (6) |
| **FISCAL YEAR 1973** | | | | | | |
| Appropriation bills (changes from the 1973 budget): | | | | | | |
| 1972 Foreign assistance and related agencies (Public Law 92-242) | | | | [1] −105,000 | [1] −105,000 | −105,000 |
| Legislative branch (Public Law 92-342) | −6,022 | −4,625 | −5,560 | −5,500 | −4,300 | −5,200 |
| Second Supplemental, 1972 (Public Law 92-306) | | | | −100,000 | +550,000 | +95,000 |
| State, Justice, Commerce, the Judiciary and related agencies (H.R. 14989) | −100,884 | +116,391 | (‡) | −74,000 | +42,000 | (‡) |
| Housing and Urban Development, Space, Science and related agencies (H.R. 15093) | −454,695 | +325,187 | †† −132,232 | −3,500 | +94,000 | †† +61,000 |
| Transportation and related agencies (H.R. 15097) | −117,567 | −2,187 | (‡) | −75,000 | −39,000 | (‡) |
| District of Columbia (Public Law 92-344) | −11,000 | −29,600 | −26,913 | −11,000 | −29,600 | −26,913 |
| Labor, Health, Education, and Welfare and related agencies (H.R. 15417) | +1,275,856 | +2,578,297 | † +1,762,286 | +530,000 | +1,150,000 | † +725,000 |
| Interior and related agencies (H.R. 15418) | +9,218 | +23,769 | †† +21,781 | −7,100 | +14,800 | †† +5,900 |
| Treasury, Postal Service, and General Government (Public Law 92-351) | −9,458 | −9,417 | −8,776 | −37,000 | −37,000 | −36,500 |
| Public Works and Atomic Energy (H.R. 15586) | −51,331 | +82,638 | (‡) | −20,000 | +49,000 | (‡) |
| Agriculture and Environmental and Consumer Protection (H.R. 15690) | −55,179 | +608,868 | † +481,842 | [2] +78,000 | [2] +315,000 | [2] † +250,000 |
| Supplemental, 1972, disaster relief (Public Law 92-337) | | | | +100,000 | +100,000 | +100,000 |
| Subtotal, appropriation bills | +478,938 | +3,689,319 | +2,092,428 | +269,900 | +2,099,900 | +1,063,287 |
| Legislative bills with "backdoor" spending authorizations (changes from the 1973 budget): | | | | | | |
| Higher education—student loans (borrowing authority) (Public Law 92-318) | Indefinite | Indefinite | Indefinite | NA | NA | NA |
| Housing Act of 1972 (contract authority) (S. 3248) | | +300,000 | | | NA | |
| Highway emergency relief (Public Law 92-361) | −50,000 | −50,000 | −50,000 | | | |
| Airport and airways development (contract authority) (S. 3755) | | † +840,000 | | | | |
| General revenue sharing (H.R. 14370) | [3] +2,800,000 | | | [3] +2,550,000 | | |
| State bond subsidy (permanent) (S. 3215) | | † +29,000 | | | † +29,000 | |
| Water pollution control (contract authority) (S. 2770, H.R. 11896) | [4] +11,000,000 | +3,000,000 | (‡) | +550,000 | +150,000 | (‡) |
| Freight car loan guarantee (borrowing authority) (S. 1729) | | +2,000,000 | | | NA | |
| Subtotal, "backdoor" | +13,750,000 | +6,119,000 | −50,000 | +3,100,000 | +179,000 | |
| Legislative bills with mandatory spending authorizations (change from the 1973 budget): | | | | | | |
| Wage board pay (H.R. 9092) | [1] +30,000 | [1] +30,000 | † +30,000 | [1] +30,000 | [1] +30,000 | † +30,000 |
| Full District of Columbia Congressional representation (H.J. Res. 253) | † +960 | | | † +960 | | |
| Federal employee health insurance (H.R. 12202) | +267,900 | +39,600 | (‡) | +267,900 | +39,600 | (‡) |
| Council on International Economic Policy (S. 3726) | −1,341 | | | −1,316 | | |
| School lunch (H.R. 14896) | | | | +90,000 | | |
| Equalization of military retired pay (H.R. 15495) | | +6,000 | | | +6,000 | |
| National Guard retirement (S. 855) | | +7,900 | | | +7,900 | |
| Additional military travel allowance (H.R. 3542) | +2,414 | | | +2,414 | | |
| POW and MIA leave (H.R. 14911) | +13,400 | | | +13,400 | | |
| National Foundation for Higher Education (Public Law 92-318) | [1] −90,000 | | −90,000 | [1] −27,000 | | −27,000 |
| Black lung benefits (Public Law 92-303) | [1] +968,712 | +968,712 | +968,712 | [1] +968,712 | +968,712 | +968,712 |
| Social security tax and benefit amendments (Public Law 92-336) | | [5] −1,600,000 | [5] −1,600,000 | | +2,100,000 | +2,100,000 |
| Revenue sharing, HUD (S. 3248) | | −490,000 | | | −490,000 | |
| Air traffic controller retirement (Public Law 92-297) | [1] +31,500 | +31,500 | +31,500 | [1] +31,500 | +31,500 | +31,500 |
| Early retirement—customs inspectors (H.R. 440) | +3,200 | | | +3,200 | | |
| Handgun control (S. 2507) | | † +10,000 | | | † +10,000 | |
| Veterans advance educational allowance (H.R. 12828, S. 2161) | +128,700 | † +692,000 | | +124,700 | † +900,900 | |
| Veterans medical care (H.R. 10880) | (+29,658) | +150,850 | (‡) | (+29,658) | +150,850 | (‡) |
| Veterans nursing home care (H.R. 460) | (+6,900) | | | (+6,900) | | |
| Veterans paraplegic housing (Public Law 92-341) | +3,500 | +5,000 | +3,500 | +3,500 | +5,000 | +3,500 |
| Veterans national cemeteries (H.R. 12674) | +39,600 | | | +39,600 | | |
| Veterans compensation increase (Public Law 92-328) | +114,900 | +169,000 | +114,900 | +114,900 | +169,000 | +114,900 |
| Civil Service retirement—firemen (S. 916) | +6,700 | +6,330 | †† +6,700 | +6,700 | +6,330 | †† +6,700 |
| Disaster relief, SBA (H.R. 15692) | +94,772 | +159,952 | (‡) | +94,772 | +159,952 | (‡) |
| Minority enterprises (S. 3337) | | +883 | | | +883 | |
| Railroad Retirement—20 percent increase (H.R. 15927) | | | | † +261,600 | | |
| Subtotal, "mandatory" | +1,614,917 | +187,727 | −534,688 | +2,025,542 | +4,096,627 | +3,228,312 |
| Subtotal, legislative bills [6] | +15,364,917 | +6,306,727 | −584,688 | +5,125,542 | +4,275,627 | +3,228,312 |
| Total, fiscal year 1973 | +15,843,855 | +9,996,046 | +1,507,740 | +5,395,442 | +6,375,527 | +4,291,599 |
| **FISCAL YEAR 1972** | | | | | | |
| Appropriation bills (changes from the revised 1972 budget): | | | | | | |
| Foreign assistance and related agencies, 1972 (Public Law 92-242) | [1] −353,230 | [1] −353,230 | −353,230 | [1] −50,000 | [1] −50,000 | −50,000 |
| Second Supplemental, 1972 (Public Law 92-306) | −820,808 | +197,574 | −518,245 | −365,000 | −230,000 | −265,000 |
| Supplemental, 1972, disaster relief (H.J. Res. 1238) | +100,000 | +100,000 | † +100,000 | | | |
| Legislative bills (changes from the revised 1972 budget): | | | | | | |
| Black lung benefits (Public Law 92-303) | [1] +5,000 | [1] +5,000 | +5,000 | [1] +5,000 | [1] +5,000 | +5,000 |
| Emergency school assistance (Public Law 92-318) | | | −500,000 | | | −80,665 |
| National Foundation for Higher Education (Public Law 92-318) | −3,000 | | −3,000 | −1,000 | | −1,000 |
| National Institute of Education (Public Law 92-318) | | | −3,000 | | | −2,500 |
| Housing Act of 1972 (contract authority) (S. 3248) | | +15,000 | | | NA | |
| AMTRAK (borrowing authority) (Public Law 92-316) | +100,000 | +250,000 | +150,000 | NA | NA | NA |
| Legislative inaction on proposals included in the 1972 budget (see tables 4 and 5 for details): | | | | | | |
| General revenue sharing | −2,500,000 | −2,500,000 | −2,500,000 | −2,250,000 | −2,250,000 | −2,250,000 |
| Other | −117,011 | −371,111 | −208,017 | −52,483 | −210,583 | −210,583 |
| Total, fiscal year 1972 | −3,589,049 | −2,656,767 | −3,830,492 | −2,713,483 | −2,735,583 | +2,854,748 |

[1] Enacted figure used for comparability.

[2] Excludes estimated outlay increase of $655,000,000 for certain water pollution reimbursements contingent upon enactment of pending water pollution control legislation (S. 2770 and H.R. 11896) now in conference.

[3] Due to delayed action, includes effect of shift into fiscal 1973 of $2,500,000,000 in authority and $2,200,000,000 in outlays, together with increases of $150,000,000 in authority and outlays for both fiscal years 1972 and 1973.

[4] Consists of $5,000,000,000 provided for fiscal 1973 and advance availability of $6,000,000,000 provided for fiscal 1974. Action on Administration request of $2,000,000,000 in direct appropriations for similar programs may result in some offset.

[5] Decrease in budget authority for soc al secur ty reflects less than anticipated tax revenues for trust fund.

[6] Excludes actions taken in 1st Session of 92d Congress, shown in parentheses above.

‡Subject to or in conference.

NA—Not available.

†Committee action.

††Pending signature.

RABBI MEYER M. ABRAMOWITZ

## HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. FINDLEY. Mr. Speaker, one of Springfield, Ill., most outstanding citizens, and a leader of the Jewish community, is Rabbi Meyer M. Abramowitz. As the Representative of Springfield, it has been a distinct pleasure indeed for me to introduce Rabbi Abramowitz to the Members of the House of Representatives. He is one of a select group of guest ministers in the country to be invited to open a session of the House with prayer this year. The message he brought us is fresh, alive, and relevant to the times in which we live.

Rabbi Abramowitz is from Temple B'rith Sholom in Springfield. He was educated at Columbia University—B.S., 1943, the Jewish Theological Seminary of America—B.J.P., 1943, and was ordained at the Hebrew Union College—Jewish Institute of Religion—1946, MARL, HUC–JIR, 1969, and doctor of divinity, HUC–JIR, 1971.

Rabbi Abramowitz served as cantor, director or religious education and rabbi at the Jewish Center of Forest Hills West, Long Island—1940–48, as rabbi of Temple Beth Israel, Sharon, Pa.—1948–56, as rabbi of Temple Judea, Reseda, Calif.—1956–57, and since 1957 as spiritual leader of Temple B'rith Sholom, Springfield, Ill. Life tenure was bestowed upon him by members of Temple B'rith Sholom on December 1, 1967.

A participant in civic and communal organizations, he has been actively engaged in community affairs and has been an officer and member of such organizations as the United Fund—chairman, professional division, United World Federalists—vice president, Springfield Chapter, United Negro College Fund—chairman, Sharon, Pa., executive board of the Alumni Association of Hebrew Union College—Jewish Institute of Religion, and president of the Inter-faith Clergy Fellowship of the Springfield area. For 5 years he was chairman of the Fair Employment Practices Commission of Sharon, Pa.

He has served as a public member of the Springfield Labor-Management Commission, as vice chairman of the Human Relations Commission of Springfield, Ill., as a member of the Board of Mental Health Commissioners, State of Illinois—appointed by Governor Kerner in February 1968, and vice chairman of the Sangamon County Ministerial Fellowship. He has served on the executive boards of the Springfield Mental Health Association, the Illinois Heart Association, the National Association for the Advancement of Colored People, the Senior Citizen's Center of Sangamon County, the Consumer's Credit Counseling Service, the Central Conference of American Rabbis, and the Springfield Jewish Federation. He is a member of the religious faculty, Lincoln Academy of Illinois, and a chaplain at the Jacksonville State Hospital, the Illinois School for the Deaf, and the Illinois Sight Saving and Braille School.

Mr. Speaker, Rabbi Abramowitz has lectured at many universities and colleges representing the Jewish Chautauqua Society. He has received the Distinguished Service Medal from the Jewish Veterans of the U.S.A. in recognition of his religious leadership in interfaith activities, an award from the American Jewish Tercentenary Committee, the radio station WTAX Civic Salute, and a Community Service Award from the United Community Services.

Rabbi Abramowitz was born in Rochester, N.Y., on September 22, 1918, and married the former Doris Rosenberg on November 25, 1943. Their three children are Ann Lois Ballon, Ira Michael, and Joel Hillel.

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TENNESSEANS COMMEND CONGRESSMAN ED JONES

## HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. GRIFFIN. Mr. Speaker, all of us take pride in the achievements and success of our colleagues in the House. Quite often, many of us feel that our special efforts and our complete dedication do not receive the attention and recognition which, immodestly, we feel that we might deserve.

I am delighted to report an exception by the people of the Seventh Congressional District of the great State of Tennessee. Their Congressman, ED JONES, has distinguished himself in many ways. He is personable, popular, resourceful, and fully committed to improving the life of Americans, giving special emphasis to rural Americans who lack many of the opportunities of their city cousins.

In a short period of time, ED JONES has manifested those qualities of leadership which will make him a prominent name in history.

It was a real pleasure for me to note that the Tennessee Association of Conservation Districts adopted a resolution commending Congressman ED JONES. While Members of the House are fully familiar with the outstanding work of a great Tennessean, nevertheless, I feel it appropriate to include with my remarks a copy of this resolution. It follows:

RESOLUTION COMMENDING CONGRESSMAN ED JONES

Whereas, the progress of soil conservation districts is contingent upon the technical assistance made available by the Soil Conservation Service, and

Whereas, the Soil Conservation Service is dependent upon the availability of funds appropriated annually by the U.S. Congress, and

Whereas, the distinguished Congressman from the Seventh Congressional District, the Honorable Ed Jones, serves on the House Agriculture Committee and has supported all proposals that would improve agriculture and co-sponsored the Rural Development Bill now pending in congress, and

Whereas, Congressman Jones personally has appeared before the House Subcommittee on Appropriations each year and presented a statement in support of appropriations for the Soil Conservation Service, and

Whereas, Congressman Jones has devoted his lifetime to the betterment of agriculture in Tennessee and particularly in his native West Tennessee.

Be it resolved, that the West Tennessee Division of the Tennessee Association of Conservation Districts hereby expresses its sincere gratitude to Congressman Ed Jones for his untiring efforts in working for the conservation of our soil and water resources. Especially, do we appreciate his efforts in the Rural Development Program, some parts of which affect the Small Watershed Program, and to his effective support of Soil Conservation Service appropriations.

Be it further resolved, that a copy of this resolution be sent to Congressman Jones as a means to inform him of our appreciation and support.

This action taken this first day of August 1972 at the West Tennessee meeting of soil conservation districts and watershed directors held at Lambuth College, Jackson, Tennessee.

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AWARD PRESENTED TO NARF

## HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. MILLER of California. Mr. Speaker, on May 5, 1972, the Naval Air Rework Facility, Alameda, Calif., was presented the highest award in the Department of the Navy's zero defects program—the Sustained Craftsmanship Award. I am very proud that this installation is part of the Eighth Congressional District which I represent. On May 11, 1972, before members of the American Society of Performance Improvement in Washington, D.C., Adm. Isaac C. Kidd, Jr., Chief of Naval Materiel, stressed the need for top craftsmanship within governmental and industrial support facilities to provide the fleet with the dependable equipment it needs and all too often does not get. During his remarks he commended the personnel of NARF Alameda as follows:

Within the Naval Material Command we have just presented our first Sustained Craftsmanship award to the Naval Air Rework Facility at Alameda. This is the highest level of recognition available under the Navy's Zero Defects program, and it is the first time that such an award has been granted to an entire field activity. They should be very proud—I'm proud to have such performance within the Naval Material Command, and I hope this accomplishment implies a trend for the future.

At this time, I would like to share with my colleagues the following statement which describes the award presented to NARF:

On 5 May 1972, the Naval Air Rework Facility, Alameda, was presented the highest award in the Department of the Navy's Zero Defects program: The Zero Defects sustained craftsmanship award. The Zero Defects program began at the Naval Air Rework Facility on 6 February 1968. Since its inception, the primary focus of this program has been to motivate every employee of the facility to take a personal interest in his job and do it

right the first time. Although the concept of Zero Defects as practiced at the Naval Air Rework Facility may be *stated* very simply, it becomes very complex in its applications, and sustainment for a large group of people.

The Zero Defects program at NARF Alameda is dedicated to a re-emphasis of pride in perfromance and pride in product. It is pointed directly toward each individual employee, no one can be excluded, because quality of the end product is everyone's business. Success of the Z.D. program must begin with its acceptance by each employee at NARF.

All employees are constantly reminded of the aims of the zero defects program. This is done through monthly management briefs, posters, newspaper articles and person to person visits.

Sustainment of a vital zero defects program is one of the most difficult challenges any facility must accept. The Naval Air Rework Facility has developed various means of publicity and other ideas to assure program highlights are promulgated throughout the organization.

The zero defects program's steering and awards comimttee includes representatives of all service departments and production divisions. These members provide a program tailored to the needs of the organization they represent. NARF Alameda also participates in the northern California Chapter of the American Society for Performance Improvement. This assures up to date information to the facility on new innovations from member organization. It also provides an excellent opportunity to publicize the facility's efforts to continue the production of quality products.

That the Naval Air Rework Facility has been successful in sustaining the level of interest in its Z.D. Program is evidenced by its receipt of the following awards from the Department of the Navy:

1969, Participation Award.
1969, Achievement Award.
1970, Craftsmanship Award.
1972, Sustained Craftsmanship Award.

NARF Alameda is very proud of the fact that it is the *first* and to date, *only* facility within the Department of the Navy to win the coveted sustained Craftsmanship Award. To earn the Gold Star in the sustained Craftsmanship Award Flag was an "all hands" effort; Captain W. L. Hinkle, the former commanding officer of the facility, gave outstanding support and participation to the Z.D. program; Cdr. Keith Nelson, the present commanding officer of NARF, continues the precedence set by Captain Hinkle and actively participates in the Z.D. program. This support and participation is active in nearly all of the departments, divisions, etc. of NARF.

Enclosed are clippings, letters, and other publicity pursuant to the zero defects activities at this facility.

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## FISCAL RESPONSIBILITY

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. FRENZEL. Mr. Speaker, today I voted against two important appropriation conference reports, Agriculture, and Health, Education, and Labor. The agriculture appropriation was about $½ billion over budget—about 4 percent—and that HEW appropriation was nearly $1.8 billion over the budget request.

Both bills contain needed funding for needed programs. My negative votes were not intended as criticism of specific programs although there are a few I do not favor. Rather, my votes were a protest against the congressional propensity to spend over and above a budget already $25 billion in the red.

The awful truth, about which few people dare to speak, is that such spending can lead only to increased taxes or to bankruptcy.

There is no magic in the budget request figures. They can be exceeded where necessary. But they should be exceeded with great caution, especially in a huge deficit year. Excess spending of $1.8½ billion is hard to defend under any circumstances.

We need the services, to be sure. But we also must impose on ourselves some internal discipline. If we accept the President's proposal to impose a $250 billion total spending limit, we could then force ourselves to make the hard priority decisions of how to allocate that total amount.

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## QUALIFIED CANDIDATES WILL BECOME HARDER TO FIND

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. DERWINSKI. Mr. Speaker, a very sober, penetrating analysis of the Eagleton affair and its relationship to the problems that many public officials hold was carried in an editorial in the Star-Sentinel newspapers of Thursday, August 3, by its editor, Paul Coffman.

In my judgment, this is not only a very timely commentary, but well worth serious consideration by readers of the RECORD:

THE WAY IT LOOKS TO ME: QUALIFIED CANDIDATES WILL BECOME HARDER TO FIND

(By Paul D. Coffman)

I very seldom comment on national politics unless it concerns our local representatives or senators, but every once in a while something happens on the national level that makes me realize that politicians at all levels of government face a close scrutiny of their personal, as well as public life at all times.

The recent controversy over the health of Senator Eagleton and his eventually being forced to resign his nomination for the Vice Presidency of the United States brings out the fact that any politician must be of the highest moral caliber, enjoy good health to the nth degree and be as honest as the day is long, otherwise he will find himself investigated by every watch dog organization in existence and will come under the scrutiny of the press to the extent that his private life will be an open book with all of the pages flung open to every event that has transpired in his lifetime.

I am a strong believer that anyone who accepts a political office should be thoroughly honest, should have the welfare of his community as one of his uppermost concerns and should be willing to give unstintingly of his time in the performance of his elected duties, but I still think what he does with his private life is his own affair and should not be made a public record.

With the divisiveness that exists in all sectors of our land, most politicians (no matter how honest they might be) find that they cannot satisfy all of the people all of the time and as a result are condemned for a number of existing conditions over which they have little or no control.

From my experiences in the past, I have found it very difficult to get well qualified candidates to subject themselves to the scrutiny of the voters during a political campaign simply because they feel that no matter how unblemished their public and private lives might be, they are still going to find themselves facing unfounded rumors that are taken as the "gospel truth" by many members of the community.

It is too bad that candidates cannot be taken at their face value when seeking public office and elected as a result of their approach to the issues rather than being subjected to a personality assassination.

Unless we see a change in the attitude of the public and the press in their treatment of candidates, we are going to find the quality of our elected officials to continue to deteriorate simply because qualified individuals will not subject themselves to such an encounter.

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## A MEMO ON DIKES

### HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. BETTS. Mr. Speaker, there is nothing quite so contemptible as a person who has taken advantage of our free society and who has materially advanced as a result of the capitalist system and then turns right around to aid its enemies. Recently, two notable American citizens, "alleged actress" Jane Fonda, and former "ace" crime fighter, Ramsey Clark, fell into this category completely. They also fell into an age-old propaganda trap sprung by the masters of propaganda, the North Vietnamese Communists. Acting as stewards for the government of North Vietnam, Fonda and Clark have informed the world that it is U.S. policy to deliberately bomb the dike system in North Vietnam. Nothing could be further from the truth, but it is often difficult for the American people to get the other side of a story, especially if it is pro-America. Therefore, I commend the following article on the North Vietnam dike controversy to my colleagues and the Nation in the hope that those who accept the babbling of apologists for America without examining both sides of the question will at least pause to reflect.

The article follows:

A MEMO ON DIKES

(By William Randolph Hearst, Jr.)

SAN FRANCISCO.—Today's column consists of a memo to me from Bill McCullam, our chief editorial writer in New York City, in which he enlarges at my request on an eye-opening editorial he wrote and sent to our papers.

The editorial appears in today's papers—and I think you will be as interested as I was in reading this incisive run-down on the important and controversial question it discussed—is the United States deliberately bombing the dikes of North Vietnam?

This question has made a lot of news recently, and it's going to make a lot more for reasons which will become clear. So, being more or less on vacation, I am happy to be

able to knock off my own writing this week in favor of what follows—and here 'tis:

Dear Bill: As stated in my editorial, it was less than six weeks ago that Hanoi launched what I called one of its most diabolic and successful propaganda offensives. It is most important to understand the timing of the campaign, and how carefully it has been orchestrated.

Having seen them first hand, you know that those primitive dikes are nothing like those in Holland. Instead they are a 2500-mile-long maze of interconnected earthen levees, hundreds of years old, whose prime function is to control the annual floodwaters of the Red River Delta.

In 1954 literally millions of the 15 million peasants living in the Delta died by drowning or famine when the dikes failed. Last year, with the dikes in disrepair because of war-caused manpower shortages, a similar tragedy struck.

This year the dikes are in worse shape than they have ever been, largely because normal erosion and collapses have gone untended. Manpower for repairs is in far shorter supply than ever. And meanwhile the floodwater season of September is as imminent as the potential mass disaster that season involves.

With this factual background, and under this looming threat of nature, the North Vetnamese in late June began their latest propaganda offensive—pushing charges that the U.S. is deliberately bombing their system of dikes and dams.

Xuan Thuy, Hanoi's chief negotiator at the Paris talks, was one of the first to make the charge. He alleged that the U.S. is "purposefully creating disaster for millions of people during the coming flood season." He still was repeating the charges in Paris last Thursday.

Simultaneous with the launching of their allegations the North Vietnamese Communists began conducting guided tours of the labyrinthian dike system. The Swedish ambassador to Hanoi and various correspondents of European newspapers there were escorted to selected areas where damage had clearly or presumably been caused by bombs.

In no time at all the haters of America, and those here at home seemingly willing to act as Communist agents, began echoing the enemy claim—that the U.S. was engaged in a calculated and monstrous crime against millions of helpless people.

At the same time Hanoi's invitations continued. Actress Jane Fonda, the far left activist who seems to be testing the limits of free speech, went and returned to vast television coverage with a movie showing damaged dikes which she claimed showed how they "are being bombed on purpose."

Right now, at Hanoi's invitation, former U.S. Atty. Gen. Ramsey Clark is in North Vietnam to study alleged dike bombing as a member of the Swedish-Russian hatchet group called "The International Commission of Inquiry into U.S. Crimes in Indochina." Its early and predictable report undoubtedly will make headlines in much of our own press.

A major propaganda coup for the enemy came when Kurt Waldheim, who succeeded U Thant as Secretary-General of the United Nations, returned from a trip to Moscow and said that on the basis of what he had heard from "unofficial sources" the bombing of dikes was deplorable and should be stopped.

As noted in my editorial, this was too much for President Nixon. He said, appropriately: "I note with interest that the Secretary-General, like his predecessor, (has) seized upon enemy-inspired propaganda."

And that's exactly what it is. Mr. Nixon and others of our top officials freely admit that some American bomb damage inevitably has been done to the dikes near military roads and targets. But, as he said, if we were deliberately bombing the dike system it would by this time be in a stage of complete ruin.

What the enemy doesn't admit, meanwhile, is that a good portion of the military damage to the dikes unquestionably has been caused by the fallback of its own SAM missiles.

As many as 500 of these big surface-to-air missiles have been fired at American planes in a single 48-hour period—mostly missing. When these missiles return to earth, often near or on dikes and dams, they can and do create very considerable craters.

The whole point, Bill, is that the enemy is faced with a looming mass tragedy in the coming flood season and is seeking—all too successfully—to blame us in advance for the disaster they fear.

Millions of people around the world, thanks to the Jane Fondas, the Kurt Waldheims and others now being indoctrinated and soon to be heard from, already are either convinced or suspect that we are indeed bombing the dikes deliberately.

It is really astonishing how effectively a lie can be spread when the Communist transmission belt works overtime. In this case you would think that official denials would be unnecessary. Common sense should convince anybody that a mass, sustained aerial attack on Hanoi's dike system would be verified at once and without any question whether it had happened.

There has been no such attack—and now there never will be, even though it was deliberate bombing of dikes which led directly to halt of enemy hostiles in the Korean war. President Nixon has said, in answer to the enemy charges, that such bombing "is not our policy now, and will not be in the future."

What I tried to show in my brief editorial was that Hanoi thus not only has shifted blame for a possible mass tragedy from its own shoulders to ours—it also actually has defended its dike system from any truly deliberate attack, using propaganda alone.

I repeat what I said in my editorial—any way you look at it, the latest Hanoi propaganda offensive is a masterpiece of successful duplicity.

Signed—Bill McMullam.

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## SET THE RECORD STRAIGHT

### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. HUNT. Mr. Speaker, as a matter of public record, it appears necessary to point out that the Congressional Quarterly is not, repeat not, an official publication of the Congress or any other governmental body.

Some publicity has been generated in my district concerning the official travel of all the Members of Congress and there is an inference of impropriety as a result of my not responding to a questionnaire issued by the Congressional Quarterly. To begin with, I do not subscribe to the publication nor do I have any moral or legal obligation to devote my time to responding to this or any other questionnaire. As we in the Congress receive hundreds of questionnaires during the course of the year, it is plainly evident that if I were to respond to them diligently and responsibly, it would be at the expense of other congressional matters that are of considerably more importance to my constituents.

So far as my travels are concerned for official committee business, there are absolutely no secrets and the particulars can be found in the April 20, 1972 issue of the CONGRESSIONAL RECORD, the only official record of the Congress, on page 13689.

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## THOMAS E. HAMILTON: GREAT FRIEND OF SENIOR CITIZENS

### HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. PATTEN. Mr. Speaker, today I want to commend a truly great public official—a man who has a deep interest in people, and a special love for senior citizens—Thomas E. Hamilton, of Edison, N.J., executive director of the Middlesex County Office on Aging.

I have known thousands of public officials in my career, but I have never known a man who is as fervent and dedicated in his work as Tom Hamilton. Somehow, the adjectives generally used in trying to describe a tremendous person are not adequate in his case—outstanding, distinguished, great—Tom Hamilton is all of these, but much more.

The respect, the admiration, and even the love that senior citizens have for him reveal the kind of executive director and man Tom Hamilton is. But, above all, he is a leader, a man of remarkable competence, a man of action, and a man of compassion.

Except for Freeholder Director George Otlowski, I do not think there is a public official in Middlesex County who writes to me or phones me more than Tom. This is because he is really concerned about the problems and needs of senior citizens, because he cares 24 hours a day, 7 days a week. Whether their problems involve the outrageous rent increases they are often forced to pay, physical or mental problems, or insufficient food, Tom Hamilton is there, working and fighting for the rights of senior citizens and always hoping for the day when they will finally enjoy the security and peace they have earned.

Tom is a man of many achievements. Besides being the father of eight children, he graduated from Seton Hall University, majoring in philosophy and later obtaining a master's degree in economics from that university. He is articulate, energetic, and warm—and almost impossible to keep up with because his concern about human problems always keeps him busy.

He is often invited to attend seminars and institutes and lecture and talk on the social aspects of aging. In Middlesex County the educational field has become involved in the aging problem, where he devotes much of his speaking and lecture time.

Tom is also active in a senior citizens preventive and health care maintenance program conducted at Roosevelt Hospital, Edison, since September 1970. As a result of this program, over 70 percent of the senior citizens who have taken part, had continued treatment for diseases and

illness because of the medical tests they received.

Besides being executive director of the Middlesex County Office on Aging, which requires planning and coordination of various aging programs, he is also a member of the advisory committee of the aging education project conducted by the Adult Continuing Education Center at Montclair State College. In addition, he was one of the organizers of the New Jersey Gerontological Society and serves as a trustee.

Mr. Speaker, Cicero wrote that a person "may grow old in body, but never in mind." Despite his many talents, Tom Hamilton cannot keep the bodies of his beloved senior citizens young, but he has kept them young in spirit. He is an inspiration to not only senior citizens, but to all who have the privilege and honor of knowing him. I am proud that he is one of my constituents, but even prouder that Tom Hamilton is my friend.

## TRIBUTE TO PAUL REPPETO

### HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mrs. HANSEN of Washington. Mr. Speaker, in these times of controversy, conflicting interests, polarization of opinion, and mutual suspicion, it is refreshing to note that these tendencies of modern man are sometimes overcome by the actions and influence of a single, strong personality.

One example was that shown at the death of John Paul Vann. The concept of "hawk" and "dove" was laid aside as everyone paid tribute to a man of unusual courage and dedication to his own convictions.

Likewise, in my own district of western Washington—America's great forest area—the myth that the great Northwest logger was automatically a despoiler without regard for nature or his environment—was laid to rest with the recent passing of one of our well-known, modern-day loggers, Paul Reppeto.

Paul Reppeto belied that image and probably here, in one individual, speaks the heart of the average logger and his love and respect for nature, his environment, and the great outdoors in which he operates. Paul exemplified this appreciation for these God-given surroundings and truly tells in his own words that a logger is not a creature bent on senseless destruction, but rather a man doing a job that must be done, a job that is an integral part of the economy of a nation that must house its people, and a giant contributor to the economic base that permits these same people to live and with self-respect. Loggers, like Paul Reppeto, stay in their rugged work because they love the woods and the closeness to nature that their jobs bring.

The unique relationship between woodsman and wilderness is inescapable for a man who lives his life in the timber-vaulted cathedral of our great forests. It is a bond that thrives on mutual respect and mutual sustenance.

Perhaps a diamond in the rough, Paul Reppeto was capable of expressing the thoughts of one who spends his lifetime in the wilds of timber country. He wrote with reflection inspired by a lifetime among the living monuments to God's majesty, distilling into words the innermost feelings of his fellow loggers.

It is an honor today to submit for the RECORD a few brief samples of the poetry of Paul Reppeto, a treetopper. Following is a brief passage written by his granddaughter, who gives some insight into the character of this woodsman. Both the poetry and Mrs. Ina Greer's thoughts appeared in the May 1971 issue of Loggers World:

SAMPLES OF POETRY OF PAUL REPPETO

A little more tired at the end of the day,
A little less anxious to have my way,
A little less care for bonds or gold,
A little more zeal for the days of old;
A little less ready to judge or blame,
A little more care for a brothers name.

A little more love for the friends of youth,
A little more zeal for established truth,
A little more charity in my views,
A little less thirst for the daily news;
And soon I'll be folding my tent away,
And passing in silence the end of day.

A little more ready to sit and dream,
A little more real the things unseen,
A little nearer to those ahead,
With visions of those long-lived and dead;
And soon I'll be going where all must go—
To the place the living can never know.

Blessed too is the thought that amid the gay cheer,
Some kind voice would murmur;
"I wish he were here"!

You may break, you may shatter the vase if you will—
But the scent of the roses will cling round it still.

I will return in ways you'll understand,
No trilling lark, no Wordsworth & affodel
A woodpecker will light at four a.m.
And start his maddening racket on your window sill—
And when you've waked and heard
I'll laugh to hear you mutter
"Damn that bird."

I haven't time to linger long, or loiter on the way.
I'll always live my life as though I only had today.
Just borrowed time that God lent me, Yet can I question why?
This lovely life is just a road, and I'm just passing by.
Perhaps I'll stop to share a smile, or dream a dream or two,
To pluck a rose along the way, and send my love to you.
Just doing all each day will hold, and living it with zest.
Loving, laughing, working too, but always just my best!

ABOUT PAUL REPPETO

(By Ina Greer)

"Timmbberr," echoed over the hill tops as the "High Climber" made the last cut in the top of a majestic fir. Loggers scattered to safety as the top fell, leaving the climber aloft and alone to watch the top descend. Everytime a top comes down the "High Climber" plays with death; for if it splits or goes the wrong way, he falls too or is left dangling by his belt on the snag. The mortality rate is high among this unique group of men who thrill at the view from the top. It takes a man who loves this job to continue in it—a keen man to live past 50 unharmed. Paul Reppeto belongs to this unique group of men. I see a different side of him . . . to me, he is Grandfather.

All 5 of his granddaughters, of which I am one, love to watch him climb, as we all say "fast as a tailess monkey." He loves to perform for us because he knows that the thrill of watching is almost as great as climbing yourself. You breathlessly await each upward motion of the big belt and hope the spurs will sink deep enough to hold, yet not deep enough to cause a stumble. Looking up and watching the fir sway in the wind makes your stomach churn! I used to wish I could look away but feared that if I did he would fall or I might miss the call from the top. You see, when Grandpa climbs for fun, he reaches the top and crows "Helm the Lee" as he looks over the horizon. My sisters and I would take up the cry, spurred on by the echoes. We must have sounded like a bunch of squirrels! While Grandpa came down, we would speculate on his reaching the ground standing up and do a lot of laughing and giggling while hunting wild berries, cones, flowers and other forest treasures.

Whenever Grandpa arrived for a tansy pull or thistle cutting expedition, we could count on his bringing us goodies in his pack sack. Usually it was cheese, hardtack and fruit. Once though, the pack was empty, but our faces beamed as he took off his tin hat and revealed a bat perched atop that bald head. Another time a large gash from a spliced cable brought a more sober expression.

I would like to have met our Great-Grandfather, a Doctor in the Port Townsend area, because Grandpa speaks often of his compassion and courage. He taught Grandpa these qualities early in life and also passed along the Reppeto philosophy; aid the underdog, especially if a good fight is in the making. Also he taught that hard work is worthwhile and can be as full of fun as you make it. Grandpa taught us to be thankful for being lucky enough to have parents who love us and a dairy farm nestled in the Boistfort Valley to roam in. He did not use the tactics of the "outcuss, outyell, outdrink" logger to teach those around him. Rather the method of bringing just the right quotation to his tongue to make the offender feel ½ inch tall, then let the offender figure out how wrong he is.

Yes, making whistles and windmills, hiking through the woods looking for deer sign and scanning the skies for birds. Learning to respect nature who will be kind and provide for us if we only listen to it, learn from it and protect it, was a way of life for me when I followed Grandpa around. He loved each of us in a special way in each age that we grew through. I am often reminded of his witty sayings and stories as I walk with my children. Looking back, I see how his love of good books and his optimism left a mark on our family. I pray I can leave as good a heritage to my grandchildren but for now, I am thankful that God allowed me to be the Granddaughter of Paul Reppeto.

With Love,

INA.

August 1971.

## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

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

Communist North Vietnam is sadistically practicing spiritual and mental

genocide on over 1,757 American prisoners of war and their families.

How long?

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RUSSIA DOES NOT OWE ITS LEND-LEASE DEBT!

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. WALDIE. Mr. Speaker President Nixon says that he will not back down from insuring that Russia pay its lend-lease debt. But, what debt is it? As Mr. Robert Kahn, a business consultant and columnist has so accurately stated, the Russians—the soldiers and the civilians alike—gave their lives during the Second World War, and they gave their land.

We supplied money in our combined effort to defeat the Nazi enemies on the eastern front. The money, the materials, and the men were directed for a particular moment in our history. The Russians and the Americans alike had a common objective to be obtained by the dollars and the manpower, namely, the defeat of the Nazis. The goal was fulfilled; the contributions of both nations paid for that goal. The defeat of Germany on the Russian front immeasurably contributed to the defeat of Germany by the United States and our allies on the western front. Why need we retain lists of dollars that were spent 25 years ago, and dollars which paid for themselves by helping to win the war? Mr. Kahn cites as the best example of Russia paying for its part, D-Day, 1944.

I request permission to enter Mr. Kahn's article from the Lafayette Sun, July 14, 1972, his article "Russia Does Not Owe Its Lend-Lease Debt!"

[From the Lafayette Sun, July 14, 1972]

RUSSIA DOES NOT OWE THEIR LEND-LEASE DEBT!

(By Bob Kahn)

The above heading ought to let some of my readers say a few things about that leftist (pink? Commy? traitor?) Bob Kahn. But hear me out and perhaps you will agree with me. You see, I spent two years in Iran, in sun temperatures that exceeded 170 degrees (that is not a misprint—170 degrees) every afternoon during the summer. And despite those temperatures, we delivered to the Russians thousands of combat aircraft—P-40 Warhawks, P-39 Aircobras, A-20 and A-26 Douglas Bombers and B-25 Billy Mitchell Bombers (for those not familiar with those names, ask anyone over 50). And other guys in the Persian Gulf Command were delivering tens of thousands of Studebaker and GMC 6x6 trucks, while trainload after trainload of supplies ran from Bandar Shahpur and Khorramshahr on the Persian Gulf to Bandar-e Shah on the Caspian Sea.

It is reported that one of the snags in the US-USSR negotiations is the amount that Russia should pay of the balance still carried on Lend-Lease from World War II. Reports indicate that Nixon ("I won't be the first American President to forgive a Lend-Lease debt") wants about $500 million more than the Russians propose paying—and about four percent more interest (his Wall Street instinct).

Aside from the fact that $500 million (which, after all, is only a half billion dollars) is of little significance to a government that projects $25 billion deficits (who would even suggest changing the figure to $24½ billion?), there is the sound moral argument that the debt has already been paid.

How has it been paid? With the lives and blood of Russians—and the reduced deaths and casualties to Americans. In this day when we open fire in a plane full of people over a matter of $800,000, and say that we are sorry that a Canadian got killed, it may easily be that we (a) place a much lower value on the life of Americans or (b) just a much lower value on the life of non-Americans. In any case, the USSR lost about 7,500,000 people from all causes during World War II while our deaths were about 410,000.

Most of those planes we delivered did not last but the war—and when they went down, after bringing down their share of Germans, they had a Red Star instead of a White Star painted on the outside and the pilot was a Russian and not an American. When their forward bases were bombed and straffed by the Luftwaffe, the ground crews had Commissars instead of absentee ballots. And when the tanks and trucks were lost—the crews were Cossacks and Ukranians and Azerbajanians instead of Okies and Texans and Utes.

The dollars that we talk about today are just numbers. But to those of us who delivered the materials, it was mainly equipment just like we were sending to our guys to use—and die in. They were willing to accept it—and use it—and die in it—against the same guys we were fighting. We may have had different reasons for fighting—but we were fighting the same enemy.

And what did we get for our money?

In 1944 we fought our way back into France. D-Day, June 6, 1944. The young people have seen "The Longest Day"; but there are thousands of older ones who lived through it. We thought we took heavy casualties that day—and the days that followed. There are many American families who still visit graves on June 6th and 7th and 8th—and remember our losses.

This happened despite the 1,400 bombers who tried to clear the way (by dropping less poundage than is being dropped daily on isolated villages in Viet Nam). This happened despite the greatest naval armada ever assembled. This happened despite the tremendous air superiority that we established.

But Americans do not know—or if they knew, have forgotten—that D-Day came in 1944 instead of 1945 or 1946, and the losses came in thousands instead of tens of thousands, because the Russians, with our Lend-Lease tanks, our Lend-Lease trucks were engaging the bulk of the German Army on the Eastern Front.

France and the Lowlands were defended by 25 divisions and the Coastal Defense Commands. There were 125 German divisions facing Russia. There were about 40 German divisions in reserve—but closer to the Eastern front.

In my book, Russia repaid their Lend-Lease debt on June 6, 1944.

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KIDNAPING LEGISLATION

## HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. JACOBS. Mr. Speaker, today I am introducing legislation authorizing the Attorney General to offer a reward in the amount of a ransom demand for information leading to conviction of a kidnaper who kills the victim.

Obviously, the purpose of this legislation is to give overwhelming incentive to any kidnaper to think twice—or as many times as the dollars he or she demands—before killing a helpless victim.

In naming the amount of ransom, the kidnaper would be naming the reward on his or her head if the victim should die. Friends of kidnapers could get mighty unfriendly with such reward available—despite so-called honor among thieves.

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SPECIAL AID FOR THE UNEMPLOYED OF ERIE COUNTY

## HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 9, 1972*

Mr. KEMP. Mr. Speaker, the Congress recently passed legislation, which I voted for, to provide for a 6-month extension of the Emergency Unemployment Compensation Act of 1971. This legislation has since been signed into law, but before an unemployed worker is eligible, the unemployment rate must be 6.5 percent before the State qualified for Federal funds. Therefore, New York State, which has an unemployment rate of 5.95 percent, does not qualify and the unemployed in New York are not eligible for extended benefits. While it is good to see that figure moving down, unemployment in Erie County has gone up to 8.2 percent which is unacceptable to me and I cannot sit by and watch the unemployed in my district go without compensation.

Today I am introducing legislation that will help correct this situation by taking into account pockets of severe unemployment in States that have otherwise lost their emergency compensation benefits. Under the provisions of this bill, even though a State's overall statistics might cause a loss of Federal unemployment benefits, that State will continue to receive extended and emergency benefits so long as even just one county remains above the acceptable unemployment limits.

Mr. Speaker, I would like to have the text of my bill printed at this point in the RECORD.

The text of the bill follows:

H.R. 16282

A bill to provide that the determination of a State "off" indicator for purposes of the emergency and extended unemployment compensation benefit programs shall be made on the basis of whether the unemployment rate in each county in that State has fallen below the level prescribed for that State "off" indicator

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) section 202(c)(3)(B)(ii) of the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224) is amended by striking out "is less than 6.5 per centum" and inserting in lieu thereof "in each county in such State is less than 6.5 per centum".

(b) Section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (Public Law 91-373) is amended by striking out "was not satisfied" and inserting

in lieu thereof "was not satisfied with respect to each county in such State".

SEC. 2. (a) The amendments made by the first section of this Act shall apply only with respect to unemployment compenstaion for weeks beginning after the date of the enactment of this Act.

(b) For purposes of subsection (a), the benefit period under the Federal-State Extended Unemployment Compensation Act of 1970 and the benefit period under the Emergency Unemployment Compensation Act of 1971 in any State for which such a period existed at any time before the date of the enactment of this Act shall be deemed to have been in existence for the most recent week beginning on or before such date of enactment and shall not be deemed to have terminated by reason of a State "off" indicator or "emergency off" indicator unless it would have terminated for a week beginning after such date of enactment pursuant to a State "off" indicator or "emergency off" indicator determined by taking into account the applicable amendment made by the first section of this Act.

(c) For purposes of the amendments made by the first section of this Act, in any State where, for part or all of its geographic area, the next unit of local government below the State is a city or other unit, such unit shall be treated as a county with respect to that portion of the State's geographic area.

# HOUSE OF REPRESENTATIVES—*Thursday, August 10, 1972*

The House met at 12 o'clock noon.

Rev. Harold Burlingame, Bliss Baptist Church, Bliss, N.Y., offered the following prayer:

Almighty God, with whom all things are possible, look down with favor upon us as we seek to keep alive the spirit of loyalty that has made our free Nation a bulwark of democracy.

O Lord, may the persistence of our leadership help others to know that "The weapons of our warfare are not carnal, but mighty before God."

Our Father, as we continue to maintain our freedom, help us not to be discouraged by difficult tasks. Encourage us, as we experience anew the therapy of "the Master Physician."

Grant that our President, our Speaker, and all our dedicated leaders will never surrender their talents or seek deliverance from their God-given responsibilities.

In Christ's name we pray. Amen.

## THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On August 7, 1972:

H.R. 736. An act to designate certain lands in the Cedar Keys National Wildlife Refuge in Florida as wilderness; and

H.R. 8708. An act to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes.

On August 8, 1972:

H.R. 15951. An act to authorize the Secretary of the Army to undertake a national program of inspection of dams.

## MESSAGE FROM THE SENATE

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

H.R. 631. An act for the relief of the village of River Forest, Ill.;

H.R. 2127. An act for the relief of the estate of Charles Zonars, deceased; and

H.R. 11632. An act for the relief of Vincent J. Sindone.

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

H.R. 10676. An act for the relief of Lester L. Stiteler; and

H.R. 15474. An act to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15580) entitled "An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EAGLETON, Mr. INOUYE, and Mr. MATHIAS to be the conferees on the part of the Senate.

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. 2854. An act to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15690) entitled "An act making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 30, 35, 36, 48 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5065) entitled "An act to amend the Natural Gas Pipeline Safety Act of 1968."

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

S. 82. An act for the relief of Mrs. Wanda Martens;

S. 633. An act for the relief of James E. Fry, Jr., and Margaret E. Fry;

S. 655. An act for the relief of certain postal employees at the Elmhurst, Ill., Post Office;

S. 884. An act for the relief of Comdr. Howard A. Weltner, U.S. Naval Reserve;

S. 2507. An act to apply the same standards to prohibit the sale of domestically produced Saturday night special handguns as have been applied to foreign-made Saturday night special handguns since adoption of the Gun Control Act of 1968; and

S. 2516. An act to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis.

The message also announced that Mr. TAFT was appointed to replace Senator PACKWOOD as a conferee on H.R. 15692, to liberalize SBA loan programs in order to assist victims of disasters which occurred between January 1, 1971, and June 30, 1972.

## AN IMPORTANT STEP FORWARD IN THE DEMOCRATIC PARTY

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

Mr. LEGGETT. Mr. Speaker, it is most gratifying to hear that the Democratic National Committee yesterday took another major step along the road of reform politics by adopting a wise and well-thought-out resolution that had been submitted by former Massachusetts Gov. Endicott Peabody.

The resolution calls for establishing a special commission on the method of selection of the Democratic nominee for Vice President. The commission will hold hearings and make studies and submit its report by January 1, 1974. That report, with any revisions made by the DNC, will become part of the temporary procedural rules of the 1976 Democratic National Convention.

It is particularly appropriate that the DNC action resulted from a recommendation by Governor Peabody, who truly made a pioneering effort this year. As you know, he was himself a candidate for the Democratic nomination for Vice