congressional committee which distributes millions of dollars in campaign funds.

Indeed, every flood-control project, the reservoirs and the channel improvements in Kansas and Missouri are there largely because Mike Kirwan said "yes." When river leaders came to Washington the man to see was Kirwan. He never let the tag "dispenser of the pork barrel" bother him.

Last week Mike Kirwan died at the age of 83 after serving in Congress since 1937. Mike, who was a close friend of this correspondent, had a complex personality. In the political wars he was rough, combative and partisan. But he also was a warm, amusing and kindly human being, possessing one of the great attributes of the Irish—loyalty to his friends.

The anecdotes about Kirwan are legion, but this correspondent always remembers two of them.

Mike Kirwan never even finished grade school. As a boy in Pennsylvania he worked in a coal mine called "Heidelberg Eight." Later he migrated to Ohio, got into politics and was elected to Congress from the Youngstown area.

When Mike arrived in Washington he was told by friends that because he was a member of Congress, he could get a room at the fashionable University club here, even though he had never been graduated from a college.

One night there was a membership meeting of the University club at which each member arose, stated his name occupation and year of graduation such as "John Smith; lawyer, Harvard, '25."

When Mike was called upon he solemnly said, "Michael J. Kirwan, member of Congress, Heidelberg Eight." A few of his friends there, knowing that Heidelberg Eight was a coal mine and not the famous university in Germany, were silently amused, but most of the members appeared impressed.

The story of the membership meeting and Heidelberg Eight quickly got around to Mike's colleagues in the House and he often took a ribbing about it.

In 1963 this correspondent traveled to Europe with the late President John F. Kennedy and when Mr. Kennedy returned to this country we stayed in Europe to do stories on Germany. One night we arrived at a hotel in Heidelberg and spotted a post card showing the famous German university.

We sent the card to Kirwan with this notation: "Dear Mike: Your professors here at Heidelberg remember you as a brilliant student."

Kirwan was delighted when the card arrived and showed it all over the House floor saying, "You thought it was a joke that I was graduated from Heidelberg. Now here's proof."

The other incident concerns the time that Mike and several other members of Congress accompanied President Kennedy to Ohio for a speech. On the flight out, Mike by his own account, imbibed a few too many bourbons, and when the plane landed, Mike, not wanting to embarass the President at the ceremony, crawled into a bunk on the plane, pulled back the curtain and went to sleep.

When the presidential party returned to the plane, a Secret Service agent approached Kennedy and said, "Mr. President, everyone is aboard and accounted for except Congressman Kirwan."

The President said, "This plane is not going to leave until we find Mike Kirwan."

A search of the plane finally located Kirwan sound alseep and the word was conveyed to Mr. Kennedy.

"Now we can go," the President said with a grin. "The lost sheep has been found."

Mike was usually successful in obtaining appropriations but once he gambled and lost. He wanted to build a canal linking the Ohio river and Lake Erie.

This project got to be known as "Mike's billion-dollar big ditch." Because of his powerful position, his colleagues went along with funds for the studies, but when it became apparent that the cost would be a billion dollars or more and the newspapers exposed the scheme, Mike backed down, still insisting, however, that it was a great idea.

Kirwan later was successful in convincing Congress to build a 10-million-dollar aquarium for fresh water and salt water creatures in the nation's capital. It was another difficult vote for his colleagues, who saw little merit in it, but they did not want to offend Kirwan.

Wayne Morse, the former senator from Oregon called it "a fish hotel," and Kirwan retaliated by deleting funds for Morse's pet projects in Oregon.

Kirwan's intransigence about the aquarium stemmed from early romantic associations with aquariums. As a young man he had no money to court his girl friends, he once recalled sentimentally, and so they would go to the free city aquarium in Ohio on Sunday afternoons. Mike thought young couples and families with children would get as much pleasure out of the free aquarium as he did.

THE HISTORIC OCCASION OF THE MERGER OF THE MAYFIELD SYNAGOGUE WITH THE HILLCREST SYNAGOGUE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. VANIK. Mr. Speaker, it was my great honor and privilege to attend the rededication celebration and installation of officers of the newly merged Mayfield-Hillcrest Synagogue on September 13, 1970. It is rare that one has the opportunity to participate in such a historic occasion. Here, in this instance, the hundreds of families of both synagogues agreed to join their resources and their deep religious convictions and spirit to one united religious body. That feeling was very much in evidence at the beautiful cememony which I was privileged to personally witness.

I wish to extend my sincere congratulations to the spiritual leader of this newly created and vital congregation, Rabbi Jacob Shtull; to the newly installed president of the congregation, Dr. Oscar Stadtler; to Cantor Walter Boninger; to Jack Dannhauser, who was chairman of the program; and to all of the officers and auxiliary presidents of the various clubs and groups within this congregation.

The work of love which has brought these two great congregations together bodes well for a creative, genuinely religious covenant for a long way into the future. This congregation has truly begun the Jewish New Year in a very auspicious and wonderful way.

HOUSE OF REPRESENTATIVES—*Monday, September 21, 1970*

The House met at 12 o'clock noon.

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

O satisfy us early with Thy mercy: that we may rejoice and be glad all our days. Psalm 90: 14.

Almighty and Eternal God, Ruler of the heavens and the earth, yet who art mindful of a falling sparrow and a cup of cold water given to one in need, help us in this quiet moment to lift our hearts unto Thee, to feel Thy presence near and to make ourselves ready for the duties of this day.

Give to each one of us a mind free from narrowness and ever open to the light of truth, a heart sensitive to human need and always eager to do good, and a spirit standing in reverence before Thee resolved to do Thy will seeking what is true and honorable and gracious and just.

We pray for our country, that our people may be free from bigotry and bitterness and that by giving primary allegiance to Thee may reap the harvest of a common faith and a common brotherhood.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 17, 1970, was read and approved.

MESSAGE FROM THE SENATE

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

H.R. 1747. An act for the relief of Jose Luis Calleja-Perez;

H.R. 10149. An act for the relief of Jack W. Herbstreit;

H.R. 17613. An act to provide for the designation of the Veterans' Administration facility at Bonham, Tex.; and

H.R. 17734. An act for the relief of Sherman Webb and others.

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

H.R. 15073. An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes;

H.R. 15424. An act to amend the Merchant Marine Act, 1936;

H.J. Res. 1154. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; and

H.J. Res. 1178. Joint resolution authoriz-

ing the President to proclaim the month of May 1970 as "Project Concern Month."

The message also announced that the Senate insists upon its amendment to the bill (H.R. 15073) entitled "An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. MUSKIE, Mr. MCINTYRE, Mr. BENNETT, Mr. BROOKE, and Mr. PERCY to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15424) entitled "An act to amend the Merchant Marine Act, 1936," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. LONG, Mr. PASTORE, Mr. COTTON, and Mr. GRIFFIN to be the conferees on the part of the Senate.

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. 16900) entitled "An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1971, and for other purposes."

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

S. 732. An act for the relief of Mrs. Nimet Weiss;

S. 876. An act for the relief of Marie M. Ridgely;

S. 902. An act to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country;

S. 3420. An act for the relief of Dr. Hassan Chaharsough Vakil;

S. 3620. An act for the relief of Mrs. Anastasia Pertsovitch;

S. 3771. An act for the relief of Dr. Jocelyn Tandoc-Juarez;

S. 3805. An act for the relief of Richard W. Yantis;

S. 3813. An act for the relief of Kim Julia and Park Tong Op;

S. 3858. An act for the relief of Bruce M. Smith;

S. 3867. An act to assure opportunities for employment and training to unemployed and underemployment persons, to assist States and local communities in providing needed public services, and for other purposes;

S. 3869. An act for the relief of Albina Lucio Z. Manlucu;

S. 3956. An act for the relief of Mrs. Joan Lagois Hicks;

S. 4073. An act for the relief of Hyun Joo Lee and Myung Joo Lee;

S. 4235. An act to continue the jurisdiction of the U.S. District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970;

S. 4247. An act to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges;

S. 4316. An act to clarify and extend the authority of the Small Business Administration, and for other purposes;

S.J. Res. 218. Joint resolution providing for the designation of a "Day of Bread" and "Harvest Festival Week";

S.J. Res. 225. Joint resolution authorizing the President to proclaim the period October 25 through 31, 1970, as Law Officers Appreciation Week; and

S.J. Res. 228. Joint resolution to authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week."

TURMOIL IN THE MIDDLE EAST

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

Mr. GUDE. Mr. Speaker, the tragic turmoil in the Middle East is a new test of the will of the United States and the United Nations to keep the peace. The commitment of the United States to the preservation of Israel, and the credibility of the United Nations in responding to an invasion of a member nation are at stake.

At the outset of the President's peace initiative, I hoped that the Soviet Union was indeed interested in cooling the Middle East conflict and promoting serious negotiations. This hope has been dashed by flagrant violations of the cease-fire agreement, and clear Soviet complicity in the movement of Egyptian missiles to forward positions. Their cynical exploitation of the agreement must be repudiated, and the pretruce military balance restored.

The result of this unbalanced truce has been to weaken Israel's defenses, and the responsibility is ours. There must be an end to temporizing with Israel's requests for military equipment to maintain her fading military security. Let the Egyptians and the Soviets protest to the skies. It is they who have sabotaged the negotiations and upset the military balance.

The invasion of Jordan by Syria calls for prompt action by the United Nations. The Security Council has moved with great dispatch to condemn Israel raids against the guerrillas who terrorize her borders. The commitment of the U.N. to peace and the security of small nations will be revealed as a sham if the organization stands idly by in the face of a full-scale invasion by the Syrians.

The uncertain fate of the 54 hostages has dramatized for the world the senseless cruelty of this war. It will not be abated unless the United States and the United Nations honor their commitments to keep the peace before it is too late.

CHRONIC UNEMPLOYMENT

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

Mr. SCHERLE. Mr. Speaker, I would like to read in part from a resolution by the AFL–CIO as follows:

Whereas 25 percent of America's productive capacity stands idle, with 285 major and minor labor areas being classified as distressed and millions of American families are experiencing the tragedy of chronic unemployment . . . and whereas the Government figures for the month of March, 1961, report that 5.6 million workers are totally unemployed, an increase of 400,000 over the month of March during the 1958 recession, now therefore.

The resolution goes on to call for a get-America-back-to-work program. These remarks appeared in the CONGRESSIONAL RECORD for April 27, 1961, and refer, of course, to the administration of John F. Kennedy.

It is interesting to note that this high-water mark for unemployment during the past decade came at a time when the opposition party was accelerating the Vietnam war.

President Nixon has faced a far more difficult problem—that of winding down this war and keeping our economy on an even keel while making the transition from a war-stimulated economy to a peacetime pursuit of solution of domestic problems. He has done a good job. He has switched Federal priorities—and our economy today finds 79 million Americans at work, a record number, and less than 400,000 troops in Vietnam. It is strange that those who are crying "breadlines" and recession today found little distress in 1961 when unemployment was 30 percent higher than it is today.

STEADY GROWTH OF U.S. ECONOMY

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

Mr. MAYNE. Mr. Speaker, Commerce Department figures reveal that nationwide retail sales in July were up 6 percent over July of 1969. These figures are significant. They indicate that American consumers are maintaining a high level of consumption of goods and services. They also indicate that the U.S. economy is forging ahead toward a decade of solid, substantial and steady growth.

Government figures also reveal that Americans have more net income than ever before. These facts indicate that the Nixon administration is doing a fine job in shepherding the economy through a trying period of transition from wartime overheating to a peace-oriented pace. It is easy to combat unemployment and to keep the economic fires roaring under the stimulus of wartime waste and overspending. It is a far more difficult task to wind down a war, cool off the inflationary fires, cut Federal spending down to size and maintain a high level of employment and economic activity. The Nixon administration has stuck to its program—and now it is beginning to pay off for the American people.

The war is being wound down. We have an economy free of Federal controls. And we have ahead of us a decade which in all probability will be the most productive and progressive in our his-

tory. The strength and character of our people has been proven again, the strength of our economy has been rediscovered, and the qualities of leadership at the White House have been demonstrated over the past 20 months.

VICE PRESIDENT AGNEW'S VOCABULARY

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

Mr. HUNT. Mr. Speaker, I note that one of the spokesmen for the Democratic Party has attacked Vice President AGNEW's vocabulary. I presume this is a natural development, since the opposition has run out of their pet issues and do not dare to discuss the record of national leadership their party has displayed in this 91st Congress.

It is hard to peddle a recession when the highest number of Americans in history are at work, drawing the highest pay level. It is hard to talk about the war when the administration is winding down a war that the Democrats wound up. It is hypocritical to talk about crime when 13 major crime bills are held up by inaction of the majority party. So, it should be expected that the Veep's vocabulary should become a campaign issue when all others have folded.

Now, the American people are asking some questions. Why has not the President's anticrime package been passed? Why has not legislative action been taken on cleaning up air and water pollution? Why do the Democrats insist on busting President Nixon's budget and causing more inflation? Perhaps they can supply some acceptable answers.

It is apparent that the spokesmen for the opposition party are unaware of what the American people are thinking, and indifferent to our national needs of today.

DRUG ABUSE

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

Mr. MICHEL. Mr. Speaker, I note that Mr. Nicholas Johnson, a member of the Federal Communications Commission has issued one of the most patently ridiculous statements ever issued by a public official. He has somehow tried to blame today's drug problem on Trans World Airlines' "Up, Up and Away" slogan, and on a honey company, the Ford Motor Co., and a Washington TV station for using the parlance of today's mod generation in their advertising.

Anyone who would be inspired to take drugs after listening to a TWA airline commercial must be some kind of a nut anyway, and would probably get just as "turned on" over an ad for Pablum. For a public official to issue such drivel is a disgrace to our regulatory agencies, which themselves bear the brunt of the blame for our drug-oriented society. It is only in recent months, after goading from the administration, that these agencies have awakened to the fact that unrestricted sales of depressants, pep pills, and other mind-bending drugs has reached a dangerous level, and poses a serious threat to many Americans who have become addicted to their use. Vice President SPIRO T. AGNEW has been attacked by Mr. Johnson for pointing out that many popular songs of today encourage drug abuse. The Vice President is alerting the public to a real problem. Mr. Johnson has committed an exercise in buffoonery. It does not help the job of Government in combating menaces such as narcotics to have high-ranking officials take off on tangents such as that embarked upon by Mr. Johnson.

LOWERING OF PRIME INTEREST RATE INDICATES NIXON POLICIES ARE EFFECTIVE

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

Mr. BEALL of Maryland. Mr. Speaker, the fact that another of the Nation's financial institutions has lowered its prime interest rate indicates that the economic policies practiced by the Nixon administration during the past year and a half are having the desired effect of controlling inflation and stabilizing the previously runaway rise in the cost of living.

The lowering of the prime interest rate should mean that there will soon be a corresponding drop in the rate of interest paid by the average borrower and thus we can expect our economy to move ahead with renewed vigor. Consumer purchases will now be able to accelerate and, most importantly of all, housing construction should be spurred.

All of this means that, as a result of sound economic policies practiced by the administration in Washington, the American taxpayer can now look to a period of economic growth with real gains because the value of our currency is being stabilized. We will not have the catastrophic loss of purchasing power that was so characteristic of our economy at the time the previous administration was taking us through the period of wildly irresponsible deficit spending.

While the medicine applied recently may at times have been somewhat difficult to swallow, it is obviously taking effect and the cure should be lasting and far reaching. The President certainly deserves our thanks for his fortitude in times of tremendous pressure.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC HEALTH AND WELFARE OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate today.

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

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE A REPORT ON S. 3822, INSURANCE FOR MEMBER ACCOUNTS IN CREDIT UNIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight tonight to file a report on S. 3822, to provide insurance for member accounts in State and federally chartered credit unions and for other purposes.

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

There was no objection.

DOES ADMINISTRATION HAVE PLANS TO SAVE NEAR EAST?

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

Mr. HAYS. Mr. Speaker, when the Republican committee's mimeograph machines cool down from the weekend turning out of defensive arguments about one thing and another, it would be refreshing if somebody down there would turn out a sheet about why the administration has not done anything except protest about the hostages in the hands of the bandits in Jordan, and about why the administration has not done anything about the incursion of the thieves from Syria to destroy the Kingdom of Jordan, which is a friendly power to the United States.

If Jordan goes, Lebanon will not be far behind, and Israel will stand alone. If the administration has any plans to save the Near East from complete and utter surrender to the bandits—because these guerrillas are nothing but bandits, and the head of the Government in Syria is part and parcel of them—if the administration has any plans at all, it would be refreshing for them to divulge the plans to the people of the United States. When that area goes down the drain, it is going to be very difficult indeed to blame it on the Johnson administration.

PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

ROGERS INTRODUCES BILL TO DISCOURAGE COUNTRIES FROM AIDING HIJACKERS

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

Mr. ROGERS of Florida. Mr. Speaker, I am introducing legislation today to discourage countries, which have reciprocal air service with the United States,

from aiding or granting asylum to hijackers of U.S. airplanes. The bill provides that the President shall suspend all air transportation between any country and the United States if that country willfully allows the destruction of property, or permits individuals to harm the passengers or crew in any manner, or in any way prohibits, hinders, or delays the safe return of the passengers, crew, or cargo of any U.S. aircraft. Furthermore, it would also provide that air transportation could be cut off if a country aided or harbored in any manner any person holding a U.S. plane by force. The President would only be able to allow a resumption of air transportation between the United States and a suspended country if the President determined at a subsequent date that such resumption would not result in danger to the safety of U.S. aircraft, passengers, cargo, or crews, or if the President determined that the best interests of the United States would be better served by a resumption of service.

I believe that this legislation is needed to discourage countries from relying on U.S. trade and travel and then turning around at the same instant and aiding individuals who destroy U.S. property. During a decade when hijackings have blossomed into a phenomenon of national and international concern, it is time the United States did something to discourage hijackers from thinking that they can easily land in some other foreign country without fear of criminal prosecution.

It would also be wise to have a thorough screening of baggage and passengers through the use of metal detectors prior to any commercial flight.

CONVEYANCE OF CERTAIN PUBLIC LAND HELD UNDER COLOR OF TITLE TO MISS ADELAIDE GAINES

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5365) to provide for the conveyance of certain public land held under color of title to Mrs. Jessie L. Gaines of Mobile, Ala., with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 1, strike out "Mrs. Jessie L. Gaines" and insert "Miss Adelaide Gaines".

Amend the title as to read: "An Act to provide for the conveyance of certain public land held under color of title to Miss Adelaide Gaines of Mobile, Alabama."

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

Mr. SAYLOR. Mr. Speaker, reserving the right to object—and I shall not object—the purpose of this unanimous consent request relates to the fact that the woman named in the bill when it passed the House, I understand, has since died.

Mr. ASPINALL. The gentleman is correct.

Mr. SAYLOR. And the Senate has now put in the heir?

Mr. ASPINALL. The gentleman is correct.

Mr. SAYLOR. And the request is to concur in the Senate amendment.

Mr. ASPINALL. The gentleman is correct.

Mr. SAYLOR. Mr. Speaker, I withdraw my reservation.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

RESEARCH AND DEVELOPMENT NEEDED TO COUNTER THREAT OF RUSSIAN MISSILES

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

Mr. CARTER. Mr. Speaker, more than a year ago it was brought to the attention of this House that our Armed Forces had no means of detecting, deflecting, confusing or shooting down the Russian Styx missile.

Russia has approximately 100 of the *Komar* and *Osa* type ships carrying these missiles, the Styx, or the Sn–1, which have a maximum trajectory of 22.4 miles. It is on target at that range in 4.4 minutes. The average reaction time of our ships crews from an unalerted position is 5 minutes. Hence, if we had methods of detection or deflection it would be too late.

Russia also has the Sn–3 missile with a trajectory of 250 or 300 miles. We have no comparable missile. Intense research and development should be employed now so as to develop a means of countering these missiles. They present now a grave danger to the 6th Fleet in the Mediterranean.

RESIGNATION OF AND APPOINTMENT OF CONFEREE

The Speaker laid before the House the following resignation as a conferee:

WASHINGTON, D.C., *September 17, 1970.*

Hon. JOHN W. MCCORMACK,
Speaker of the House,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: This letter is to submit my resignation as a House conferee on H.R. 18546.

Sincerely yours,

CHARLES M. TEAGUE,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

The Chair appoints as a conferee to fill the existing vacancy the gentleman from Virginia, Mr. WAMPLER. The Clerk will notify the Senate of the action of the House.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first measure on the Consent Calendar.

U.S. PARTICIPATION IN THE 1972 UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called House Resolution 562, expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment.

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

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

There was no objection.

AMENDING FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 TO PERMIT ROTATION OF CERTAIN PROPERTY

The Clerk called the bill (S. 406) to amend the Federal Property and Administrative Services Act of 1949 to permit the rotation of certain property whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask the question which I asked at the last call of the Consent Calendar; that is, what happens to the medical supplies which are taken from the shelf in foreign countries? Are these supplies given away, or are they to be sold where usable?

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

Mr. GROSS. Yes; I yield to the gentleman.

Mr. MOORHEAD. Medical supplies can be handled in one of three ways under this bill if it becomes law. One, they can be sold; two, they can be given to appropriate nonprofit hospitals or similar organizations; or, three, they can be returned to the United States and handled as domestic surplus property.

Mr. GROSS. And all the three conditions apply to the disposal of such materials in foreign countries. Is that correct? They can be given away, then, to foreign nonprofit institutions?

Mr. MOORHEAD. When it is in the interest of the United States to do so.

Mr. GROSS. And I assume most of them will be given away. I think we will have to concede that we will not sell much of anything under those conditions.

Mr. MOORHEAD. I would anticipate most of them would be brought back to the United States and used again by other Federal systems or under the donable surplus property program to the States.

Mr. GROSS. I would say to the gentleman that would be the day when we bring anything that is of any value back to the United States if there is an opportunity to give it to some foreign country.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

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

S. 406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481) is amended by adding at the end thereof the following new subsection:

"(e) Whenever the head of any executive agency determines that the remaining storage or shelf life of any medical materials or medical supplies held by such agency for national emergency purposes is of too short duration to justify their continued retention for such purposes and that their transfer or disposal would be in the interest of the United States, such materials or supplies shall be considered for the purposes of section 202 of this Act to be excess property. In accordance with the regulations of the Administrator, such excess materials or supplies may thereupon be transferred to or exchanged with any other Federal agency for other medical materials or supplies. Any proceeds derived from such transfers may be credited to the current applicable appropriation or fund of the transfer or agency and shall be available only for the purpose of medical materials or supplies to be held for national emergency purposes. If such materials or supplies are not transferred to or exchanged with any other Federal agency, they shall be disposed of as surplus property. To the greatest extent practicable, the head of the executive agency holding such medical materials or supplies shall make the determination provided for in the first sentence of this subsection at such times as to insure that such medical materials or medical supplies can be transferred or otherwise disposed of in sufficient time to permit their use before their shelf life expires and they are rendered unfit for human use."

SEC. 2. Section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512), is amended by—

(a) inserting, immediately after the section number "SEC. 402.", the subsection designation "(a)";

(b) inserting after the words "Foreign excess property" in the first sentence thereof the words "not disposed of under subsections (b) and (c) of this section";

(c) striking out in the first sentence thereof the clause designations "(a)" and "(b)", and inserting in lieu thereof the clause designations "(1)" and "(2)", respectively; and

(d) adding at the end thereof the following new subsections:

"(b) Any executive agency having in any foreign country any medical materials or supplies not disposed of under subsection (c) of this section, which, if situated within the United States, would be available for donation pursuant to section 203 of this Act, may donate such materials or supplies without cost (except for costs of care and handling), for use in any foreign country, to nonprofit medical or health organizations, including those qualified to receive assistance under sections 214(b) and 607 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2174(b) and 2357).

"(c) Under such regulations as the Administrator shall prescribe pursuant to this subsection, any foreign excess property may be returned to the United States for handling as excess or surplus property under the provisions of sections 202, 203(j), and 203(l) of this Act whenever the head of the executive agency concerned determines that it is in the interest of the United States to do so: *Provided,* That regulations prescribed pursuant to this subsection shall require that the transportation costs incident to such return shall be borne by the Federal agency, State agency, or donee receiving the property."

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

RELEASING CONDITIONS IN DEED WITH RESPECT TO LAND CONVEYED BY UNITED STATES TO THE SALT LAKE CITY CORPORATION

The Clerk called the bill (S. 1366) to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corporation.

Mr. PELLY. Mr. Speaker, at the request of a Member who could not be present, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

ALLOWING PURCHASE OF ADDITIONAL SYSTEMS AND EQUIPMENT FOR PASSENGER MOTOR VEHICLES OVER AND ABOVE STATUTORY PRICE LIMITATION

The Clerk called the bill (S. 2763) to allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation.

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

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

There was no objection.

PROVIDING FOR DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENTS IN FAVOR OF SAC AND FOX INDIANS

The Clerk called the bill (H.R. 11771) to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that H.R. 11771 be stricken from the Consent Calendar.

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

There was no objection.

LEASE AND TRANSFER OF BURLEY TOBACCO ALLOTMENTS

The Clerk called the bill (H.R. 18686) to authorize the lease and transfer of burley tobacco acreage allotments.

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

H.R. 18686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 316(a) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out in the first sentence the language "burley,".

SEC. 2. Section 316(e) of such Act is further amended by inserting the words "burley tobacco or" just before the words "cigar-filler tobacco".

With the following committee amendment:

Page 1, line 9, add the following new section:

"SEC. 3. Public Law 528, 82d Congress, approved July 12, 1952, as amended by Public Law 21, 84th Congress, approved March 21, 1955 (7 U.S.C. 1315), is amended by adding between the first and second sentences thereof a new sentence as follows:

" 'Notwithstanding the first sentence hereof, if all or any part of a farm allotment to which the provisions of this Act apply is leased and transferred to another farm pursuant to section 316 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1314b), the amount of acreage allotment transferred to the farm to which leased for each year of the lease will be determined by multiplying the part of the allotment transferred by the percentage which (i) the acreage allotment for the transferring farm computed without application of the minimum provisions of this Act is of (ii) the allotment determined for such farm after application of the minimum provisions of the Act for each such year.' "

The committee amendment was agreed to.

Mr. TAYLOR. Mr. Speaker, I rise in support of H.R. 18686 which I joined in introducing and which would authorize the lease and transfer of burley tobacco allotments from farm to farm in the same county for a period not to exceed 5 years.

This would enable those growers with the capital and labor to expand their operations. It would enable those growers who are unable to continue raising tobacco to transfer their time and resources to other operations and at the same time receive some income from the lease of their tobacco allotments. This would mean additional income to both the grower and the original allotment holder.

This legislation has the backing of all agriculture leaders of the district which I represent in Congress.

Western North Carolina burley tobacco growers are now losing more than $1 million annually in potential income through the failure to use allotted burley tobacco acres. These allotments are so small that it is often uneconomical or impractical for the allotment holder to grow tobacco.

Flue-cured tobacco areas have the privilege of leasing or transferring allotments to other farmers. This keeps the allotments used when the person to whom it is assigned finds it too small to be usable. Burley allotments in North Carolina, which is one of the small State producers of this type of tobacco leaf, tend to be small. The inability to transfer allotments has tended to make the rich richer and the poor poorer. For instance, in Haywood County in North Carolina, 948 acres has been allotted planting. This is divided among 1,887 farms with the average allotment being 0.47 of an acre. Income averages about $1,600 gross per acre at current market prices. Haywood County lost about $112,000 in agricultural income from unplanted tobacco allotments during 1968. Farm leaders feel that if transfer becomes legal most of the dormant allotments will be leased to farmers wanting to plant burley.

I urge favorable consideration of H.R. 18686.

Mr. MIZELL. Mr. Speaker, it is my great privilege to have sponsored this legislation, H.R. 18686, providing more equitable treatment for the burley growers of my district and other areas of the country.

The right to lease and transfer acreage allotments has been enjoyed by other kinds of farmers for years, and this right has accounted for a more productive farming industry, and thus, for a more prosperous and secure national economy, benefiting the Nation's cities as well as its rural areas.

It is past time to extend this right to our burley tobacco growers, and now is the time to set aright this unfair policy, which has been a source of discrimination against the burley grower for years.

To briefly recount the nature of this bill, it allows burley tobacco growers the same right now enjoyed by flue-cured tobacco farmers to lease or transfer acreage allotments which cannot be economically farmed by the owner of the land, whether through lack of labor or other facilities.

While the particular details of the leasing arrangement must be agreed upon by both parties, several major qualifications must be met to insure that this right is not abused. Those qualifications appear in the bill itself and are self-explanatory.

No additional Federal funds will be required to enact this legislation, but a great many farmers' futures heavily depend on the consent of this Congress to give them an equal share of the rights and privileges now enjoyed by other farmers.

I urge the immediate passage of this legislation, for their good, and for the Nation's.

Mr. WAMPLER. Mr. Speaker, I am pleased to be the sponsor of H.R. 18686, to permit the lease of burley tobacco allotments.

Since 1962 there have been provisions for the lease of allotments for most types of tobacco. However, these provisions have never applied to burley tobacco, which accounts for about 30 percent of the total U.S. tobacco production. I believe our burley growers should receive fair treatment.

Burley tobacco allotments average only 0.82 acre per farm, and 60 percent of the burley allotments are one-half acre or less. The State of Virginia has 16,434 burley tobacco farms, and the average allotment is 0.57 acre.

Many of our burley growers do not have the labor or the facilities to fulfill their tobacco allotments, while other burley growers are in a position to produce more than their allotments. My legislation will benefit both, and it will not require any additional Federal funds.

I believe my legislation will give fair treatment to, and greatly benefit, burley tobacco growers in southwest Virginia and neighboring States.

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

DESIGNATING CERTAIN LANDS AS WILDERNESS

The Clerk called the bill (H.R. 19007) to designate certain lands as wilderness.

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

H.R. 19007

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

DESIGNATION OF WILDLIFE AREAS WITHIN NATIONAL WILDLIFE REFUGES

SECTION 1. In accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness:

(a) certain lands in the (1) Bering Sea Bogoslof, and Tuxedni National Wildlife Refuges, Alaska, which comprise about forty-one thousand one hundred and thirteen acres, three hundred and ninety acres, and six thousand four hundred and two acres, respectively, and which are depicted on maps entitled "Bering Sea Wilderness—Proposed", and "Bogoslof Wilderness—Proposed", and Tuxedni Wilderness—Proposed", dated August 1967, and (2) the lands comprising the Saint Lazaria, Hazy Island, and Forrester Island National Wildlife Refuge, Alaska, which comprise about sixty-two acres, forty-two acres, and two thousand six hundred and thirty acres, respectively, and which are depicted on maps entitled "Southeastern Alaska Proposed Wilderness Areas", dated August 1967, which shall be known as the "Bering Sea Wilderness", Bogoslof Wilderness", Tuxedni Wilderness", Saint Lazaria Wilderness", "Hazy Islands Wilderness", and "Forrester Island Wilderness", respectively;

(b) certain lands in the (1) Three Arch Rocks and Oregon Islands National Wildlife Refuges, Oregon, which comprise about seventeen acres and twenty-one acres, respectively, and which are depicted on maps entitled "Three Arch Rocks Wilderness—Proposed", and "Oregon Islands Wilderness—Proposed", dated July 1967, and (2) the lands comprising the Copalis, Flattery Rocks, and Quillayute Needles National Wildlife Refuges, Washington, which comprise about five acres, one hundred and twenty-five acres, and forty-nine acres, respectively, and which are depicted on a map entitled "Washington Islands Wilderness—Proposed", dated August 1967, as revised January 1969, which shall be known as "Three Arch Rocks Wilderness", "Oregon Islands Wilderness", and "Washington Islands Wilderness", respectively;

(c) certain lands in the Bitter Lake National Wildlife Refuge, New Mexico, which comprise about eight thousand five hundred acres and which are depicted on a map entitled "Salt Creek Wilderness—Proposed", and dated August 1967, which shall be known as the "Salt Creek Wilderness";

(d) certain lands in (1) the Island Bay and Passage Key National Wildlife Refuges, Florida, which comprise about twenty acres each and which are depicted on maps entitled "Island Bay Wilderness—Proposed" and "Passage Key Wilderness—Proposed", dated August 1967, and (2) the Wichita Mountains National Wildlife Refuge, Oklahoma, which comprise about eight thousand nine hundred acres and which are depicted on a map entitled "Wichita Mountains Wilderness—Proposed", dated October 1967, which shall be known as "Island Bay Wilderness", "Passage Key Wilderness", and "Wichita Mountains Wilderness", respectively;

(e) certain lands in (1) the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges, Michigan, which comprise about twenty-five thousand one hundred and fifty acres, one hundred and forty-seven acres, and twelve acres, respectively, and which are depicted on maps entitled "Seney Wilderness—Proposed", "Huron Island Wilderness—Proposed", and "Michigan Islands Wilderness—Proposed", (2) the Gravel Island and Green Bay National Wilderness Refuges, Wisconsin, which comprise about twenty-seven acres and two acres, respectively, and which are depicted on a map entitled "Wisconsin Islands Wilderness—Proposed", and (3) the Moosehorn National Wildlife Refuge, Maine, which comprise about two thousand seven hundred and eighty-two acres and which are depicted on a map entitled "Edmunds Wilderness and Birch Islands Wilderness—Proposed", all said maps being dated August 1967, which shall be known as "Seney Wilderness", "Huron Islands Wilderness", "Michigan Islands Wilderness", "Wisconsin Islands Wilderness", and "Moosehorn Wilderness", respectively;

(f) certain lands in the Pelican Island National Wildlife Refuge, Florida, which comprise about three acres and which are depicted on a map entitled "Pelican Island Wilderness—Proposed" and dated August 1970, which shall be known as the "Pelican Island Wilderness"; and

(g) certain lands in the Monomoy National Wildlife Refuge, Massachusetts, which comprise about two thousand six hundred acres but excepting and excluding therefrom two tracts of land containing approximately ninety and one hundred and seventy acres, respectively and which are depicted on a map entitled "Monomoy Wilderness—Proposed" and dated August 1970, which shall be known as the "Monomoy Wilderness".

DESIGNATION OF WILDERNESS AREAS WITHIN NATIONAL PARKS AND MONUMENTS

SEC. 2. In accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness:

(a) certain lands in the Craters of the Moon National Monument, which comprise about forty-three thousand two hundred and forty-three acres and which are depicted on a map entitled "Wilderness Plan, Craters of the Moon National Monument, Idaho", numbered 131–91,000 and dated March 1970, which shall be known as the "Craters of the Moon National Wilderness Area";

(b) certain lands in the Petrified Forest National Park, which comprise about fifty thousand two hundred and sixty acres and which are depicted on a map entitled "Recommended Wilderness, Petrified Forest National Park, Arizona", numbered NP–PF–3320–O and dated November 1967, which shall be known as the "Petrified Forest National Wilderness Area".

DESIGNATION OF WILDERNESS AREAS WITHIN NATIONAL FORESTS

SEC. 3. In accordance with section 3(b) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(b)), the following lands are hereby designated as wilderness: the area classified as the Mount Baldy Primitive Area with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Proposed Mount Baldy Wilderness", dated April 1, 1966, comprising an area of approximately seven thousand acres, within and as a part of the Apache National Forest, in the State of Arizona.

SEC. 4. As soon as practicable after this Act takes effect, a map and a legal description of each wilderness area shall be filed with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 5. Wilderness areas designated by or

pursuant to this Act shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

Mr. ASPINALL. Mr. Speaker, I would like to speak in support of H.R. 19007 and to very briefly explain the provisions of this bill and the wilderness system.

When the basic Wilderness Act was passed in 1964, it provided that additional land could be added to the system if it was found to be suitable. The procedures for additions were clearly spelled out. Both the Secretaries of Agriculture and Interior were directed to review, within 10 years, lands under their respective jurisdictions for suitability for wilderness designation. The two Secretaries were directed to forward their findings to the President, and the President, in turn, would submit his recommendations to the Congress for legislative action.

This is the procedure that was established by the 1964 Wilderness Act, and this procedure has been followed in each of the 23 areas proposed for wilderness designation before us today.

Each area has been carefully examined by either the Department of Agriculture or Interior, the respective Secretaries have advised the President of their findings, and the President has submitted his recommendations to Congress. Subsequently, bills were introduced and referred to the Committee on Interior and Insular Affairs. Extensive hearings were held on each of the 23 proposals, and all interested parties were given full opportunity to appear and testify. All resources values have been carefully considered, including forage, watershed, timber, minerals, and recreation values. After considering all these values, as well as the suitability of these areas for wilderness designation, it was the committee's firm conclusion and recommendation that the areas be designated as wilderness.

What is involved here is the designation of 23 separate land areas that are located in 12 States. Geographically, these are located from Alaska to Florida and from Maine to Oregon. The total acreage involved is about 201,000 acres, but the individual areas recommended for wilderness designation range in size from 3 acres to over 50,000.

The physical conditions of the 23 areas, including climate, location, topography and geology, vary extensively. However, these areas do have one overriding common characteristic. Each is an undeveloped tract of Federal land retaining its natural character without permanent improvements or human habitation. Each is devoid of permanent roads and access into each is by trail. Each can be managed and protected to preserve its natural conditions for the use and enjoyment of present and future generations. Each presents outstanding opportunities for recreation and solitude, as well as serving as an outdoor laboratory for scientific study.

The designation of these areas as wilderness will preserve them from the encroachment of our modern mechanized and motorized society. To the maximum extent possible, the usual commercialization will be prohibited. Except in rare emergencies, the use of motorized vehicles, motorized equipment, motorboats, or the landing of aircraft will be prohibited. Permanent structures or installations will not be permitted. Certain other activities, authorized by the Wilderness Act, such as hunting, fishing, grazing, and mineral development, where now authorized and permitted within these areas, will continue. Even these permitted activities, however, must be conducted in a manner consistent with the overall purpose of wilderness, and they will be subject to certain statutory restrictions imposed by the Wilderness Act. The primary objective in any wilderness area is to preserve tracts of land in an unspoiled and natural condition. Any evidence of man must be substantially unnoticeable.

Certain areas were not entirely free of man-made instrusions. In most instances these were eliminated by the two Departments by exclusions and boundary adjustments. In other instances, the improvements are in the process of being removed, and this will be completed as quickly as possible.

In order to maintain this true wilderness concept, the committee found it necessary to recommend the exclusion of certain areas in the proposed Monomoy Wilderness in Massachusetts that had not been excluded by the Department of the Interior. Here the committee found numerous nonconforming uses such as summer cabins, and the continued use of motorized equipment. As rapidly as possible, these uses should be phased out and the excluded areas should then be considered for designation as wilderness by subsequent legislation.

One other exclusion of land was necessary. This was in connection with the proposed Pelican Island Wilderness in Florida. Here certain land proposed for wilderness designation was owned and controlled by the State of Florida and because of this could not be included in the proposal. Land exchanges with the State are underway and when these exchanges are completed, this area should again be considered for designation as wilderness.

With the exception of the two deletions of land explained above and the addition of some 2,243 acres to the proposed Craters of the Moon Wilderness Area, H.R. 19007 reflects the recommendation of the President as submitted to Congress, and is in accord with the reports of the Departments of Agriculture and Interior as to their boundaries recommended for each of the 23 separate areas.

For the purposes of uniform administration of these areas, the committee adopted language consistent with the 1964 Wilderness Act as the standard for the administration of all wilderness areas whether they be created from national parks, monuments, wildlife refuges, or from national forests. This will assure that only those activities authorized by the basic Wilderness Act will be permitted in these new wilderness areas.

Each area has been examined by the U.S. Geological Survey, and that agency reports that there is very little probability for economic mineral development.

Mr. Speaker, I will not comment at this time on each of the 23 separate areas proposed for wilderness designation. I do wish to emphasize, however, that each area has been examined and screened by the Departments of Agriculture and Interior, each has been recommended by the President to the Congress, and each has been the subject of extensive hearings by the Committee on Interior and Insular Affairs. So far as I am aware, there is complete agreement that these areas are in all respects suitable for designation as wilderness. They will make a significant addition to the existing wilderness system that now contains almost 10 million acres.

Mr. Speaker, I urge favorable action on H.R. 19007.

Mr. SAYLOR. Mr. Speaker, I rise to speak in support of H.R. 19007, the omnibus wilderness bill which would add 26 new areas to the national wilderness preservation system. This bill applies to lands already owned by the Federal Government and which are part of our national park, national forest, and national wildlife refuge systems. Placing these lands in the national wilderness system will give them greater protection and assure the permanent availability of their natural treasures for the benefit of the people.

H.R. 19007 is offered in response to the Wilderness Act of 1964 which declares it to be the policy of the Congress and the Nation to preserve America's wilderness and so "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." The Wilderness Act provides for additions to be made to the national wilderness system from Government-owned lands within the national forests, national parks, and national wildlife refuges by congressional enactment. These lands would still remain part of the national forest, park, or refuge and under the jurisdiction of the same Federal agency, but would be administered as wilderness under the terms of the Wilderness Act. That is exactly what the passage of H.R. 19007 will do.

I urge your approval of this bill as consistent with the declared policy of the Congress and the Nation as set forth in the Wilderness Act.

Of the 26 wilderness units in H.R. 19007, 23 are within national wildlife refuges, geographically scattered from Alaska to Florida and from New Mexico to Maine. One is on the Apache National Forest in Arizona. Two are within national parks, namely Craters of the Moon in Idaho and Petrified Forest in Arizona, and would be the first national park wilderness areas to be placed in the national wilderness system. As a measure of the support for this legislation, 42 Members of this House are signed as sponsors of the bill.

The Wilderness Act established a 10-year schedule, beginning in 1964 and ending in 1974, for the review of potential wilderness areas on the national forests, national parks, and national wildlife refuges. It placed on the three Federal agencies having jurisdiction over the lands involved the responsibility for making

such reviews and for presenting on time the agencies' wilderness recommendations to the Congress. The Forest Service and the Bureau of Sport Fisheries and Wildlife are doing a creditable job of meeting the act's schedule and submitting their wilderness recommendations within the time limits set. Unfortunately the National Park Service is far behind schedule.

I regard it as most unfortunate that the Park Service has failed to keep the mandate of the Congress as legally provided in the Wilderness Act. At the time this legislation was being considered by this body in 1964, the Park Service had advised the Congress that it saw no reason why it could not meet the review schedule of the act.

Yet today, 6 years after the passage of the act and with only 4 years remaining before all reviews must be completed and agency recommendations laid before the Congress, recommendations for only five units within the national park system have been submitted to the Congress out of 57 required to be reviewed. With 60 percent of the permitted time gone by, less than 10 percent of the required job has been done by the Park Service. This failure of the Park Service to obey the mandate of Congress is documented in detail in an article titled "Lost in the Wilderness: The National Park Service," which appeared in the Living Wilderness for spring 1970, a quarterly magazine published by the Wilderness Society. I will include the complete article in the CONGRESSIONAL RECORD as an extension of my remarks. It reflects the critical attitude expressed by many other citizen organizations over the country that the Park Service has not obeyed the requirements of the Wilderness Act.

The National Park Service had been insisting that it must complete its master plan in full detail for each park unit before it could prepare a wilderness recommendation for the Congress. These master plans are each taking 3 or 4 years to prepare. There is no reason why decisions as to what portions of a national park shall be recommended for wilderness designation should be held up while somebody argues over how many parking places there shall be in each parking lot, how many campsites in each automobile campground, the number of tables in each picnic ground, the size and facilities to be planned in each visitor center, the number of stalls in each public rest room, et cetera. Once the type and general location of each development has been decided upon by the Service, it should be entirely practical to determine the areas to be recommended for wilderness designations, and so forth, to be left alone, unchanged by the works of man, so that the full wonder and beauty of nature's creation remain undisturbed for the inspiration of us all. Furthermore, the more than 50 years of experience of the National Park Service has shown that there is nothing permanent about any master plan. Each is subject to continual change and to periodic complete overhaul.

With these considerations in mind and in response to the criticisms of the House Committee on Interior and Insular Affairs, officials of the National Park Service have indicated that the Service will revise its wilderness review procedures as affected by master planning and they have stated that despite the limited time remaining the Service expects to have all 57 wilderness recommendations by the required deadline of September 3, 1974. We are awaiting confirmation of this intention in the form of definite schedules for the next 4 years.

The Congress will expect these recommendations to take serious account of the extraordinary quality and extent of the wilderness contained within the national park system and to reflect these characteristics fully. I am confident that the Congress will insist that its mandate as contained in the Wilderness Act shall be complied with.

Mr. Speaker, this is a highly significant occasion when 26 wilderness areas are offered to this House for its decision whether to add them to the national wilderness system. Passage of the legislation which would do this will be a splendid contribution by the members of this body to protecting a pure and unspoiled portion of the Nation's environment. It will assure that some parts of our country will remain as welcome refuges from the speed, the noise, and the incessent change which this age of the machine is so relentlessly imposing on us almost everywhere else. We have the opportunity to add today to the impressive record which the 91st Congress had made for itself and for the Nation in working for a better environment for all Americans. I urge my colleagues to vote for H.R. 19007 and enhance their illustrious record as conservationists and defenders of the environment.

The article follows:

LOST IN THE WILDERNESS: THE NATIONAL PARK SERVICE

(By Ernest M. Dickerman)

("The National Park Service shall speed up wilderness studies to get this program on schedule."—Secretary of the Interior Walter J. Hickel, on a public poster entitled National Park Service Policy Guidelines.)

Not a single acre of the national parks has been placed in the National Wilderness Preservation System, more than five and one-half years after the signing of the Wilderness Act on September 3, 1964. No wonder the National Park Service is accused of foot-dragging.

As most readers know, the Wilderness Act prescribed a period of ten years during which the National Park Service, the Forest Service, and the U.S. Bureau of Sport Fisheries and Wildlife must study roadless units of 5,000 acres or more within their jurisdictions, and submit recommendations to the Congress through the President as to their suitability for inclusion in the Wilderness System. (Such areas, when admitted to the Wilderness System, are affected only with regard to protection from non-wilderness developments, and are not removed from the respective jurisdictions.) The Forest Service and the U.S. Bureau of Sport Fisheries and Wildlife have both made serious efforts to move forward.

Plainly, the benefits of the Wilderness Act are intended for the present generation as well as for future generations, as the Secretary of the Interior has in effect reminded the Park Service. With the prescribed ten-year period more than half over, the failure of the Park Service, after an abortive start, to accomplish a single wilderness designation thus far warrants a critical look into what has happened.

Field hearings have been held for 17 national parks or monuments out of approximately 57 required to be reviewed in the ten-year period.

From the 17 field hearings held, proposals for only 5 parks or monuments have been submitted to the Congress. The other 12 are still in various stages of restudy within the National Park Service.

Of the five proposals sent to the Congress, bills have been introduced for each in one or both houses in the current 91st Congress, but no public hearings have been held by either the House or the Senate Interior Committee.

Because of the change in administration two of the five park wilderness proposals pending before Congress—Petrified Forest National Park (Arizona) and Craters of the Moon National Monument (Idaho)—were returned to the Bureau of the Budget (i.e., the President's office) for the present administration's comment; Petrified Forest National Park has been approved by the Bureau; Craters of the Moon is still being held.

The other three of the five proposals submitted to Congress by the Park Service are resting silently in the Congressional committees' files. These are Lassen Volcanic National Park, Lava Beds National Monument, and Pinnacles National Monument (all in California). The Park Service's wilderness recommendations for these three parks are considered inadequate by conservationist groups, compared to the total wilderness within each of these parks. It was deemed desirable to return them to the President for consideration by the new administration, with the opportunity to improve the proposals. But the proposals have not been sent back to the Bureau of the Budget.

The Congress must bear some of the responsibility for failure to place part of any national park in the National Wilderness System. Conservationists and the National Park Service are in substantial agreement on wilderness proposals for Craters of the Moon National Monument and for Petrified Forest National Park, which originally cleared the President's office (Bureau of the Budget) in April of 1968. Yet no wilderness bills were introduced in Congress for either park until 1969. Then, with a change in administration, as noted above, both proposals were returned to the Bureau of the Budget to provide the new administration an opportunity to express its opinions. This has caused a further delay in enacting wilderness legislation for these two parks.

What about the 12 national park areas on which field hearings have been held, but on which nothing visible has happened since? Hearings were held on all 12 between June 1966 and December 1968—from 15 months to almost 4 years ago. At Chaco Canyon National Monument, New Mexico, there was general agreement by everyone testifying at the hearing held December 3, 1968, that because of desirability of making extensive archeological excavations and doing work essential to preserving ancient ruins throughout the monument, there should be no wilderness designation. At Great Smoky Mountains National Park (North Carolina-Tennessee), the proposed transmountain road (disapproved overwhelmingly by the witnesses at the public hearings June 13 and 15, 1966, and twice rejected by the Secretary of the Interior, yet not withdrawn by the National Park Service) has stalled consideration of the wilderness proposal. The wilderness proposals for the other ten parks are, for practical purposes, somewhere in limbo. Meaningful information as to the status of any one of them is virtually impossible to obtain.

No wilderness field hearings were held by the National Park Service during 1969, nor have any been scheduled as of this writing for 1970. There is considerable speculation as to what accounts for this violation by the National Park Service of the Congressional mandate in the Wilderness Act. Many individuals in the Service sincerely believe in

the values of wilderness and earnestly want to assure its preservation. They seek to bring about an effective program of wilderness reviews within the Park Service, and they deserve the fullest encouragement. But the record for the first 5½ years of the 10-year review period specified in the Wilderness Act indicates that individual efforts within the Service have not been sufficient to move the wilderness review program forward. At the end of 5½ years the owners of the national parks—the people—are still waiting for the first part of any national park to be placed in the National Wilderness System and thereby be given the needed protection of the Wilderness Act.

It is true that designation of wilderness areas under the Wilderness Act would restrict freedom which the Park Service has traditionally exercised to introduce man-made changes anywhere in any national park. This was the intention of the Act and would represent a considerable limitation of Park Service policy and practice—a limitation that bureaucracies generally tend to avoid. (An interesting aspect of the application of the Wilderness Act to our national parks is that it will have little or no restrictive effect on the individual citizen who comes to enjoy the natural beauties and natural environment of a park.) An increasing number of people have wondered why the citizen-owner of a park who plucks a single flower from a plant which will bloom again next spring is subject to immediate arrest, while in the same park the Park Service can turn a fleet of bulldozers loose to strip every vestige of plant life from a mountainside with utter impunity. It is right that the visitors to a park should not pick the flowers—they should be left for the next visitor to enjoy while they last. But there is a serious imbalance in our national park philosophy and practice when we deplore the plucking of a single blossom, yet impose no restraints on where and when those who have the duty of protecting our parks may strip the landscape bare. Application of the Wilderness Act to the national parks is designed to assure that the wild portions of our national parks remain forever free of the works and the machines of man.

There seems to be an excessive drive in more recent years by some Park Service administrators to put their own stamp on each park. There is a driving need, apparently, for the big design and construction division to keep itself occupied continuously in order to use up its appropriations. Of course there will be, and should be, roads, visitor centers, campgrounds, headquarters, etc., in the national parks, but these should be sharply limited, located with extreme discrimination, and wherever possible, placed outside of the unit itself in accordance with comprehensive regional plans.

Before considering the action that can be taken individually and collectively to move ahead on wilderness proposals for the national park system, it will be worthwhile to consider broadly the proposals the Park Service has presented thus far. The Service's proposal for each of the 17 parks on which field hearings have been held is commented upon in some detail in the supplement accompanying this general consideration of the subject. These detailed comments are offered for the attention of individuals and organizations who feel a special interest in one or more of the 17 parks. Here we shall consider the general character of the Park Service's wilderness proposals, and examine why, in our opinion, many of the proposals fall short of being adequate. It is apparent that a limited number of factors account for most omissions of natural areas which, in the opinion of informed local persons, qualify as wilderness. These factors are:

a. "Buffer zones," or "Wilderness Thresholds." These are usually located along roads or park boundaries. A Park Service theory holds that adjoining any statutory wilderness area should be an administratively established zone serving as a threshold or introduction to the wilderness lying beyond; such a zone would be subject to restricted development, as a sort of "halfway house" to the wilderness. The fallacy of this theory lies in the fact that such zones are established by administrative regulation only, not by law, and so are subject to change at any time by the agency; the zone may be anywhere from a sixteenth of a mile to two or three miles wide, without any regard for the actual wilderness qualities of the arbitrarily excluded area; there is no provision in the Wilderness Act authorizing any such grounds for withholding from the protection of the Wilderness Act land which meets the legal criteria for wilderness. As practiced by the Park Service to date, their buffer zone proposals defeat the intention of the Wilderness Act by arbitrarily excluding from the National Wilderness System significant acreage which qualifies for the protection of the Act.

Sequoia-Kings Canyon and Lassen Volcanic parks are particularly severe examples of this regrettable practice. The proposed buffer zones for these parks are as much as one to three miles wide. Half-a-dozen other park wilderness proposals show these set-backs along roads and park boundaries ranging from one-sixteenth mile to a quarter or half mile, without regard to the wilderness character of the excluded land.

b. Roads. Of the 17 parks reviewed to date, the Park Service wilderness recommendations for five of them omit important areas of natural wilderness because the Park Service wants to build roads therein. Preventing such road construction was exactly the purpose in passing the Wilderness Act. Congress wanted to assure that the wilderness in the National Parks (and in the National Wildlife Refuges, and in the Primitive Areas of the National Forests) would remain wild and roadless.

The outstanding example of new road construction proposed through the wilderness is, of course, the Park Service's proposed transmountain road through the wilderness of the western half of the Great Smoky Mountains National Park. Less than 100 miles away from the Great Smokies park and less than a year after the citizens had roundly denounced that proposed transmountain road, the Park Service announced its plan to build a new national parkway lengthwise through the mountain-top wilderness of little, 20,000-acre Cumberland Gap National Historical Park. Similarly in Lassen Volcanic, Lava Beds, and Pinnacles Parks, the Service's recommendations excluded significant areas of existing wilderness on the plea that it wants to build roads instead.

There is little point in having a national policy of wilderness preservation as declared by the Congress in the Wilderness Law if, before the law can be applied, the responsible government agencies are first going to be allowed to sabotage the wilderness.

c. Grazing. In some western parks, grazing is still allowed under permit. Because of present grazing, de facto or natural wilderness was excluded from the Park Service proposals for Lava Beds and Pinnacles. On the other hand, at Chiricahua National Monument (Arizona), the Park Service arranged to terminate the grazing shortly before preparing its wilderness proposal, and then included wilderness which otherwise would possibly have been excluded.

Rather than excluding from the National Wilderness System an area being presently grazed, but which otherwise meets legal wilderness standards, the Park Service should recommend such areas for wilderness designation and discontinue the permitted grazing as promptly as practicable.

d. Inholdings (land still privately owned within the boundaries of a park). At Pinnacles National Monument the presence of three small inholdings was cited by the Park Service as reason for excluding from wilderness designation a large area of surrounding park wilderness. Private inholdings cannot be placed in the National Wilderness System. Whether or not the inholding meets wilderness standards is irrelevant in determining whether surrounding park land shall be placed in the wilderness system. Only the federally owned park land is required to meet the criteria of the Wilderness Act.

e. General omissions. In half a dozen parks, including Arches (Utah), Bryce Canyon (Utah), and Chiricahua, substantial areas of wilderness have been excluded from Park Service wilderness proposals. Examination of these proposals, as issued at the time of the field hearings, reveals little solid reason for these omissions. The omitted areas, in the judgment of conservation leaders personally familiar with them, qualify as wilderness. Yet the Service's proposal may have failed to mention them, or may have offered reasons not warranted by the terms of the Wilderness Law (such as that a herd of cattle is occasionally driven on foot via a trail across an area), or omission may be defended on the grounds that it is desirable to build a road through the area (as at Lava Beds National Monument).

In some parks, wilderness areas of less than 5,000 acres were omitted presumably because the Wilderness Act does not require the Park Service to review them. Even so, it is worth noting that the Service has, in such parks as Pinnacles, Arches, and Shenandoah (Virginia), voluntarily recommended individual wilderness areas which contain less than 5,000 acres. The Wilderness Act does not prohibit the establishment of wilderness areas of less than 5,000 acres; it simply does not require the Park Service to review areas under 5,000 acres. Given the declared policy of the Wilderness Act to preserve the nation's resource of wilderness, wild lands in any national park which meet the wilderness criteria of the Act should be recommended for addition to the National Wilderness System unless there is a compelling and positive reason for omitting them.

A new factor which has been introduced contributes heavily to the slow-down in wilderness reviews by the National Park Service. This ties wilderness reviews to master planning procedures which cause unnecessary delays to the public hearing process for a given park until the master plan is completed.

Deciding what is wilderness, what is historical, what has value as a special natural feature, where shall be the centers of concentrated use—all this is important. It is proper that wilderness recommendations be deferred until this stage of the master planning has been taken care of. But that is not what is happening.

The difficulty is that the Park Service wilderness proposals are held up while it goes into everlasting detail regarding the general specifications for any new roads proposed, the location and specific features of any visitor centers, sanitary facilities, the capacity and design of any automobile campgrounds, the routing of new trails, the location of parking areas and overlooks, etc. This degree of planning detail is uncalled for before determining the boundaries of wilderness areas to be recommended. With two, three and even more years being taken to complete the master plan for a park, the wilderness review process will be hopelessly mired and all sight will be lost of the Wilderness Act's 1974 deadline for completion of the reviews.

The Park Service needs to separate wilderness review from master planning after the initial stage of delineating the wild lands as distinct from developed areas. The Service must also staff itself adequately and authoritatively to handle the wilderness reviews. Above all, it must adopt a positive wilderness philosophy and decide that in accordance with the specifically stated policy of the Secretary of the Interior as well as

Congress it is going to get on with the job and accomplish the objective of the Wilderness Act as written.

The principal approaches to encouraging the National Park Service to do its assigned job under the Wilderness Act are through the Secretary of the Interior and through the members of the Congress.

Secretary of the Interior Walter J. Hickel has declared, as part of the message on a public poster he issued about November 1969, entitled "National Park Service Policy Guidelines": "The National Park Service shall speed up wilderness studies to get this program on schedule." Secretary Hickel needs to hear firsthand from conservationists who support him in his efforts to fulfill the objectives of the Wilderness Law. His address is: Department of the Interior, Washington, D.C. 20240. He can make sure that the Park Service sets up an adequate and competent staff to carry on the vital park wilderness reviews. The idea that the national parks are intended to be administered primarily as extraordinary natural areas for the use and enjoyment of the people should be stressed. The best way to assure this objective is to place in the National Wilderness Preservation System all park lands which qualify under the Wilderness Act.

The attitude of the members of Congress is of extreme importance in determining whether any government agency applies a particular law effectively and promptly. Citizens should use their influence with their respective Representatives and Senators in Congress to see that the mandate of Congress itself is carried out to produce a wilderness proposal for their favorite national park or monument. The member of Congress will probably refer such letters to the Park Service for comment. These letters will have the effect of telling the Park Service clearly and firmly that the members want action and the Service must get busy.

Each concerned individual can greatly expand his or her influence by persuading clubs and other organizations in their community to write on this subject to Secretary Hickel and to their representatives in the Congress.

Persons who live near a national park, or visit one anywhere, can help by dropping in at park headquarters and telling the superintendent or one of his staff of their interest in having the wilderness of that park placed in the National Wilderness System. Let superintendents and their staffs become aware of the strength of the public demand for wilderness protection under the Wilderness Law.

The National Park Service has a great opportunity under the Wilderness Act to assure the preservation of wilderness in America. Let's encourage it to do this job which it has been assigned in behalf of the people of the nation!

ARCHES NATIONAL MONUMENT—UTAH

Special problems: "Buffer zone" exclusions.

Wilderness hearing held December 14, 1967, at Moab, Utah. No action since by National Park Services. However, as of January 20, 1969, President Johnson added by executive order 48,943 acres to the monument, raising the total acreage to 82,953 acres.

The National Park Service wilderness plan omits large sections of the park lying east of the principal road which qualify as wilderness under the definition of the Wilderness Act; omits a strip one-eighth mile wide along most of the eastern boundary of the park; and omits a large continuous tract, including Courthouse Towers, which lies west of the principal road in the southern portion of the park. The Park Service wilderness recommendations totals only 12,742 acres, whereas the conservationists' wilderness proposal (with these areas included) totals 28,000 acres.

The presence of a legally-established stock driveway through the Courthouse Towers section is offered by the Service as grounds for omititng this section from wilderness designation. As long as the stock is simply walked over this route at infrequent intervals and not accompanied by any motor vehicle, it would not appear to constitute a violation of the legal definition of wilderness.

With the addition of 48,943 acres to the park as of January 20, 1969, it is urgent that this addition be studied for its wilderness qualities and that appropriate recommendations be sent by interested citizens to the Secretary of the Interior.

BRYCE CANYON NATIONAL PARK—UTAH

Special problems: "Buffer zone" exclusions.

Wilderness hearing held December 11, 1967, at Panguitch, Utah. No action since by the National Park Serivce.

The preliminary wilderness proposal of the Service is very good in many respects, including as it does the major part of the park lying east of the principal road and south of Water Canyon—comprising 17,900 acres.

However, omitted despite their wilderness qualities are: the Pink Cliffs wilderness, containing approximately 3,000 acres, lying north of Utah highway 54 and otherwise bounded by the park boundary; an area of about 2,000 acres in the vicinity of Paria View Well (adjoining the Service's proposal); and the 1/16-mile-wide strip along almost the entire east and south boundaries (about 900 acres). These excluded areas qualify as wilderness under the definition of the Wilderness Act, and, added to the Service's proposal, result in a conservationists' wilderness recommendation totaling 23,800 acres out of the 36,010 acres contained in the park.

Let the Secretary of the Interior know of your preference for the larger 23,800-acre wilderness designation and ask him to enlarge the Park Service's recommendations accordingly.

CAPITOL REEF NATIONAL MONUMENT—UTAH

Special problems: "Buffer zone" exclusions and general omission.

Wilderness hearing held December 12, 1967, at Loa, Utah. No action since by National Park Service. However, as of January 20, 1969, President Johnson, by executive order, added 215,056 acres to the monument, raising the total acreage to 254,229 acres.

The National Park Service wilderness proposal for 23,074 acres would place the major portion of the monument's previous total of 39,173 acres in the National Wilderness System and accordingly is to be praised. However, an additional 7,000-acre area which qualifies as wilderness under the definition of the Wilderness Act is excluded by excessive setbacks of the Service's proposed wilderness boundary along the two principal park roads, by a 1/3-mile set-back all along the eastern and southern boundary of the park, and by omission of the extreme northern section of the park because grazing is currently permitted there. Instead, consistent with the intent and purpose of the Wilderness Law and its definition of wilderness, wilderness boundaries should be drawn close to the edge of roads and should coincide with the park boundary wherever the area itself possesses the characteristics of wilderness, as is true at Capitol Reef National Monument. The extreme northern section of the monument should be recommended for wilderness designation, with the permit for the temporary grazing to be discontinued as early as practical. These additions, totaling 7,000 acres and recommended at the public hearing by conservationists, would provide a total wilderness proposal of just over 30,000 acres.

The Park Service proposal would divide a recommended block of wilderness lying south of Utah highway 24 and east of Capitol Reef Scenic Drive into four separate wilderness sections because of three livestock driveways cutting across this portion of the park. If not accompanied by a motor vehicle, these would not appear to constitute a violation of the wilderness as legally defined. Accordingly, this entire block can and should be designated as a single, unbroken wilderness area. The entire wilderness proposal would then be contained within two (instead of five) sections.

With the addition of 215,056 acres to the monument by President Johnson's executive order of January 20, 1969, a vastly increased area within the monument needs to be studied for possible wilderness designation. Interested citizens and their local groups are urged to make field studies and then send their recommendations to the Secretary of the Interior.

CEDAR BREAKS NATIONAL MONUMENT—UTAH

Special problems: "Buffer zone" exclusions.

Wilderness hearing held December 11, 1967, at Cedar City, Utah. No action since by the National Park Service.

The Park Service's preliminary wilderness proposal is highly commendable, except that the proposed wilderness boundary is set back distantly from the road which winds from north to south close to the eastern boundary of the monument, and is arbitrarily set back 1/16th of a mile from the park boundary on the north, the south, and the west. Inasmuch as the area within these set-backs meets the definition of wilderness in the Wilderness Act and the National Parks are intended primarily to be natural areas, not man-developed areas, it is right that the wilderness boundaries should be drawn close to the road and should coincide with the park boundary. Instead of a wilderness area of 4,600 acres (as preliminarily recommended by the Park Service), a wilderness area of 5,300 acres is recommended by conservation groups and individuals. The monument contains a total of 6,154 acres.

CHACO CANYON NATIONAL MONUMENT—NEW MEXICO

Special problem: Archeological features.

Wilderness hearing held December 3, 1968, at Aztec, New Mexico.

Because of the extent and the importance of the archeological ruins within this monument containing 51,509 acres, the National Park Service recommended that none of it be placed in the National Wilderness Preservation System. A long-term program of archeological exploration is going on which requires motor vehicle transportation of the crews and excavation of the land. Further, preservation of the ruins to forestall the debilities of age and the assorted forces of erosion requires the use of a wide range of mechanical equipment. All of this is contrary to the concept of wilderness and to the provisions of the Wilderness Act. The Park Service holds that in this case the extraordinary quality of the remains of the historic and prehistoric cultures is the dominant value of the monument, and that wilderness classification would prevent proper investigation and protection thereof. After due study, concerned individuals and conservation organizations concurred in the NPS position at this time.

CHIRICAHUA NATIONAL MONUMENT—ARIZONA

Special Problems: "Buffer zone," general omission.

Wilderness hearing held November 5, 1968, at Wilcox, Arizona. Since then nothing has happened.

Nearly 85 per cent of this 10,645-acre park meets the standards for wilderness prescribed in the Wilderness Act. This park is divided by a road running generally east-west, with roughly two-thirds of the park lying south of this road. The Park Service has recommended a wilderness area of 4,685 acres in a single block lying south of the road. Conservationists, drawing their wilderness boundary closer to the east-west road and eliminating the Park Service's ⅛-mile set-back within the park boundary on the east, south,

and west (a set-back made despite the strip's wilderness character), propose a wilderness of 5,845 acres south of the road.

The Park Service completely omitted, and made no reference to, the 3,400-acre block of wilderness lying north of the road. With the addition of this 3,400 acres, the citizen-conservationist wilderness proposal totals 9,245 acres.

Despite an active permit for grazing 10 head of stock in the monument, the Park Service offered its wilderness recommendation noted above, stating that it believed the permit could be terminated at an early date. The Service is to be commended for this approach to a grazing situation, which approach conforms to the policy and intent of the Wilderness Law.

It is suggested that individuals and their organizations urge the National Park Service to adopt the citizen-recommended wilderness proposal totaling 9,245 acres.

CUMBERLAND GAP NATIONAL HISTORICAL PARK—KENTUCKY, VIRGINIA, TENNESSEE

Special problem: Proposed road.

Wilderness hearings held June 8 and 9, 1967. Nothing has been done since by the Service.

The big threat to the natural character of this narrow, 20,000-acre park is the Park Service's proposal to run the Allegheny Parkway lengthwise through the park. It would cease to be a park. It would become simply one more automobile parkway, dominated by the road and machines. Though small in size the approximately 15,000 acres on top of the Cumberland Mountain and adjacent slopes is a "remarkable wilderness in the sky," with mountain streams, rugged crags, wild forest, and panoramic views into Kentucky, Virginia, and Tennessee. The Secretary of the Interior should be urged to keep the Allegheny Parkway (extending 632 miles to Harpers Ferry, West Virginia) off the mountain and outside the park, and so leave the park's wilderness undisturbed.

The Park Service wilderness recommendation provides for a wilderness of only 8,980 acres—to be shared on the mountain top with the Allegheny Parkway, which would completely change the mountain's character. This figure is far short of the 15,000 acres of existing wilderness recommended by most witnesses at the public hearing.

CRATERS OF THE MOON NATIONAL MONUMENT—IDAHO

Special problems: None.

Wilderness hearing held September 19, 1966. Since then, the Park Service's formal wilderness recommendations have been approved by the Secretary of the Interior and President, and transmitted to Congress. On April 1, 1969, Senate bill 1732 was introduced in the Senate; but no hearing has been held yet by the Senate Committee on Interior and Insular Affairs. No bill has been introduced yet in the House.

The Service is widely applauded by conservationists, including The Wilderness Society, for this carefully developed wilderness plan which comprises 40,785 acres in a single tract out of the total of 53,545 acres in the park. Full support of the Service's proposal is unequivocally recommended.

GREAT SMOKY MOUNTAINS NATIONAL PARK—NORTH CAROLINA-TENNESSEE

Special problems: Proposed transmountain road and general omissions.

Wilderness hearings held June 13 and 15, 1966, at Gatlinburg, Tennessee, and at Bryson City, North Carolina, respectively (two hearings held because the wilderness of the park lies in two states). These were the first Park Service hearings under the Wilderness Act. No action by the National Park Service re wilderness designation since.

The transmountain road originally proposed by the National Park Service in September, 1965, was rejected by Secretary of the Interior Stewart L. Udall in December, 1967, and again by him in December, 1968, shortly before going out of office.

However, with a new administration taking office in Washington, a Congressional delegation from North Carolina and Tennessee called on the new Secretary of the Interior Walter J. Hickel in March, 1969, and requested that he reverse the Department's decision against the proposed transmountain road. The Secretary reserved judgment. On June 23, 1969, a delegation of 92 persons from North Carolina, Tennessee, Georgia, Alabama, and other southeastern states called on Secretary Hickel in Washington to urge preservation of the wilderness of the Great Smoky Mountains as it is today, and to advocate adoption of the conservationists' comprehensive road scheme that would simultaneously provide new driving opportunities inside and outside the park while leaving the citizens' recommended wilderness unviolated. In concluding the meeting, Secretary Hickel publicly announced that he was instructing the Director of the National Park Service, George B. Hartzog, to restudy the situation and to come up with satisfactory alternatives for settling the transmountain road controversy within the next 15 to 18 months.

Until the road issue is determined, it is hardly practical for the National Park Service to draw up a proper wilderness plan for the Great Smokies Park. Accordingly, little positive action is expected meanwhile toward applying the Wilderness Act to the park. However, once this matter is settled, conservationists will push vigorously for a genuine and adequate wilderness proposal by the National Park Service.

ISLE ROYALE NATIONAL PARK—MICHIGAN

Special problems: Excessive exclusions about proposed developments.

Wilderness hearing held January 31, 1967. No formal action since then, though the Park Service is known to have been carefully restudying its wilderness proposal with a view to making small, but significant, enlargements.

The approximately 119,618 acres in essentially a single tract proposed by the Park Service for wilderness designation generally represents a highly commendable plan, and has been accordingly praised by conservationists. The criticism has been centered on excessively large exclusions of wilderness about points of new developments. While the proposed developments themselves appear to be moderate in type and extent, several specific areas as large as 1,000, 2,000, 3,000, and even 6,000 acres are being excluded in the name of wilderness threshold protection, from wilderness designation in the Service's preliminary Isle Royale proposal.

Placing wilderness in an administrative buffer zone offers little or no protection against future demands. The best and only enduring protection for the wilderness is that provided by the Wilderness Law. Mere administrative regulation is frail and can be expected to fail in the face of contrary pressure.

There are indications that the Park Service is inclined to modify its ideas on wilderness threshold. The Park Service needs to be encouraged by communications from conservation-minded individuals and organizations to draw its wilderness boundaries close to the edge of all man-made developments, existing or proposed.

LASSEN VOLCANIC NATIONAL PARK—CALIFORNIA

Special problems: "Buffer zone" exclusions, and proposed road.

Wilderness hearing held September 27, 1966, at Red Bluff, California. Since then the Park Service's formal wilderness recommendations have been approved by the Secretary of the Interior and by the President, and transmitted to the Congress. On April 11, 1968, Senate bill 3315 was introduced in the Senate; but no action was taken and the bill died with the end of the 90th Congress. S. 715 was introduced in the new 91st Congress on January 28, 1969; but no date for a public hearing has yet been set by the Senate Committee on Interior and Insular Affairs. No bill introduced in the House at any time yet.

Following the wilderness hearing at Red Bluff, the Park Service revised its preliminary proposal in the light of citizen suggestions submitted at the hearing, increasing the total recommended wilderness acreage from 48,587 to 73,333 acres. This substantial response by the Service to the citizens' views is appreciated and highly commended. Yet at the same time, an unwarranted policy of setting wilderness boundaries anywhere from a quarter-mile to a full mile back from roads was applied, on the grounds that a "buffer" or "wilderness threshold" zone was needed between any public road and legal wilderness. Not only is there no such requirement in the Wilderness Act; but no "buffer" or "wilderness threshold" zone based merely on administrative regulation can be relied on to stand up under later pressures for man-made developments therein. At Lassen Volcanic Park this proposed buffer zone policy would mean an exclusion of nearly 18,000 acres of qualified wilderness from the National Wilderness System.

In the northwest quarter of the park, the Service proposes to build a new public road generally paralleling the historic Emigrant Trail used by the early pioneers traveling westward in their covered wagons. This ancient Trail is in wilderness today, even as it was when the pioneers' wagons jolted over its narrow way. No park visitor gliding in an automobile along a paralleling modern road can possibly appreciate the true spirit and significance of the Emigrant Trail. The proposal for such a road, whether called by the Park Service a "motor nature trail," a "nature interpretation road," or any other name, should be discarded, and the wilderness left unviolated. The old Emigrant Trail should be placed in the National Wilderness System, and park visitors encouraged to walk along it to get some true feeling of what this historic route through the wilderness meant to the western pioneers.

When the Congressional hearings by the Senate and the House Committees on Interior and Insular Affairs are held, individuals and their organizations will have full opportunity to urge adoption of the conservationists' wilderness proposal for a total of 101,000 acres.

LAVA BEDS NATIONAL MONUMENT—CALIFORNIA

Special problems: "Buffer zone" exclusions, proposed road, grazing.

Wilderness hearing held February 17, 1967. Since then, the Park Service's formal wilderness recommendations have been approved by the Secretary of the Interior and the President, and transmitted to Congress. On April 11, 1968, a bill was introduced in the Senate to establish the inadequate wilderness area proposed by the Park Service; but no action was taken on it, and it died with the end of the 90th Congress. S. 711 was introduced in the new 91st Congress on January 28, 1969; but no date has been set yet for a public hearing by the Senate Committee on Interior and Insular Affairs. No bill introduced yet in the House for the 91st Congress.

The Park Service wilderness proposal covers only 9,197 acres (in a single tract) of the 46,238 acres comprising the monument. Exclusion by the Service of the big Schonchin Lava Flow area (as it is locally named), containing nearly 28,000 acres of natural wilderness, is based on the same highly questionable arguments used by the Service in defending similar omission of natural wilderness at Pinnacles National Monument, discussed elsewhere in this report. Here at Lava Beds, the Service offers as grounds for deny-

ing wilderness designation (a) a life-time (hence temporary) grazing permit; (b) a wide, one-eighth mile exclusion as a "buffer zone" wherever the natural wilderness extends to the park boundary; (c) a proposal to open a new public road through the existing wilderness; (d) the presence of an electric power line (which it is feasible to relocate along an existing park road).

The fallacy of these arguments against wilderness preservation and protection is presented earlier in this report. However, in summary, the grazing permit can be phased out; the effective way to protect wilderness is to place it in the National Wilderness System, not in a "buffer zone" set up simply by an administrative regulation; the low voltage electric line can be removed and relocated along an existing road (as already suggested) and, as for the new road proposed through the wilderness, the Wilderness Act is intended to prevent exactly that sort of intrusion.

When the Congressional hearings by the Senate and House Committees on Interior and Insular Affairs are held, individuals and their organizations will have full opportunity to urge adoption of the conservationists' wilderness proposal totaling approximately 37,000 acres.

PETRIFIED FOREST NATIONAL PARK—ARIZONA

Special problems: None.

Wilderness hearing held May 23, 1967. Since then, the Park Service's formal wilderness recommendations have been approved by the Secretary of the Interior and the President, and transmitted to Congress. On June 6, 1968, a bill, S. 3594, was introduced in the Senate; but no action was taken on it and it died with the end of the 90th Congress. On January 28, 1969, S. 709 was introduced in the Senate for the current 91st Congress. In July, 1969, identical House bills H.R. 13103 and H.R. 13232 were introduced in the 91st Congress. No hearings have been held yet by either the House or the Senate Committee on Interior and Insular Affairs.

The National Park Service preliminarily proposed only a single wilderness area, the Painted Desert Wilderness, of 43,020 acres. At the wilderness hearing of May, 1967, a second wilderness area of about 10,500 acres in the southeast portion of the park was strongly recommended by most conservation organizations and individuals. The Service restudied this second wilderness area and decided to recommend 7,240 acres of it also for addition to the National Wilderness System.

It is a pleasure to commend the Service for a positive recognition of the public point of view as expressed at the wilderness hearing. The citizen groups are in full accord with the Service's recommendation for two wilderness areas, totaling 50,260 acres.

PINNACLES NATIONAL MONUMENT—CALIFORNIA

Special problems: Proposed road, inholdings, "buffer zone" exclusions, and general omissions.

Wilderness hearing held February 10, 1967. Since then, the Park Service's formal wilderness recommendations have been approved by the Secretary of the Interior and by the President, and transmitted to Congress. On April 11, 1968, bills were introduced in both houses of Congress to establish the inadequate wilderness area proposed by the Park Service; but no action was taken on them and they died with the end of the 90th Congress. S. 712 was introduced in the new 91st Congress on January 28, 1969; but no date for a public hearing has yet been set by the Senate Committee on Interior and Insular Affairs. H.R. 5863 introduced in House on Feb. 3, 1969; no hearing scheduled yet.

The inadequate Park Service proposal covers only the southern part of the park, plus approximately 1,610 acres in the center about Pinnacle Rocks, for a total of 5,330 acres out of the park's 14,500 acres. Contrary to the recommendations of almost all witnesses testifying either in person or by letter, most of the northern portion of the park is omitted by the Park Service, primarily on the grounds that it contains about 880 acres of private inholdings (in three separate tracts); that the low topography makes the area subject to undesirable influences through sight and sound from outside activities; and that the Service proposes to build a loop road through it. Concerning the proposed new loop road, conservationists have advised against such a road for 30 years. In a small national park such a road through the natural area, in addition to the existing roads in the park, is not justified. Further, as planned, it would serve as a through route, thereby imposing a new volume of non-visitor traffic upon the slender resources of the park.

Finally, the Park Service's wilderness area is arbitrarily set in one-eighth of a mile from the park boundary—presumably to serve as a "buffer" to the wilderness—the wilderness character of the "buffer" strip itself being ignored. Since such a "buffer" would have no legal standing (resting only on an administrative ruling), and since the area does qualify physically as wilderness, protection can best be assured by including the strip itself within the legal wilderness.

When the Congressional hearings by the Senate and the House Committees on Interior and Insular Affairs are held, individuals and their organizations will have full opportunity to urge adoption of the conservationists' wilderness proposal for a single wilderness unit of approximately 13,000 acres, which would include practically all of the undeveloped area of the park.

SEQUOIA AND KINGS CANYON NATIONAL PARKS—CALIFORNIA

Special problems: "Buffer zone" exclusions and general omissions.

Wilderness hearings held November 21 and 22, 1966.

No action since by the National Park Service. The preliminary wilderness recommendations of the Service were in general excellent, covering the major portion of the superlative wilderness of these two adjoining parks. Criticism by conservationists is directed at the excessively wide exclusions of wilderness (ranging from a mile to more than three miles wide) along the three principal roads in the parks; instead, wilderness boundaries should come down close to the road's edge. Also conservationists strongly recommend for wilderness designations the 42-44,000 acres lying within the Yucca Mountain and Redwood Canyon areas west of the Generals Highway, which, as witnesses at the field hearing testified, have positive wilderness characteristics, and which, with minor exclusions, would qualify for addition to the National Wilderness System.

SHENANDOAH NATIONAL PARK—VIRGINIA

Special problems: General exclusions scattered about the park.

Wilderness hearing held June 14, 1967. No developments since.

Because of the existence of the Skyline Drive along the mountain crest the entire length of the park and two transmountain federal highways (US 33 and US 211), plus the general narrowness of the park, it was felt that the National Park Service did a creditable job in developing a preliminary wilderness proposal of 62,000 acres. However, further careful study by conservation groups showed that an additional 29,000 acres, for a total wilderness recommendation of 91,000 acres, was practical and justified. The Secretary of the Interior needs to be encouraged to adopt the 91,000-acre wilderness proposal and to move it immediately to the President. Almost three years have passed since the hearing in June of 1967—far too long a delay.

Mr. DINGELL. Mr. Speaker, I rise to speak in support of H.R. 19007, a bill which would designate as wilderness certain federally owned lands within 23 wildlife refuges, two national parks, and one national forest. Inclusion of these lands within the national wilderness preservation system will forever preserve their unique and outstanding values for the benefit of the American people. Three of these wilderness areas are in the great State of Michigan.

The Wilderness Act of 1964 directs the Secretary of Agriculture and the Secretary of the Interior to review within 10 years certain lands on the national forests, national parks, and national wildlife refuges, meeting necessary criteria, and to report to the President their recommendations on suitability or nonsuitability for inclusion in the national wilderness preservation system. Mr. Chairman, we have but 4 years to complete this immense task. While I understand that the Forest Service is on schedule, it is my understanding that the Bureau of Sport Fisheries and Wildlife is lagging behind schedule and that the National Park Service is seriously in arrears in meeting the mandatory time requirements of the Wilderness Act. Since I am primarily interested in the wilderness reviews for the national wildlife refuge system, I shall concentrate my remarks specifically to these magnificent wildlife areas.

The national wildlife refuge system is the largest and most comprehensive wildlife resource management program which has been applied to the land in the history of mankind. It presently consists of about 330 units encompassing 30 million acres, located in all but five States. About 90 national wildlife refuges, located in 35 States, contain potential wilderness resources required to be reviewed under the Wilderness Act. Because of the wide variety of environmental conditions which are found, establishment of statutory wilderness within the boundaries of these refuges will broaden the range of wilderness within the national wilderness preservation system such ecological types as marshes, deserts, tundra, beaches, and swamps as well as the forests and mountains generally thought of as wilderness.

It is my understanding that the Department of Interior is taking a very pure and restrictive view of what qualifies as wilderness. While this may have been acceptable two or three generations ago, today the onrush of technological change and the skyrocketing population with its indiscriminate demands on natural resource utilization make imperative that we encompass under the legal protection of the Wilderness Act as extensive areas as possible which meet the basic criteria contained in that act—recognizing that the need for open space where the normal processes of nature can function unhindered by the actions of man becomes more acute for the health and survival of man himself with each passing year. I would urge the Department of Interior to keep clearly in mind the prime objective of the Wilderness Act as they conduct their wilderness reviews. That objective, as declared in the act, is "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." It is not to restrict those

benefits by omitting from the Department's wilderness recommendations areas which do meet the broad definition of wilderness contained in the act.

Mr. Speaker, we should all recognize that many forms of wildlife found on national wildlife refuges absolutely require a wilderness condition in order to survive. The wildlife are found both on small islands and on the large wildlife ranges of the West and Alaska. Placement of these refuges in the national wilderness preservation system will assure their continued survival of the wildlife and the continuance of their contribution to the enhancement of the environment.

Mr. Speaker, wilderness is the highest form of land dedication and I urge my colleagues to vote favorably on H.R. 19007.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of H.R. 19007, a bill which would designate various lands in the United States as wilderness areas so that they may be preserved in their natural state.

I am particularly pleased to find that one of the wilderness areas designated in the committee's bill is Pelican Island, located about 75 miles north of West Palm Beach, Fla. Pelican Island was the first national wildlife refuge established in the United States. The 403 acres encompassing the island and several other small islands and keys is one of the most beautiful wilderness areas in the United States and has always been a favorite of conservation-minded Floridians.

I am disappointed that the committee was not able to report a bill designating the entire 403 acres as a "wilderness area" as was recommended by the Department of the Interior many years ago. Only the 3 acres of Pelican Island itself are designated in this bill. The other 400 acres would have been included had the State of Florida and the U.S. Department of the Interior been able to execute an interchange of lands. I think that it is wonderful to designate the 3-acre island as a "wilderness area" but I had hoped that the entire 403 acres as proposed by my bill of last year, would be available today to be included in this legislation. It has been 15 months since my bill was introduced. I had hoped that during that time the Florida Department of Natural Resources and the U.S. Bureau of Sport Fisheries would have completed the necessary land transactions. In fact, both of those governmental agencies have tentatively agreed to an exchange since June of this year, but nothing has been done since.

I trust that the final negotiations on this beautiful and valuable wildlife refuge will not be delayed further so that we can insure its preservation for future generations.

I support the designation of 3-acre Pelican Island as a wilderness area, and I hope that soon we will be able to extend the boundaries to include the other 400 acres.

Mr. TAYLOR. Mr. Speaker, the bill now before the House includes two national park system wilderness areas.

They are: First, the Petrified Forest National Wilderness Area; and second, the Craters of the Moon National Wilderness Area.

Mr. Speaker, these are the first wilderness areas to be designated as wilderness in existing units of the national park system. Several others are being reviewed and will probably be ready for consideration during the 92d Congress.

Very briefly, the Petrified Forest Wilderness Area is the joint product of our colleagues from Arizona (Messrs. UDALL, STEIGER, and RHODES). If approved as recommended, it will consist of two units totaling more than 50,000 acres. One unit, which is located in the Painted Desert portion of the Petrified Forest National Park, will be 43,020 acres. The other one is located in the Petrified Forest Area and will comprise 7,240 acres. There was no controversy concerning this proposal. As recommended by the committee, this provision of the bill will effectuate the recommendation of the administration.

The other national parks area is the Craters of the Moon National Monument Wilderness Area. It involves the proposals introduced by our colleagues from Idaho (Messrs. MCCLURE and HANSEN). This legislation was also noncontroversial, but there was a difference of opinion concerning the expansion of the wilderness area to include the Big Cinder Butte. The committee considered the merits of this proposed addition and decided that these 2,243 acres should also be designated as wilderness. While the administration did not recommend the expansion of this wilderness area, it presented no strong opposition to it. The inclusion of this addition will make this wilderness area 43,243 acres.

Mr. Speaker, these areas were carefully reviewed by the Subcommittee on National Parks and Recreation before being considered by the full Committee on Interior and Insular Affairs. We feel that they merit the favorable consideration of the Members of the House and we recommend their approval.

Mr. O'HARA. Mr. Speaker, today we have before us a very important and significant conservation bill, H.R. 19007, the omnibus wilderness bill.

In the sometimes dry language of legislation, the title of H.R. 19007 reads:

A bill to designate certain lands as wilderness.

Let me say, however, that this is a gross oversimplification, for the lands to be protected by this act are among the most spectacular, diverse, and interesting of our Nation. These are uniquely valuable lands—valuable because they are as nature shaped them, wild, undeveloped, free of man's dominion, and invaluable resources for that very reason.

Mr. Speaker, the whole history of the American wilderness is one of disappearance. Every step in the development of our Nation has been a step in the diminution of our wild lands. For the most part that has been good, but we have come perilously close to destroying all of the American wilderness. Fortunately, people awoke to this problem in recent decades, and areas of wild lands have been set aside in our national parks, forests, and wildlife refuges. Now, under the Wilderness Act we enacted in 1964, the uniquely wild portions of such Federal areas are being specifically designated for wilderness protection by act of Congress.

The Wilderness Act provides a mechanism by which suitable lands within our parks, forests, and refuges can be made also a part of our national wilderness preservation system. The omnibus bill we have today encompasses 26 such areas: 23 wildlife refuge wildernesses, two wildernesses in national park system units, and one national forest wilderness area. Each is of superlative wild quality and in clear need of this statutory protection to remain so in the years ahead, when development pressures will increase so greatly.

These are remarkably diverse areas—islands, desert areas, high mountain reaches, and the unique painted desert of the Southwest. While they are diverse in character, they all have in common the special quality of wilderness. This is a trust we must act to protect, and the passage of this omnibus bill is a great step forward.

Let me say that, as a member of the Interior and Insular Affairs Committee, and that committee's Parks and Recreation Subcommittee, I have become increasingly concerned that the executive branch agencies are falling behind in the schedule which Congress set for the review of potential wilderness areas. Most unfortunate is the 6-year lag by the National Park Service, which has appeared to many of us not to be particularly concerned about meeting their statutory obligations. When Congress enacted the Wilderness Act we did so to protect wilderness, and we might have hoped that the leaders of the Park Service would recognize that that is a valuable objective and join willingly into the effort to secure this maximum protection for the full potential of park areas. They have not and I am concerned that they may not set particular store by the directive which Congress gave them. Lest there be any doubt, I believe it is fair to say that we intend to insist that they meet their obligation under the law. I am encouraged that the leaders of the executive branch and the Department of the Interior are trying to get this message through to the National Park Service, but I have yet to be much impressed by any sign of followthrough from the National Park Service.

The U.S. Forest Service, which has similar wilderness review responsibilities, has been a good deal more timely in its program, though, of course, it has perhaps a better base of past experience on which to operate. I am pleased that they have maintained their review schedule. The Bureau of Sport Fisheries and Wildlife has likewise done well, but looking into future scheduling, it becomes apparent that delays in recent months in getting field reviews and field hearings in motion will mean, eventually, a growing delay in meeting the schedule for getting their proposals to Congress. I urge the Bureau to get on with its field program, in recognition of the very special value of wilderness preservation to the integrity of the wildlife refuge sys-

tem which has otherwise come under various kinds of threats in recent years, including the threat of dismemberment from the administration itself. Mr. Speaker, it is just that kind of unthinking administrative threat to our wildlands that the Wilderness Act is designed to protect.

As a member of the Interior and Insular Affairs Committee, I am pleased with the omnibus bill we have brought to the floor today. It is a significant step forward in clearing these proposals and advancing the national wilderness preservation system. I am particularly pleased that this bill will designate three wilderness areas in Michigan—the 25,000-acre Seney Wilderness Area, the Huron Islands, and Michigan Islands Wilderness areas.

In the immediate future, it is my hope that the Congress will receive further proposals from the executive branch in an orderly fashion. This omnibus bill is a clear sign, I believe, that we in the Congress will uphold our part of this important program, so widely supported by the American people. The preservation of remaining wilderness lands is a challenge to us all, and I rise today to welcome this progress and to convey this challenge to the agencies involved.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in the RECORD on this bill.

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

There was no objection.

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

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3014) to designate certain lands as wilderness.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 3014

An act to designate certain lands as wilderness

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c)), the following lands are hereby designated as wilderness, and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act:

(1) certain lands in the Bering Sea, Bogoslof, and Tuxedni National Wildlife Refuges, Alaska, as depicted on maps entitled "Bering Sea Wilderness—Proposed", "Bogoslof Wilderness—Proposed", and "Tuxedni Wilderness—Proposed," dated August 1967, and the lands comprising the St. Lazaria, Hazy Islands, and Forrester Island National Wildlife Refuges, Alaska, as depicted on maps entitled "Southeastern Alaska Proposed Wilderness Areas", dated August 1967, which shall be known as the "Bering Sea Wilderness", "Bogoslof Wilderness", "Tuxedni Wilderness", "St. Lazaria Wilderness", "Hazy Islands Wilderness", and "Forrester Island Wilderness";

(2) certain lands in the Tree Arch Rocks and Oregon Islands National Wildlife Refuges, Oregon, as depicted on maps entitled "Three Arch Rocks Wilderness—Proposed", and "Oregon Islands Wilderness—Proposed", dated July 1967, and the lands comprising the Copalis, Flattery Rocks, and Quillayute Needles National Wildlife Refuges, Washington, as depicted on a map entitled "Washington Islands Wilderness—Proposed", dated August 1967, as revised January 1969, which shall be known as "Three-Arch Rocks Wilderness", "The Oregon Islands Wilderness", and "The Washington Islands Wilderness";

(3) certain lands in the Bitter Lake National Wildlife Refuge, New Mexico, which comprise about eight thousand five hundred acres and which are depicted on a map entitled "Salt Creek Wilderness—Proposed", and dated August 1967, which shall be known as the "Salt Creek Wilderness"; and

(b) Maps of these wilderness areas shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

SEC. 2. Except as necessary to meet minimum requirements in connection with the purposes for which the foregoing areas are established and for the purposes of this Act (including measures required in emergencies involving the health and safety of persons within the areas), there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within the areas designated as wilderness by this Act.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 3014 and insert in lieu thereof the provisions of H.R. 19007, as passed.

The amendment was agreed to.

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

A similar House bill (H.R. 19007) was laid on the table.

ESTABLISHING A NATIONAL MINING AND MINERALS POLICY

The Clerk called the bill (S. 719) to establish a national mining and minerals policy.

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

S. 719

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 "Mining and Minerals Policy Act of 1969".

SEC. 2. The Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage (1) the development of an economically sound and stable domestic mining and minerals industry, (2) the orderly and economic development of domestic mineral resources and reserves to help assure satisfaction of industrial and security needs, and (3) mining, mineral, and metallurgical research to promote the wise and efficient use of our mineral resources. It shall be the responsibility of the Secretary of the Interior to carry out this policy when exercising his authority under such programs as may be authorized by law other than this Act. For this purpose the Secretary of the Interior shall include in his annual report to the Congress a report on the state of the domestic mining and minerals industry, including a statement of the trend in utilization and depletion of these resources, together with such recommendations for legislative programs as may be necessary to implement the policy of this Act.

With the following committee amendments:

Page 1, line 4, strike out "1969'." and insert "1970'."

Page 1, line 5 through page 2, line 11, strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. The Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs, (3) mining, mineral, and metallurgical research, including the use and recycling of scrap to promote the wise and efficient use of our natural and reclaimable mineral resources, and (4) the study and development of methods for the disposal, control and reclamation of mineral waste products, and the reclamation of mined land, so as to lessen any adverse impact of mineral extraction and processing upon the physical environment that may result from mining or mineral activities.

"For the purpose of this Act 'minerals' shall include all minerals and mineral fuels including oil, gas, coal, oil shale and uranium.

"It shall be the responsibility of the Secretary of the Interior to carry out this policy when exercising his authority under such programs as may be authorized by law other than this Act. For this purpose the Secretary of the Interior shall include in his annual report to the Congress a report on the state of the domestic mining, minerals, and mineral reclamation industries, including a statement of the trend in utilization and depletion of these resources, together with such recommendations for legislative programs as may be necessary to implement the policy of this Act."

The committee amendments were agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of S. 719, as amended, is to establish a broad overall national minerals policy with emphasis on the need for an economically sound and stable domestic mining and minerals industry.

A national minerals policy has been sorely needed for many years and it will be of great benefit not only to this Nation as a whole, but to individual segments of the minerals industry and also to the various executive agencies that are engaged in the day-to-day activities involving the minerals industry.

To accomplish this the bill establishes, as a continuing policy, the need to foster and encourage private enterprise in the following four broad fields of endeavor.

These are: First, the development of economically sound and stable mining and minerals reclamation industries; second, the orderly and economic development of mineral resources to assure the present and future well-being of this Nation; third, the continuation of the necessary research activities in mining and related fields, including the use and recycling of scrap and waste materials; and fourth, the study of ways and means for the disposal, control and reclamation of mineral wastes, including the reclamation of mined land, so as to lessen any adverse impact that mining or mineral extraction or processing may have upon the environment.

The Secretary of the Interior, as the responsible Cabinet officer, is directed to carry out the objectives of S. 719. In addition, he is directed to annually report on the state of the minerals industry and to make recommendation for any legislation necessary to carry out the broad overall policy objectives of S. 719.

Because our economy is becoming more and more mineral based, there appears to be little argument about the need for a broad mineral policy to guide both the Federal Government and private industry with respect to long-range mineral goals and objectives. As a nation our appetite for minerals increases each year. Whether viewed as a part of our peacetime economy or as a mobilization base for national emergencies, the future of our country is tied to the supply and availability of minerals. In the past an abundant supply of minerals has enabled us to enjoy the highest standards of living now known. While we hope to continue and improve this position we may not be able to do so if we are unable to supply a significant portion of our mineral needs from domestic sources.

The long-range outlook for an adequate supply of minerals in the United States is cause for concern. The easily found, higher grade deposits are being rapidly depleted, the grade of ore is declining and costs are increasing. The present energy problem is but one example of the mineral shortages that this Nation could face in future years. While this Nation will never be completely self-sufficient in all minerals, and will have to depend upon imports in many situations, there is every reason to hope and expect that as a nation we will maintain a high degree of self-sufficiency wherever and whenever possible.

It is not expected that enactment of S. 719 will be a cure-all for all the ills and problems of the minerals industry. Its enactment will, however, focus attention on the minerals industry and will require long-range planning and the establishment of long-range objectives. Answers must be sought to questions regarding the permissible degree of dependence on foreign supplies, importation and exportation of minerals, stockpiling for emergency situations, taxation, manpower, health and safety and environmental quality, and of equal importance, the capability of this Nation to meet domestic needs. Another important but frequently neglected aspect of this industry has been the wise and efficient use of our mineral resources. This goes not only to the extraction and utilization of the primary metals, but also to the reuse and recycling of scrap and waste products. Progress in this field would extend the life of existing mineral deposits and would also have a highly beneficial effect upon the esthetic and environmental quality of our life.

During the consideration of S. 719 the committee adopted several amendments to broaden its scope and to strengthen the proposal. An amendment was adopted to assure that private industry continues to play an important role in mineral development. Provision was also made to assure that all environmental aspects of mineral extraction and processing would be considered, including, but not limited to recycling of scrap, reclamation of mined lands, and the development of methods to lessen any adverse impact on the environment. In addition, an amendment was adopted to clarify what was meant by the term "minerals." It was the committee's position that this term should be broad and inclusive of all domestic minerals. To assure this, the term "minerals" was defined to include all minerals and mineral fuels and specifically to include oil, gas, coal, oil shale, and uranium.

Mr. Speaker, I would like to add that S. 719 is not the first attempt to establish a national minerals policy. Previous attempts were largely unsuccessful due to the complexity of the problem and lack of accord on the substance of the proposals. In 1959, this committee recommended and Congress passed House Concurrent Resolution 177. This expressed, as the sense of the Congress, the need for a strong domestic mining and minerals industry and called for increased emphasis on research, technology, and programs to maintain a sound and vigorous domestic minerals position. However, as House Concurrent Resolution 177 did not have the force of law it was largely ineffective and ignored by the Executive.

Mr. Speaker, I strongly urge favorable action on S. 719. As I have said previously, it will not solve all the problems of the minerals industry, but I am convinced it will establish a foundation on which we can build. This Nation can no longer afford to ignore its need for a long-range minerals policy. Enactment of S. 719 will be a large step in the right direction.

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, I rise in support of this bill, to establish a national mining and minerals policy.

The purpose of this legislation is to declare a long-needed fundamental, Federal policy in the field of mineral resources for this Nation, and to give that policy the effect of law.

Prior to this time, Congress has passed resolutions concerning the need for this country to establish a strong domestic mining and minerals industry, along with programs to maintain a balanced domestic minerals position. As we all know, these resolutions have been totally ignored by the executive branch because these resolutions declaring the sense of Congress did not have the force of law.

This bill, S. 719, if passed and enacted will have the force of law, and I trust, will not be ignored or overlooked either by the executive branch or the minerals and mining industry. But, let me also make it clear that the passage and enactment of this bill is only the beginning, or the first step, in the process of achieving the objectives of a sound national mining and minerals policy, and the programs necessary to maintain a balanced domestic minerals position.

The next step should be the reevaluation and revision of both Federal and State mineral and mining laws. This task should and can be accomplished through the cooperative efforts of the domestic minerals and mining industry and the Federal and State governments. If this Nation is to carry out an established mining and minerals policy and maintain a strong domestic minerals position, it becomes absolutely necessary that we also revise our mining laws to complement our national policy.

This bill, S. 719, is perhaps one of the most important pieces of legislation reported from the Committee on Interior and Insular Affairs during this 91st Congress. The importance of this legislation is not readily apparent from its broad overall language and approach. However, let me assure my colleagues that the importance of this bill bears directly upon the lives and work of each of us and those of our loved ones. The light by which we work is produced largely from our vast coal resources. The clothing we wear can be traced to the raw materials of our mineral wealth. It is the discovery, extraction, research, and development of our mining and mineral industries that have produced the arms, equipment, and munitions that have played a significant role in making this the most powerful Nation in the world.

This legislation is declaring a national minerals policy in an attempt to keep this country a power among the nations of the world. The bill does this by declaring four areas in which attention should be focused. These areas are: First, the development of an economically sound domestic mining, minerals, metal, and mineral reclamation industry; second, the orderly and economic development of our mineral resources and reclamation of metals and minerals; third, research and development to promote the wise and efficient use of our natural and reclaimable mineral resources; and fourth, the development of methods to lessen the adverse impact on the physical environment which result from mining and mineral activities.

The bill requires the Secretary of the Interior to include in his annual report to the Congress the state or condition of the domestic mining and minerals industries, including the trend of utilization and depletion of our resources, along with recommendations for legislative action.

This legislation is also remarkable because of its approach to our mineral resources and related industries. The bill

clearly states that it is in our national interest, yet the approach of the bill is a partnership approach between private enterprise and the Federal Government. And the considerations given to the environment in this legislation is the approach of modern-day legislation.

Mr. Speaker, I urge the rules be suspended and the bill S. 719 be passed.

Mr. EDMONDSON. Mr. Speaker, establishment of a national mining and minerals policy is thoroughly justified by today's world conditions, in which vital mineral sources on several continents are either seriously threatened or completely interrupted by political developments.

I believe the House committee amendments improve the bill as passed by the other body. The stress placed on private enterprise in the House committee version is a substantial change designed to emphasize the essential role of private initiative and private management in the American system—indispensable elements in the leadership which the United States has demonstrated in worldwide minerals development.

Basically, S. 719 seeks to put into law the principles stated by the Congress in House Concurrent Resolution 177 several years ago. It reemphasized the critical importance to our Nation of a sound and stable domestic mining, minerals, metal, and mineral reclamation industry.

The bill should be overwhelmingly adopted.

Mr. DINGELL. Mr. Speaker, S. 719, which we consider today, would establish a "national minerals policy" which, according to the committee's report will "have the force of law"—House Report 91–1442, page 3.

It is my understanding, however, that the declaration in the bill that it is "in the national interest to foster and encourage private enterprise" in the development on minerals, cannot be, and is not intended, to be used by the committee as the basis for a vast minerals program by the Interior Department. I mention this very point because the word "encourage" in the Defense Production Act did form the basis some years ago for the establishment of the old Defense Minerals Exploration Administration.

But, I understand that no such interpretation is intended here. Rather, it is intended that the "legislation will focus attention on the industry and require long-range planning and the establishment of long-range objectives." Further, the Acting Secretary of the Interior, in a letter of October 16, 1969, to Chairman Aspinall—supra, page 5—said that S. 719, as it passed the Senate "does not provide any new authority" to the Interior Department.

The amendments agreed to by the House will not change that statement.

When the bill passed the Senate, I was concerned about its broad scope and some of the statements in the Senate report on the bill. I was concerned because the Senate's report seemed to imply that this bill did, in fact, provide a new basis for a vast new minerals program. More importantly, I was concerned because these statements seemed to imply that this new policy would override the policies of environmental and health and safety protection established by many statutes, including the National Environmental Policy Act of 1969 and the Federal Coal Mine Health and Safety Act of 1969.

I, therefore, sent a letter on July 14, 1970, to Chairman ASPINALL to express my concern, particularly about the statements in the Senate committee's report. A portion of that letter is as follows:

Third, the Senate Committee's report by Senator Allott, in justifying the need for this bill, states (S. Rept., *supra*, pp. 3 and 5):

"The Nation has become painfully aware of our deteriorating environment. The mining industry is also aware of the problems and has developed practical solutions for many of the problems. *But as further environmental quality improvement is sought, the technical difficulties and the cost of gaining each new increment of quality, greatly increases the costs of operation and may make the difference between feasibility and infeasibility in the mine's economic picture. A national mining and minerals policy will help to prevent the promulgation of inconsistent regulations and the adoption of counter-productive policies that tend to thwart these national objectives.*

"It is important that this policy be enacted in the form of a law, with full and binding effect. *As a law, enacted under constitutional procedure, it will not only bind all agencies of the Government,* but it will, more importantly, serve as a beacon, giving guidance to all agencies in carrying out their missions. *As a result contradictory and counterproductive regulations and programs are less likely to be adopted and effected.*" (Emphasis supplied.)

The report does not explain or give examples of any so-called inconsistent or contradictory and count reproductive regulations and programs or counter-productive policies" which this new policy or law will help to prevent. Further, the report does not explain in what manner this new policy will help to prevent increases (in) the costs of (minerals) operations when the public demands that environmental quality improvement is sought. One can only conclude that those who propose this policy will, once adopted, point to it as *overriding* other policies and controls to protect our human environment and the health and safety of our workers where the costs of such policies and controls will result in the economic infeasibility of a mine's continued operation. Nothing in the bill or the committee's report suggests any other conclusion.

Fourth, the Senate report also implies that this new policy statement is the key that will unlock the public lands of this Nation, if indeed they were ever closed, for the minerals and mining industries to explore and develop, as they all too often have done in the past, to the great detriment of this Nation's heritage. The report states (p.4):

"There is a great need for increased domestic mineral exploration and development.

* * * * *

"A minerals policy must recognize the need for domestic industry to enter upon and explore the public lands. These lands are a major source of domestic minerals and should not be closed to mineral development *unless there is a compeling national interest.*" (Emphasis supplied.)

The proponents of this bill would not, I am sure, consider the need to protect and enhance our environment a compelling national interest.

I am heartened to read that S. 719 has been completely rewritten by Chairman ASPINALL'S committee since then and none of the above statements are found in the House report. I am sure that Chairman ASPINALL and Congressman JOHN P. SAYLOR, the ranking minority member and the other members of the committee are in full agreement with me that S. 719 is subject to the policies and requirements of the following environmental and health and safety statutes:

LIST OF SOME OF THE EXISTING STATUTES APPLICABLE TO S. 719

1. Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742);
2. Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721, et seq.);
3. National Environmental Policy Act of 1969 (83 Stat. 852);
4. Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661–666c);
5. Bureau of Outdoor Recreation Act of May 28, 1963 (77 Stat. 49);
6. Water Resources Planning Act of July 22 1965 (79 Stat. 244);
7. Federal Water Pollution Control Act, as amended (33 U.S.C. 466, et seq.);
8. Clean Air Act, as amended (42 U.S.C. 1857, et seq.);
9. Solid Waste Disposal Act, as amended (42 U.S.C. 3251, et seq.);
10. Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a et seq.);
11. Environmental Quality Improvement Act of 1970 (84 Stat. 114);
12. Migratory Bird Conservation Act, as amended (16 U.S.C. 715, et seq.);
13. Wilderness Act (16 U.S.C. 1131 et seq.);
14. National Trials System Act (16 U.S.C. 1241, et seq.);
15. Wild and Scenic Rivers Act (16 U.S.C. 1271, et seq.);
16. Endangered Species Conservation Act of 1969 (83 Stat. 275);
17. National Park Service Act, as amended (16 U.S.C. 1, et seq.);
18. Estuary Protection Act of August 3, 1968 (16 U.S.C. 1221);
19. Environmental Quality Improvement Act of April 3, 1970 (Public Law 91–221).

These national policies are emphasized and more fully expounded in the National Environmental Policy Act of 1969 (Public Law 91–190; 83 Stat. 852), signed by President Nixon on January 1, 1970. In section 102 of that act, Congress mandates (1) that "the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies" of the National Environmental Policy Act and (2) that "all agencies of the Federal Government shall" develop procedures which will "insure that presently unquantified environmental amenities and values" be given "appropriate consideration in decisionmaking along with economic and technical considerations." Section 102 also requires "all agencies of the Federal Government" to prepare a "detailed statement" to be included in "every recommendation or report" concerning major "Federal actions significantly affecting the quality of the human environment," after consulting with, and obtaining the comments of, each "Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved." That detailed statement must include each of the following matters:

(i) The environmental impact of the proposed action;

(ii) Any adverse environmental effects which cannot be avoided, should the proposal be implemented;

(iii) Alternatives to the proposed action;

(iv) The relationship between local short-term uses of man's environment and the

maintenance and enhancement of long-term productivity; and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Interim guidelines to Federal agencies for preparing detailed statements were published by the Council on Environmental Quality on May 12, 1970 (35 F.R. 7390). These guidelines specifically state (sec. 11) that the detailed statements and procedures required by section 102 of the Act "should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of Public Law 91-190 on January 1, 1970."

More recently, on July 16, 1970, the United States Court of Appeals for the Fifth Circuit ruled that the ecological aspects mandated by the Act may—indeed, must—be considered by the Corps of Engineers when it reviews applications for permits to fill parts of a waterway. The Court therefore reversed a district court order which had directed the Corps to issue a permit to a land developer seeking to dredge and fill the navigable waters of Boca Ciega Bay near St. Petersburg, Florida, where the fill would adversely affect the ecology of the Bay, even though the fill would not impair navigation. *Zabel* v. *Tabb* (C.A. 5, July 16, 1970, No. 27555). The court, in discussing the impact of the 1969 Act on *all* Federal agencies, said:

"This Act essentially states that every federal agency shall consider ecological factors when dealing with activities which may have an impact on man's environment. (Footnote omitted.)

"Although this Congressional command was not in existence at the time the permit in question was denied, the correctness of that decision must be determined by the applicable standards of today."

This statement of the court's is applicable to S. 719 when, and if, it is finally enacted. But it will be the responsibility of conservationists and those concerned with workers' health and safety to be ever vigilant that the Interior Department continues to view this legislation as not providing new authority.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in the RECORD on the bill S. 719.

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

There was no objection.

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

AUTHORIZING SECRETARY OF INTERIOR TO ENTER INTO CONTRACTS FOR PROTECTION OF PUBLIC LANDS FROM FIRES

The Clerk called the bill (S. 3777) to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts.

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

S. 3777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to enter into contracts for the use of aircraft, and for supplies and services, prior to the passage of an appropriation therefor, for protection from fire of public lands administered by him. He may renew such contracts annually, not more than twice, without additional competition. Such contracts shall obligate funds for the fiscal years in which the costs are incurred. Each such contract shall provide that the obligation of the United States for the ensuing fiscal years is contingent upon the passage of an applicable appropriation, and that no payment shall be made under the contract for the ensuing fiscal years until such appropriation becomes available for expenditure.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, S. 3777 is designed to give the Secretary of the Interior greater flexibiltiy to contract for firefighting equipment and facilities and to extend or renew such contracts beyond a single fiscal year.

Present law prohibits the making of contracts which obligate the Government in advance of appropriations. This usually means that firefighting contracts expire on June 30 of each year and new contracts must then be negotiated to carry onto the next fiscal year. The termination of these contracts occurs at the height of the firefighting season when both the Government and the contractor frequently are engaged in fighting fires. This leaves little time to renegotiate or renew contracts and is a disruptive and inefficient method of operation.

S. 3777 would authorize the Secretary to enter into contracts for tanker aircraft, and other firefighting supplies and services, for an entire fire season and then to renew such contracts not more than twice. These contracts could be entered into in advance of appropriations but would be contingent upon the appropriation of the necessary funds.

Besides providing uninterrupted firefighting services that carry over from one fiscal year to the next, S. 3777 would permit a more efficient and a more economical operation. Because the owners of tanker aircraft could look forward to at least two annual contract renewals, they could amortize their costs over a 3-year period, rather than the present 1 year, and reduce overall costs to the Government. This will bring about more ecoomical as well as better services.

While the authority granted by S. 3777 is new insofar as the Secretary of the Interior is concerned, the Secretary of Agriculture presently has similar authority for the suppression of fires on national forest lands.

Mr. Speaker, I recommend favorable action on S. 3777.

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

INCREASING PER DIEM ALLOWANCE FOR AMERICAN BATTLE MONUMENTS COMMISSION MEMBERS

The Clerk called the bill (H.R. 18731) to amend the act of July 25, 1956, relating to the American Battle Monuments Commission.

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

H.R. 18731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to extend authority of the American Battle Monuments Commission to all areas in which the Armed Forces of the United States have conducted operations since April 6, 1917, and for other purposes," approved July 25, 1956 (70 Stat. 640), is amended by striking out the second paragraph thereof and inserting in lieu thereof the following:

"The members of the Commission shall serve as such without compensation, except that (1) their actual expenses in connection with the work of the Commission, and (2) when in a travel status, a per diem of $40 in lieu of subsistence, may be paid to them from any funds appropriated for the purpose of sections 121, 122b, 123-125, 127, 128, 131, 132, and 138-138b of this title, or acquired by other means authorized by said sections."

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the second paragraph of the first section of the Act entitled "An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes,' approved March 4, 1923 (42 Stat. 1509, as amended by the Act of July 25, 1956, 70 Stat. 640; 36 U.S.C. 121), is amended by deleting therefrom '$20' and inserting in lieu thereof '$40'."

The committee amendment was agreed to.

Mr. TEAGUE of Texas. Mr. Speaker, this bill proposes to increase the per diem allowance from $20 to $40 for members of the American Battle Monuments Commission when they travel on official business outside of the United States. Members of the Commission serve without compensation and the $20 existing travel allowance was set in 1956. During the 14 years intervening, there has been a considerable increase in the cost of such travel. The committee believes that the increase is warranted and recommends favorable action.

The Commission advises that it has received $13,501 for per diem during the past 5 years, an average expenditure annually of approximately $2,700. Assuming the same experience in the forthcoming 5 years, the cost of this bill would be in the neighborhood of $2,700 annually.

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

The title was amended so as to read: "A bill to increase from $20 to $40 per day the per diem allowance authorized in lieu of subsistence for members of the American Battle Monuments Commission when in a travel status."

A motion to reconsider was laid on the table.

CONCURRENT JURISDICTION OVER CERTAIN LANDS OWNED BY THE FEDERAL GOVERNMENT

The Clerk called the bill (H.R. 13301) to provide for the adjustment by the Ad-

ministrator of Veterans' Affairs, of the legislative jurisdiction over lands belonging to the United States which are under his supervision and control.

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

H.R. 13301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 5007. Relinquishment of legislative jurisdiction

"The Administrator, on behalf of the United States, may relinquish to the State in which any lands or interests therein under his supervision or control are situated, such measure of legislative jurisdiction over such lands or interests as he deems necessary or desirable. Such relinquishment of legislative jurisdiction shall be initiated by filing a notice thereof with the Governor of the State concerned, or in such other manner as may be prescribed by the laws of such State, and shall take effect upon acceptance by such State."

(b) The table of sections at the beginning of chapter 81 of title 38, United States Code, is amended by adding after

"5006. Property formerly owned by National Home for Disabled Volunteer Soldiers."

the following:

"5007. Relinquishment of legislative jurisdiction."

Mr. TEAGUE of Texas. Mr. Speaker, the bill authorizes the Administrator of Veterans' Affairs, with respect to Federal lands under his jurisdiction, to relinquish to a State in which the land is situated such measure of legislative jurisdiction as he deems desirable. The relinquishment of jurisdiction would be subject to acceptance by the State, it is identical in purpose with Public Law 91–45 which was limited to Fort Harrison, Mont. This legislation would bar a piecemeal approach to this problem which arises because the United States has exclusive legislative jurisdiction over a substantial portion of the Federal lands under the jurisdiction and control of the Veterans' Administration.

For sometime there have been increasing problems of both minor incidents and serious crimes at VA field stations and in getting appropriate and prompt action concerning these from law enforcement agencies.

Many VA facilities, particularly in metropolitan areas, are located in communities of increasing tensions where demonstrations and rioting present problems of insuring the safety of VA patients and employees and the protection of VA buildings and equipment from damage. In connection with the general trend in the increase in assaults, thefts, and robberies throughout the Nation, there is concern regarding these matters at VA installations. Also, there is continuing concern over the possibility of bodily harm to VA patients and employees by present and former mental patients, or disgruntled veterans and beneficiaries. In fact, recently a former mental patient returned to a VA hospital and went on a shooting spree that left three employees dead and a fourth seriously wounded before the veteran left the station unhindered. Also, with the increasing use of drugs throughout the country, especially on the part of returning Vietnam veterans, illicit drug traffic in VA hospitals could become a serious problem.

The authority given the Administrator under the bill, when exercised, would, among other things, allow State or local police to have jurisdiction over certain criminal matters on the station. In conjunction with coverage by Federal law-enforcement agencies, this would immeasurably improve the protection afforded VA patients, employees, and property.

The Veterans' Administration estimates that this proposal would entail little, if any, cost.

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

PROVIDING FOR THE CONVEYANCE OF CERTAIN REAL PROPERTY OF THE UNITED STATES TO THE YANKTON SIOUX TRIBE

The Clerk called the bill (H.R. 13519) to provide for the conveyance of certain real property of the United States to the Yankton Sioux Tribe.

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

H.R. 13519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall convey, without monetary consideration, to the Yankton Sioux Tribe of Indians, all right, title, and interest of the United States in and to the following real property consisting of 19.57 acres more or less and more particularly described as follows: County of Charles Mix, State of South Dakota, southwest quarter southwest quarter, section 26 in township 94 north, range 64 west of the fifth principal meridian, described as follows:

Beginning at a point 4 chains and 36 links east of the southwest corner of said section 26; running thence north 31 degrees 30 minutes east 6 chains and 52 links; thence north 58 degrees 30 minutes west 54½ links; thence north 31 degrees 31 minutes east 16 chains and 83 links; thence east 3 chains and 87 links to the northeast corner of the southwest quarter of the southwest quarter of said section 26; thence south 19 chains and 98 links to the southeast corner of said 40-acre tract; then west 15 chains and 44 links to the place of beginning; containing 19.57 acres, more or less.

With the following committee amendments:

Page 1, lines 3 through 11, strike out the present text and insert in lieu thereof:

"That all right, title, and interest of the United States in and to the following described federally owned land situated in the southwest quarter southwest quarter, section 26, township 94 north, range 64 west, fifth principal meridian, South Dakota, are hereby declared to be held by the United States in trust for the Yankton Sioux Tribe:"

Page 2, line 5, after "31 minutes" insert "east".

Page 2, after line 11, add a new section 2 reading as follows:

"SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission."

The committee amendments were agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 13519 is to convey to the Yankton Sioux Tribe 19.57 acres of Federal land. The conveyance will be about consideration, but if the tribe recovers any judgment against the United States in the Indian Claims Commission the Commission will consider the value of the land as a possible setoff. The land has a current value of $2,000.

The land originally belonged to the tribe, but it was conveyed to the Episcopal Church in 1895 for a school. In 1902, the school was closed and the land was purchased by the Bureau of Indian Affairs for $7,000. The buildings were removed, and the tribe has been using the land for the past 30 years.

The tribe now plans to develop the land for a low-cost housing project. The Department of Housing and Urban Development has approved the project, but title to the land must be transferred to the tribe before the project can proceed. The Federal Government has no foreseeable use for the land, and its use for a housing project would be highly beneficial to the Indians.

The committee amendments make the bill self-executing, correct a typographical error, and incorporate the standard setoff language.

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

The title was amended so as to read: "To declare that the United States holds 19.57 acres of land, more or less, in trust for the Yankton Sioux Tribe."

A motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF INTERIOR TO DECLARE UNITED STATES HOLDS IN TRUST CERTAIN LANDS FOR THE EASTERN BAND OF CHEROKEE INDIANS OF NORTH CAROLINA

The Clerk called the bill (H.R. 16811) to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes.

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

H.R. 16811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized, upon request of the tribal council of the Eastern Band of Cherokee Indians of North Carolina, to declare by publication of a notice in the Federal Register that the United States holds in trust for said band of Indians, subject to valid existing rights, all of the right, title, and interest of the United States in any of the federally owned lands within the Cherokee Indian Reservation, together with

the improvements thereon, that are now or hereafter become excess to the needs of the government for the administration of Indian affairs.

With the following committee amendment:

Page 2, line 4, strike out "affairs." and insert "affairs, as determined by the Secretary of the Interior."

The committee amendment was agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 16811 is to authorize a conveyance to the Eastern Band of Cherokee Indians of North Carolina of any Federal lands within the Cherokee Reservation that may become excess to the needs of the Bureau of Indian Affairs.

The Federal Government owns 137.13 acres of land on the Cherokee Reservation, and the minerals and a reversionary interest in an additional 2.1 acres. All of the land was donated to the United States by the tribe for use for administrative and school purposes.

At the present time 8.11 acres and the minerals and reversionary interest of 2.1 acres are excess to administrative needs and could be conveyed to the tribe under the provisions of the bill. The remainder of the land could be conveyed in the future if it becomes excess.

The value of the land, exclusive of improvements, is $630,220. The improvements consist of the usual buildings and facilities that are found at an Indian agency and school. The book value of the improvements is $1,952,728. About 61 of the buildings are presently needed by the Government and will be retained as long as needed. Under existing law—act of August 6, 1956, 70 Stat. 1057—the buildings can be conveyed to the tribe when they are no longer needed, but the enactment of this bill is needed to authorize the conveyance of both land and buildings.

The lands are within the reservation, were donated by the tribe for Federal use, and should be returned to the tribe when the Federal need for the land ceases. On most other reservations, where lands needed for administrative and school purposes are usually reserved by administrative action, the lands can be restored to the tribe by administrative action revoking the reserve. That procedure cannot be followed in this case, however, because the United States acquired the title to the land in fee. Legislation is needed to authorize a return of the lands.

The tribe has plans for the use of lands that are presently excess, and is actually occuping them under a revokable permit. The economy of the reservation is based primarily on tourism, and as the Federal lands become excess they will be used for that purpose.

Mr. TAYLOR. Mr. Speaker, by way of explanation of the bill, let me point out that the Bureau of Indian Affairs has under its administrative jurisdiction at Cherokee, N.C., two kinds of lands. The first of these is land which is owned by the Eastern Band of Cherokee Indians and turned over to the Bureau of Indian Affairs for administrative purposes. The second of these are lands which are owned outright by the Federal Government.

In relation to the second category, from time to time certain of these lands become surplus to the needs of the BIA and can in contrast be used effectively for the well-being of the Cherokee Indians. Under present statutes, such lands can be turned over to the Eastern Band of Cherokee Indians only through congressional action.

The purpose of this act is to provide legislation which would enable the Secretary of Interior to turn over to the Eastern Band of Cherokee Indians any such Government-owned lands by administrative order at the point that they are no longer needed by the Bureau of Indian Affairs.

At present, there are four parcels of land which the Bureau of Indian Affairs desires to return to tribal status. The first of these is the land upon which the Cherokee Tribal Council House is located. Two of the parcels relate to former day school sites which are no longer used for school purposes and which the Bureau proposes to return to tribal status for community purposes. The fourth parcel relates to lands on which activities of the Cherokee Historical Association are now being carried out and which it is proposed would be leased to the historical association from the tribe following return of the parcel. The total acreage involved is 10.21 acres.

The lands involved were originally purchased in most instances by the Federal Government from the Eastern Band of Cherokee Indians in order to provide various services to the Cherokee people. Inasmuch as it is the desire of the Federal Government not to maintain possession of lands which are surplus to its needs, and since such lands are frequently of economic or social value to the Cherokee people, it is the desire of the Bureau of Indian Affairs and seems proper to return such land to the tribe. Also, it is no longer the practice today for the Government to purchase lands needed for administrative purposes from Indian tribes, but rather, by mutual consent, when additional lands are needed, it is now the practice to accomplish this by placing these lands in an administrative reserve. When such lands later become surplus to the Government's needs, they can be returned to the tribes administratively.

This bill would simply provide a mechanism for the return of lands which are owned outright by the Federal Government and can be returned only through an act of Congress.

This legislation was requested by the Tribal Council of the Eastern Band of Cherokee Indians by a resolution dated October 23, 1969. Enactment of the legislation will not obligate the Federal Government to any expense whatsoever. These small tracts of Indian land at Cherokee will be made more useful and usable by the Indian tribe.

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

The SPEAKER. This concludes the call of the Consent Calendar.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 306]

Addabbo	Foreman	Powell
Alexander	Fraser	Price, Tex.
Anderson, Tenn.	Frelinghuysen	Pucinski
Ashley	Fulton, Tenn.	Purcell
Ayres	Galifianakis	Quie
Barrett	Gallagher	Rees
Blanton	Giaimo	Reid, N.Y.
Blatnik	Gilbert	Reifel
Boggs	Goldwater	Rogers, Colo.
Bow	Green, Pa.	Rosenthal
Brock	Halpern	Roudebush
Brooks	Hansen, Idaho	Rousselot
Brown, Mich.	Harrington	Roybal
Burton, Utah	Harsha	Ruppe
Bush	Hawkins	St Germain
Button	Holifield	Sandman
Cabell	Horton	Satterfield
Casey	Johnson, Pa.	Scheuer
Celler	Karth	Schneebeli
Chamberlain	Kastenmeier	Shipley
Chappell	Koch	Slack
Chisholm	Kuykendall	Smith, N.Y.
Clark	Landrum	Snyder
Clawson, Del	Lloyd	Stratton
Clay	Long, La.	Taft
Collier	Lowenstein	Thompson, Ga.
Conte	McCarthy	Thompson, N.J.
Conyers	McCulloch	Tunney
Corman	McEwen	Udall
Cowger	McFall	Ullman
Daddario	McKneally	Van Deerlin
Dawson	MacGregor	Vigorito
Delaney	Melcher	Waldie
Dennis	Michel	Watson
Dickinson	Minshall	Weicker
Diggs	Mize	Whalley
Dowdy	Monagan	Whitehurst
Dwyer	Morton	Widnall
Edwards, Ala.	Murphy, N.Y.	Wilson, Bob
Esch	O'Konski	Wilson, Charles H.
Fallon	Olsen	Wold
Farbstein	Ottinger	Wolff
Findley	Patman	Wydler
Fish	Pettis	Zwach
Flynt	Philbin	
	Podell	

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 294 Members have answered to their names, a quorum.

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

ALLOWING PURCHASE OF ADDITIONAL SYSTEMS AND EQUIPMENT FOR PASSENGER MOTOR VEHICLES OVER AND ABOVE STATUTORY PRICE LIMITATION

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2763) to allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation.

The Clerk read as follows:

S. 2763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of subsection (c) of section 5 of the Act of July 16, 1914, as amended (31 U.S.C. 638a), is hereby amended to read as follows:

"(1) to purchase any passenger motor vehicle (exclusive of buses and ambulances), at a cost, completely equipped for operation, and including the value of any vehicle exchanged, in excess of the maximum price therefor, if any established pursuant to law by a Government agency and in no event more than such amount as may be specified in an appropriation or other Act, which shall be in addition to the amount required for transportation. A passenger motor vehicle shall be deemed completely equipped for operation if it includes the systems and equipment which the Administrator of General Services finds are customarily incorporated into a standard passenger motor vehicle completely equipped for ordinary operation. Notwithstanding any other provisions of law, additional systems or equipment may be purchased whenever the Administrator finds it appropriate. The price of such additional systems or equipment shall not be considered in determining whether the cost of a passenger motor vehicle is within any maximum price otherwise established by law;".

The SPEAKER pro tempore (Mr. ALBERT). Is a second demanded?

Mr. BUCHANAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation would authorize the acquisition of extra equipment on Government automobiles over and above the statutory price limitations.

Under present law, the Government cannot pay more than $1,650 for sedans, and $1,950 for station wagons. These limitations do not leave much margin for items such as automatic transmissions, air conditioning, extra pollution control devices, and other equipment which is normally considered to be optional on automobiles.

It would be beneficial to the Government to include some of these items on many of its automobiles. There are a number of pollution control devices being tested that could be helpful in reducing air pollution, but under existing statutory provisions, the Government cannot acquire them for its automobiles in any sizable number. If we in the Congress are serious about attacking the air pollution problems of this country, we must authorize Federal officials to procure the best pollution control equipment available. At the present time, this authority does not exist.

Air conditioning in automobiles has become almost a necessity in the hot and humid areas of the country where temperatures inside the auto may reach 125°. The improvement in employee efficiency and morale and the increase in the use of Government-owned vehicles in lieu of rental cars, along with the increased resale values, will more than offset any added costs.

Automatic transmissions, power steering, and other such equipment have become so commonplace that the absence of them can constitute a safety hazard, the cost of many of these items would in most cases be more than recovered in the increased resale value of the automobile.

The amount that would be recouped in the increased resale value of the autos is of no consideration under the present statutes, even though studies have shown that an automatic transmission, which would cost the Government about $125 per car, may add as much as $200 to the value of a 1-year-old vehicle, and $50 to $100 to the value of a 5-year-old car.

The approach in this legislation avoids raising the statutory limit which the Government cannot exceed in acquiring its automobiles. An increase in the statutory limitation might easily result in increased expenditures without receiving the additional equipment which this bill authorizes. This bill would assure that any increased initial expenditures would be the results of the Government's acquiring better equipped automobiles for the use of its employees.

This legislation does not authorize the acquisition of all available optional equipment on all Government automobiles. It does allow the GSA flexibility in equipping Government autos to best serve the needs for which they are acquired. I recommend, Mr. Speaker, that the legislation be approved.

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

Mr. MOORHEAD. I will be delighted to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding, and I know that the Bureau of the Budget—to use its former name—in the Executive Office of the President, have stated they have no objection, but I would ask the gentleman if this additional cost is budget for the fiscal year in which the purchases or the increased allowable expense per car would be obligated?

Mr. MOORHEAD. I would say to the gentleman that I do not believe this additional expense has been budgeted but, of course, as the gentleman from Missouri pointed out, the Bureau of the Budget is endorsing the legislation on the belief that it is fiscally sound, and will result in savings to the Government.

Mr. HALL. Mr. Speaker, would the gentleman care to comment on the timeliness of this bill and its inherent expenses, and about whether this is the proper time to expend more in order to save more in the future, even though it is building and leaning on the thin reed of making the cars more valuable for turn-in and sellout variety? It has been my experience in trading in a car and/or turning it in, that they did not pay a bit of attention to whether it is air conditioned or whether it has hydramatic and so forth on it, or not; they just look at the blue book and the model, and the time, and they allow so much on these trade-ins.

But be that as it may, my real question is whether or not in a nonbudgeted item, one not included in the budget for this year, and when we are trying to fight inflation and react so as to stabilize the country's money, whether we should not be deferring this maybe for an additional year or two?

I would appreciate the gentleman who is handling the bill commenting, regarding the timeliness of this increased expenditure which, as I understand, allows for extras and increases from $400 to $800 per vehicle.

Mr. MOORHEAD. If the gentleman will permit, I share the concern of the gentleman, but I believe that if this is a money-saving approach, as I think it is, and if the GSA is probably going to shift to a one-year program on owning automobiles, I think that the sooner we get into this program the better.

On the other point the gentleman raised, I understand that the blue book does have additions for automatic transmissions, air conditioning, and major items of this type so that I think it clearly will result in a savings.

Mr. HALL. Mr. Speaker, if the gentleman will yield, did the gentleman mean to imply that the Director of the GSA wants to turn these cars over annually from now on?

Mr. MOORHEAD. The Administrator of the GSA is making a survey to see whether this would result in less cost to the Government than the present 6-year or 60,000-mile program. He said that preliminary indications are that 1-year this would save the Government money.

Mr. HALL. Does the gentleman feel, based on the studies of his committee—and I did search for it in the report, and I have read it in detail—that this applies to sedans and station wagons, or does this also apply to the fleet of limousines that we have around the Capitol here that all the heads of agencies apparently now have, or does it apply to the leased cars that our subcommittee chairmen can use?

Mr. MOORHEAD. I will say to the gentleman that this applies only to the sedans and station wagons. The automobiles authorized for the President and for the heads of departments of the executive branch and others, are not subject to this $1,650 limitation.

Mr. HALL. I thought so, and that the limousines that are built and equipped with air conditioning and status symbols such as reading lights in the rear, and telephones and automatic this and that, that this figure could not imaginably apply to those limousines.

One final question—and the gentleman has been very generous, and I will not prolong this—this business of air conditioning the cars at this particular time worries me, and that is one of the reasons I thought we ought to make some legislative record, rather than handle this on the unanimous consent calendar.

For a long time, for example, in the construction budgets air conditioning has been allowed in the construction, just as this bill would make it allowable in the purchase of sedans and station wagons, as I read and interpret the bill, but only where the Director or the Administrator of GSA so indicates. Similarly in the construction, be it HUD construction or military construction, there is a formula developed for air conditioning based on climatic and humidity control and various other factors in the input of a satisfactory formula? You come out with a figure, whether air conditioning is worthwhile for a given number of days out of a year.

Does the gentleman in his wisdom think that a similar plan would or would not apply under the Administrator of GSA, so far as the purchase of these cars is concerned?

For example, it is perfectly useless in northern Minnesota, for example, to have air-conditioned sedans and station wagons, in my opinion. The same could be said for the naturally air-conditioned city of San Francisco.

Mr. MOORHEAD. If the gentleman will permit me, the Administrator said that he would purchase these only for use in hot and humid parts of the United States.

For example, I think the annual purchase is approximately 20,000 automobiles per year. In the testimony before the committee, he was talking in terms of only 2,000 of these automobiles having air conditioning.

So under his intended administrative powers, he would be only equipping a minority of the automobiles with air conditioning.

Mr. HALL. The gentleman's words are very reassuring and I find no quarrel with that particular proportion in southern and humid areas so far as the activity or survivability of Government workers who use these interagency automobiles is concerned.

So, we finally come down to the question of 20,000 annual car purchases times a $400 annual increase per car over an existing $400 of extra allowables. Of course, this comes to a considerable sum in the millions per year of expenditure—and hence the question of its timeliness.

Mr. MOORHEAD. Let me say to the gentleman, it is not anticipated that all of this equipment will be used or put on all of the cars. We do not anticipate this air conditioning would be on all of the cars. Rustproofing would not be on all of the cars, but only on those cars which would be exposed, let us say, to salt spray in certain areas and it would be a money-saving device.

Mr. HALL. This extra $400 includes undercoating on all the GI vehicles; does it not?

Mr. MOORHEAD. It is my understanding that undercoating is permitted under the existing law. But rustproofing is not, but it would be permitted if this bill is passed.

Mr. HALL. I thank the gentleman.

Mr. MOORHEAD. I thank the gentleman.

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

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

Mr. GROSS. Mr. Speaker, I rise to ask the gentleman from Pennsylvania a question or two.

For instance, there are hearing examiners who must travel in the Southern States. Will they be paid a higher mileage rate, if they are using their own cars, in order to equip and maintain their cars with air conditioning? What is going to be the story with respect to these Federal employees?

Mr. MOORHEAD. That is not covered by this legislation whatsoever.

Mr. GROSS. What do you propose to do with them?

Mr. MOORHEAD. So far as this legislation is concerned, I have no proposal as to that. This is merely for vehicles owned by the Federal Government.

Mr. GROSS. You have made a point in the report accompanying this bill about the greater productivity of the employees that will result from air conditioning these vehicles. Can the gentleman give us any estimate of the greater productivity? I have failed to find very many instances of where pay and other fringe benefits increased the productivity. Instead, more people are being added to the payroll all the time.

I wonder if the gentleman can give us any idea of the increased productivity that will result from air conditioning, putting power steering, automatic transmissions, disc brakes, and various other devices on them?

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

Mr. GROSS. I am glad to yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. I have been told that before buildings were air conditioned there were times when the temperature and the humidity were so high that they actually closed down offices. Of course, employees who could not be productive would be sent home. I think there is something similar to that situation and the situation covered by the pending legislation. A man who has to drive in a hot automobile to take care of Government business is worn out from driving in an automobile that may have a temperature of 125 degrees.

Similarly, if he does not have power steering, and he has to drive a long way, he is similarly worn out. Disk brakes are a matter of safety, and a Federal employee who is involved in an automobile accident is obviously losing productivity.

Mr. GROSS. Let me observe that somehow or other we managed to stagger through a great many years in this Government, first back in the days of horses and buggies, and then with automobiles, and we never thought of air conditioning an automobile. It is beyond belief how we managed to keep a government going, relying upon people who had to travel in non-air-conditioned trains and in non-air-conditioned automobiles. I am surprised that this Government ever survived. I doubt very much that there will be increased productivity; some Federal employees will be made more comfortable at a much greater cost to the taxpayers.

Mr. MOORHEAD. Let me say one thing. A few years back the GSA conducted a test program. They found that employees in the southern part of the country, when they could get away with it, would rent air-conditioned vehicles.

Mr. GROSS. I do not doubt that.

Mr. MOORHEAD. When the Government put in air-conditioned vehicles, the use of the air-conditioned vehicles went up as much as 23 percent. That is another example of the increased productivity that is of advantage to the Government.

Mr. GROSS. If we are going to pass this kind of legislation, we ought to do something for the employees, particularly in the hot areas of the United States, who must use their own cars because Government vehicles are not available. I say again that if this bill is approved Congress will be confronted with an increase in the mileage costs of those who drive their own air-conditioned vehicles.

The SPEAKER. The time of the gentleman has expired.

Mr. BUCHANAN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Iowa.

Mr. GROSS. As to emission systems, I trust the gentleman knows that many people are taking them off their new automobiles as quickly as they can get a mechanic to take them off, because they cut down on horsepower, and they claim they cannot get the proper mileage per gallon of gasoline out of a car that is so equipped. I do not know that we are doing the Federal Government a favor by putting emission systems on its cars. I do not know how much of this is good and how much of it is bad. I am confident that it will cost the taxpayers of this country a lot more money before you get through with what you are starting here by way of air conditioning and adding other special equipment to Government cars.

Mr. MOORHEAD. I am sure the gentleman shares my hope that an effective emission-control device will be developed, and that the automobiles owned by the U.S. Government will be so equipped that they will not add pollution to the air.

Mr. GROSS. I hope we do not come to the day when we have to provide Federal employees with optional six-packs of ice-cold beer, and so on, to take care of their needs as they journey down the highways and byways in air-conditioned comfort.

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

Mr. Speaker, this bill was brought to the floor in the full awareness that it was a natural target because of the air-conditioning provisions which are included for a limited number of the vehicles which will be purchased by GSA. GSA purchases approximately 15,000 to 20,000 sedans and station wagons per year for use by the Federal Government, and they plan to install in appropriate climates and locations air-conditioning equipment in approximately 2,000 of them.

Mr. Speaker, I want to make clear it is the thinking of the committee and the intent of the committee that this shall result not in increased expenses in the long run but in economy for our Government, as well as in comfort and convenience for the Federal employees who will have the benefit of this air conditioning.

One of the reasons this can be an economy move is that, where there is an option to rent equipment, which does have air conditioning, such leased equipment can cost two and one-half times as much approximately as the Government's own cars, comparably equipped.

This could therefore, cut down expenses in places such as Arizona.

In addition, Mr. Speaker, the air conditioning equipped cars have a resale value which is better, as observed by the gentleman from Pennsylvania.

Since the great bureaucracy is running the country to such an extent, I think it will be good for the people if the bureaucrats can keep their cool. Some comfort for the bureaucrats might result in all sort of further action for the people, but primarily this is legislation designed to permit the administrator in limited instances the option of installing air conditioning, and it could result in a saving on rentals and increased resale value and result not in extra expense but in economy.

May I point out that the purpose of this legislation is to provide an administrative option within carefully defined limits—and I call attention to page 2 of the bill itself, which says:

> A passenger motor vehicle shall be deemed completely equipped for operation if it includes the systems and equipment which the Administrator of General Services finds are customarily incorporated into a standard passenger motor vehicle completely equipped for ordinary operation.

I think there is a limitation clearly within this verbiage. The legislation also permits the purchase of automatic transmissions and air-pollution devices. This Government is hopefully committed to leadership in the problems of environment and ecology, and yet we do not in our present provision for only bare-bones, stripped government vehicles provide any option to the GSA to purchase vehicles equipped with anti-pollution devices. This is another thing that can be achieved in this legislation.

It is the intent, therefore, of the committee that we shall achieve economies and not larger spending through this and also we will permit the administrator to use simple logic and reason in the purchase of government vehicles.

Hence, the committee has reported out this bill and recommends its passage.

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

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

Mr. GROSS. Mr. Speaker, I am delighted the gentleman has finally got environment and ecology into this. I was afraid they were going to be left out of this discussion.

Mr. BUCHANAN. Mr. Speaker, I would say to the gentleman ecology ranks with economy as a primary concern of the Government at this time.

Mr. MOORHEAD. Mr. Speaker, I yield to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I rise in support of S. 2763 which would permit the General Services Administration to purchase systems and equipment for passenger motor vehicles over the statutory price limitation.

Under present law, the price GSA can pay for sedans is limited to $1,650. This limitation precludes the acquisition of optional items on Government vehicles. Most notably, vehicles purchased by the Federal Government cannot be equipped with air-pollution-control devices, rust-proofing, and air conditioning.

The Federal Government must take the lead in the fight against all forms of pollution. It is readily admitted that emissions from automobiles are a primary source of air pollutants. As new equipment is developed for automobiles, Government vehicles should be equipped with them.

Purchase of automobiles which have been properly treated to withstand rust and corrosion resulting from salt, sand, sun, snow, and other climatic conditions makes sound economic sense since most of the additional cost will be recouped through higher resale price at the time the vehicle is disposed of.

Similarly, the extra cost of air conditioning units would be largely offset by the higher resale value of a vehicle so equipped. Further, in certain parts of the country which enjoy year-round warm climates, GSA must now resort to leasing automobiles at higher cost in order to circumvent the unrealistic restrictions placed on the purchase of vehicles. An additional benefit would result from a more flexible policy of purchasing air-conditioned automobiles; namely, studies show conclusively driving of air-conditioned vehicles in hot weather results in increased driver safety because of greater alertness and reduced fatigue as well as improved employee efficiency, productivity, and morale.

Mr. Speaker, it is clear that the enactment of this legislation is both necessary and desirable. The benefits to the government and its employees, which I have mentioned, will result from enactment of this bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania that the House suspend the rules and pass the bill S. 2763.

The question was taken.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 264, nays 42, not voting 124, as follows:

[Roll No. 307]

YEAS—264

Abbitt	Blackburn	Clark
Abernethy	Blanton	Clausen,
Adair	Boggs	Don H.
Adams	Boland	Clay
Albert	Bolling	Cleveland
Anderson,	Brademas	Cohelan
Calif.	Brasco	Conable
Anderson, Ill.	Brinkley	Corbett
Andrews, Ala.	Broomfield	Corman
Andrews,	Brotzman	Culver
N Dak.	Brown, Calif.	Cunningham
Annunzio	Brown, Ohio	Daniel, Va.
Arends	Broyhill, Va.	Daniels, N.J.
Aspinall	Buchanan	Davis, Ga.
Baring	Burke, Mass.	Davis, Wis.
Beall, Md.	Burleson, Tex.	de la Garza
Belcher	Burton, Calif.	Dellenback
Bell, Calif.	Byrne, Pa.	Denney
Bennett	Byrnes, Wis.	Dent
Berry	Caffery	Derwinski
Betts	Camp	Devine
Bevill	Carey	Dingell
Biaggi	Carter	Donohue
Bingham	Cederberg	Dorn
Downing	Jones, Ala.	Poff
Dulski	Jones, N.C.	Pollock
Duncan	Kastenmeier	Preyer, N.C.
Eckhardt	Kazen	Price, Ill.
Edmondson	Kee	Pryor, Ark.
Edwards, Calif.	Keith	Railsback
Edwards, La.	King	Randall
Ellberg	Kleppe	Reid, Ill.
Erlenborn	Kluczynski	Reid, N.Y.
Eshleman	Langen	Reuss
Evans, Colo.	Leggett	Rhodes
Fascell	Lennon	Riegle
Feighan	Long, Md.	Rivers
Findley	Lukens	Roberts
Fisher	McClory	Robison
Flood	McCloskey	Rodino
Flowers	McDade	Roe
Foley	McDonald,	Rogers, Fla.
Ford, Gerald R.	Mich.	Rooney, Pa.
Ford,	Macdonald,	Rostenkowski
William D.	Mass.	Ruth
Fountain	Madden	Ryan
Frey	Mahon	Saylor
Friedel	Mailliard	Schwengel
Fulton, Pa.	Mann	Sebelius
Fuqua	Marsh	Shriver
Garmatz	Martin	Sikes
Gaydos	Mathias	Sisk
Gettys	Matsunaga	Skubitz
Gibbons	May	Smith, Calif.
Gilbert	Meeds	Smith, Iowa
Gonzalez	Meskill	Stafford
Gray	Michel	Staggers
Green, Oreg.	Mikva	Stanton
Green, Pa.	Miller, Calif.	Steed
Griffiths	Mills	Steiger, Ariz.
Grover	Minish	Steiger, Wis.
Gubser	Mink	Stephens
Gude	Minshall	Stokes
Hagan	Mollohan	Stubblefield
Haley	Monagan	Stuckey
Hamilton	Montgomery	Sullivan
Hanley	Moorhead	Symington
Hanna	Morgan	Talcott
Hansen, Wash.	Morse	Taylor
Harvey	Mosher	Teague, Calif.
Hastings	Moss	Teague, Tex.
Hathaway	Murphy, Ill.	Tiernan
Hays	Natcher	Vander Jagt
Hébert	Nedzi	Vanik
Hechler, W. Va.	Nelsen	Waggonner
Heckler, Mass.	Nichols	Wampler
Helstoski	Nix	Watts
Henderson	Obey	Whalen
Hicks	O'Hara	White
Hogan	O'Neal, Ga.	Whitten
Hosmer	O'Neill, Mass.	Wiggins
Howard	Passman	Williams
Hull	Patten	Winn
Hungate	Pelly	Wright
Hunt	Pepper	Wyatt
Hutchinson	Perkins	Wylie
Ichord	Pickle	Yates
Jarman	Pirnie	Yatron
Johnson, Calif.	Poage	Young
Jonas	Podell	Zablocki

NAYS—42

Ashbrook	Gross	Myers
Biester	Hall	Pike
Bray	Hammer-	Quillen
Broyhill, N.C.	schmidt	Rarick
Burke, Fla.	Jacobs	Roth
Burlison, Mo.	Jones, Tenn.	Schadeberg
Clancy	Kyl	Scherle
Collier	Landgrebe	Schmitz
Collins	Latta	Scott
Colmer	Lujan	Springer
Coughlin	McClure	Thomson, Wis.
Crane	McMillan	Wyman
Evins, Tenn.	Mayne	Zion
Goodling	Miller, Ohio	
Griffin	Mizell	

NOT VOTING—124

Addabbo	Chisholm	Foreman
Alexander	Clawson, Del	Fraser
Anderson,	Conte	Frelinghuysen
Tenn.	Conyers	Fulton, Tenn.
Ashley	Cowger	Galifianakis
Ayres	Cramer	Gallagher
Barrett	Daddario	Giaimo
Blatnik	Dawson	Goldwater
Bow	Delaney	Halpern
Brock	Dennis	Hansen, Idaho
Brooks	Dickinson	Harrington
Brown, Mich.	Diggs	Harsha
Burton, Utah	Dowdy	Hawkins
Bush	Dwyer	Holifield
Button	Edwards, Ala.	Horton
Cabell	Esch	Johnson, Pa.
Casey	Fallon	Karth
Celler	Farbstein	Koch
Chamberlain	Fish	Kuykendall
Chappell	Flynt	Kyros

Landrum	Pucinski	Taft
Lloyd	Purcell	Thompson, Ga.
Long, La.	Quie	Thompson, N.J.
Lowenstein	Rees	Tunney
McCarthy	Reifel	Udall
McCulloch	Rogers, Colo.	Ullman
McEwen	Rooney, N.Y.	Van Deerlin
McFall	Rosenthal	Vigorito
McKneally	Roudebush	Waldie
MacGregor	Rousselot	Watson
Melcher	Roybal	Weicker
Mize	Ruppe	Whalley
Morton	St Germain	Whitehurst
Murphy, N.Y.	Sandman	Widnall
O'Konski	Satterfield	Wilson, Bob
Olsen	Scheuer	Wilson, Charles H.
Ottinger	Schneebeli	Wold
Patman	Shipley	Wolff
Pettis	Slack	Wydler
Philbin	Smith, N.Y.	Zwach
Powell	Snyder	
Price, Tex.	Stratton	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Burton of Utah.
Mr. Brooks with Mr. Del Clawson.
Mr. Delaney with Mr. Cowger.
Mr. Farbstein with Mr. McCulloch.
Mr. Thompson of New Jersey with Mr. McKneally.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Cabell with Mr. Bush.
Mr. Lowenstein with Mr. MacGregor.
Mr. Wolff with Mr. Horton.
Mr. Philbin with Mr. Bow.
Mr. Rogers of Colorado with Mr. Hansen of Idaho.
Mr. Casey with Mr. Cramer.
Mr. Stratton with Mr. Button.
Mr. Vigorito with Mr. Reifel.
Mr. Flynt with Mr. Johnson of Pennsylvania.
Mr. Tunney with Mrs. Chisholm.
Mr. Ottinger with Mr. Schneebeli.
Mr. Chappell with Mr. Lloyd.
Mr. McFall with Mr. Snyder.
Mr. Harrington with Mr. Powell.
Mr. Daddario with Mr. Quie.
Mr. Purcell with Mr. Roudebush.
Mr. Roybal with Mr. Taft.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Barrett with Mr. Watson.
Mr. Gallagher with Mr. Weicker.
Mr. Rees with Mr. Conyers.
Mr. Dowdy with Mr. Price of Texas.
Mr. Murphy of New York with Mr. Whitehurst.
Mr. Melcher with Mr. Thompson of Georgia.
Mr. McCarthy with Mr. Widnall.
Mr. Fallon with Mr. McEwen.
Mr. Long of Louisiana with Mr. Edwards of Alabama.
Mr. Charles H. Wilson with Mr. Pettis.
Mr. Alexander with Mr. O'Konski.
Mr. Scheuer with Mr. Diggs.
Mr. Addabbo with Mr. Ayres.
Mr. Holifield with Mr. Brown of Michigan.
Mr. Celler with Mrs. Dwyer.
Mr. Olsen with Mr. Chamberlain.
Mr. Giaimo with Mr. Conte.
Mr. Rooney of New York with Mr. Fish.
Mr. Rosenthal with Mr. Esch.
Mr. Satterfield with Mr. Dennis.
Mr. Slack with Mr. Foreman.
Mr. Galifianakis with Mr. Dickinson.
Mr. Shipley with Mr. Harsha.
Mr. St Germain with Mr. Mize.
Mr. Pucinski with Mr. Ruppe.
Mr. Patman with Mr. Morton.
Mr. Kyros with Mr. Rousselot.
Mr. Ashley with Mr. Sandman.
Mr. Udall with Mr. Smith of New York.
Mr. Karth with Mr. Whalley.
Mr. Ullman with Mr. Frelinghuysen.
Mr. Koch with Mr. Hawkins.
Mr. Waldie with Mr. Halpern.
Mr. Fraser with Mr. Wold.
Mr. Van Deerlin with Mr. Goldwater.
Mr. Landrum with Mr. Bob Wilson.
Mr. Wydler with Mr. Zwach.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed (S. 2763).

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

There was no objection.

PENALTIES FOR ILLEGAL FISHING IN FISHERY ZONE

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14678) to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 14678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels", approved May 20, 1964 (16 U.S.C. 1082), is amended—

(1) by striking out "$10,000" in subsection (a) thereof and inserting in lieu thereof $100,000", and

(2) by adding at the end of subsection (b) the following new sentence: "For the purposes of this Act, it shall be a rebuttable presumption that all fish found aboard a vessel seized in connection with such violation of this Act were taken or retained in violation of this Act."

SEC. 2. The first sentence of section 3(a) of such Act of May 20, 1964 (16 U.S.C. 1083), is amended to read as follows: "Enforcement of the provisions of this Act is the joint responsibility of the Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating, and each such Secretary may, by agreement with any other Federal department or agency, utilize the equipment (including aircraft and vessels) of that department or agency to carry out such enforcement."

SEC. 3. Such Act of May 20, 1964 (16 U.S.C. 1081–1085), is further amended by adding at the end thereof the following new subsection:

"SEC. 6. The Secretary of the Treasury may pay to any person, other than an officer of the United States or a person authorized to function as a Federal law enforcement agent under this Act, compensation of not more than $5,000 if such person submits to any such officer or authorized person original information concerning any violations, perpetrated or contemplated, of this Act and such information leads to any penalty or forfeiture incurred for violation of this Act."

The SPEAKER pro tempore. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 14678 is to increase the protection of the fisheries resources of our territorial sea, our exclusive fisheries zone, and those fisheries resources of the Continental Shelf which appertain to the United States.

Mr. Speaker, as many of my colleagues will recall, prior to 1964 Federal law was not expressively prohibitive in that it did not make it abundantly clear that foreign vessels were denied the privilege of fishing within the territorial waters of the United States. Furthermore, an even more serious inadequacy in the law was the lack of effective sanctions. There was no penalty provision nor was there any provision that provided for the seizure and forfeiture of vessels or their cargoes illegally fishing in the U.S. waters. At that time the United States recognized a 3-mile territorial sea and a 3-mile exclusive fisheries zone and the illegally fishing in these waters was to have the Coast Guard order the vessel to leave and escort her to the high seas.

Mr. Speaker, the Congress recognized this inadequacy in the law and in May of 1964—as a result of legislation reported by the Merchant Marine and Fisheries Committee—enacted Public Law 88–308. That law made it unlawful for any foreign vessel or any person in charge of such vessel to engage in the fisheries within the territorial waters of the United States. In addition, that law made it unlawful for such vessels and persons to take any fishery resource of the Continental Shelf which appertains to the United States and to engage in the fisheries within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters. Also, the law provided sanctions for the first time. Violators could be fined up to $10,000 or imprisoned for 1 year, or both. Vessels—including its tackle, apparel, cargo, and stores—were authorized to be seized and forfeited and all fish found on board the vessel, that was taken in violation of the act, were automatically forfeited.

Mr. Speaker, as previously stated, the United States only recognized a 3-mile exclusive fisheries zone at that time. This zone proved to be inadequate, as foreign fishing vessels continued to expand in our off-shore fisheries. Again the Merchant Marine and Fisheries Committee took the initiative and in 1966 reported legislation which resulted in the enactment of Public Law 89–658. This law established a 9-mile exclusive fisheries zone contiguous to our territorial sea. This, in effect, extended the fisheries zone out to a distance of 12 miles from our shores.

Mr. Speaker, despite this additional protection to our fisheries, fishing by foreign vessels off our coastal shores still continued to increase. In fact, at hearings held by my Subcommittee on Fisheries and Wildlife in Alaska last year, Coast Guard witnesses stated that less than 10 percent of foreign vessels illegally fishing within our exclusive fisheries

zone off the coast of Alaska were actually being apprehended. As a result of this increased pressure, some valuable species of fish and marine life which inhabit this 12-mile zone are in danger of being seriously depleted and in some cases of becoming extinct.

Mr. Speaker, again the Merchant Marine and Fisheries Committee has recognized the inadequacy of the law. We are hopeful that the legislation recommended for passage today will put an end to foreign violations in our 12-mile fisheries zone.

Mr. Speaker, there are four major changes that would be provided by H.R. 14678 and I would like to briefly discuss them at this time.

The first two changes occur in section 1 of the bill. This section would authorize an increase in the maximum penalty for illegal fishing from $10,000 to $100,000, and in addition, would provide that all fish found aboard the seized vessel would be presumed to have been taken in violation of the law. As previously indicated, all fish taken in violation of the law are automatically forfeited. The courts have been reluctant to require forfeiture in this regard because of the difficulty in proving the fish were caught within the 12-mile zone. The presumption provided under this section would assist in alleviating that situation in that the burden would be upon the operator to prove that the fish were legally taken.

The third major change occurs in section 2 of the bill. This section would rewrite present law to authorize the Secretaries of the Interior, Treasury, and the Department in which the Coast Guard is operating, by agreement to utilize equipment—including aircraft and vessels—of any other Federal department or agency in carrying out enforcement responsibilities under the law. I sincerely feel that an increase in the number of patrols in critical areas, and at certain times of the year when fishing is at its best, would have a salutary effect and greatly assist in reducing foreign intrusions in our exclusive fisheries zone. I hope that these departments will take the recommendations of the committee and make exery effort to coordinate patrols and enforcement techniques and utilize aircraft and ships from the U.S. Navy and Air Force on a regular scheduled basis in carrying out their enforcement responsibilities under the act.

The fourth major change occurs in section 3 of the bill. This section would add a new section 6 to this act to authorize for the first time, the Secretary of the Treasury to pay up to $5,000 to informers whose information leads to any penalty or forfeiture incurred for violations of the act.

Mr. Speaker, H.R. 14678, as amended, was unanimously reported by the Merchant Marine and Fisheries Committee, and it contains all amendments recommended by the Departments reporting on the legislation. There were no governmental departments opposing the legislation and all witnesses testifying at the hearings were unanimous and expressing their support of the legislation.

Mr. Speaker, H.R. 14678 was introduced by the distinguished chairman of our Committee on Merchant Marine and Fisheries and cosponsored by 23 other members of the committee. I congratulate the chairman in bringing this legislation to the attention of the committee and I would like to take this opportunity to thank the members of the Committee on Merchant Marine and Fisheries who have worked so diligently in the passage of this legislation. I am particularly appreciative of the efforts of the ranking majority member of my Subcommittee on Fisheries and Wildlife Conservation, Congressman LENNON, the ranking minority member of my subcommittee, Congressman PELLY, and Congressmen ROGERS, POLLOCK, and SCHADEBERG. Mr. Speaker, I join my colleagues in urging prompt passage of the bill.

Mr. Speaker, I yield to my distinguished friend, the chairman of the Committee on Merchant Marine and Fisheries (Mr. GARMATZ).

Mr. GARMATZ. Mr. Speaker, the U.S. commercial fishing fleet is in a sad state of decline. Since the early 1940's, when it ranked second among the world's fishing nations, it has continued that decline. It now stands in fifth place, behind Japan, Peru, U.S.S.R., and Communist China.

This important domestic industry needs all the help we can offer it. And, next to direct subsidy for research and for more modern, efficient vessels, one of the best ways to help it is to expeditiously pass and enact my bill, H.R. 14768.

This legislation is important, because it seeks to protect our Nation's exclusive 12-mile fisheries zone. And this fisheries zone is important because approximately 80 percent of all fish and shellfish caught by the American fishery industry is taken within this zone. That rather impressive statistic should make it obvious that we must move now to protect this rich source of fishery resources, before it is ruthlessly decimated by foreign fishing pressures.

The pressure from foreign fishing activity is a very real threat, and it is growing greater all the time. Hardly a week goes by without press reports of aggressive fishing activity by foreign fleets off our coastlines. The intensity of this activity can be appreciated by citing a flurry of activity which occurred during August 1969. During that one month, a total of 325 foreign fishing vessels were observed fishing beyond our 12-mile fishing zone off the coast of New England. These included ships belonging to the Soviet Union, Poland, East Germany, Rumania, Bulgaria, Israel, Iceland, Spain, and Norway. This is probably one of the highest counts on record, but I think it emphasizes the need to take appropriate measures to protect our fishery resource from depletion.

Unfortunately, we can do nothing about these large foreign fleets, as long as they fish beyond our 12-mile limit. But, the fact is that many of the vessels from these fleets are sneaking within our 12-mile zone and fishing illegally. The foreign vessels engage in illegal fishing for two reasons: First of all, our surveillance force is completely inadequate, and there is not much risk of getting caught; second, even when offenders are caught, the fines are not stiff enough.

My bill, H.R. 14678, seeks to make it too dangerous and too expensive for foreign vessels to risk capture. Since my distinguished colleague, the Honorable JOHN DINGELL, chairman of my Subcommittee on Fisheries and Wildlife Conservation, has already presented a detailed explanation of the legislation, there is no need for me to elaborate at this point.

Mr. Speaker, this bill was unanimously reported by my Committee on Merchant Marine and Fisheries and I hope the Congress will also respond favorably on this important piece of legislation.

Mr. DINGELL. Mr. Speaker, I yield to my good friend from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Speaker, I thank my good friend for yielding and I commend the chairman of the committee and also the chairman of the subcommittee for bringing this legislation to the House.

Mr. Speaker, I rise in support of H.R. 14678, a bill to increase the protection of the fisheries resources of the U.S. territorial waters and those fishery resources of the Continental Shelf which appertain to the United States.

During the last few years a few countries of the world have designated areas up to 200 miles off their coast as their own exclusive fishing preserves. Some of these countries have seized U.S. fishing vessels within these waters, although most nations only recognize a 15-mile limit. We cannot permit those countries which fish within our 15-mile limit to deplete our fishery resources.

There were several weaknesses in the existing law which the committee has intended to correct in the reported bill. First, the bill would authorize an increase in the maximum penalty for illegal fishing in U.S. territorial waters from $10,000 to $100,000.

Under existing law, when a foreign vessel is caught within the limit, it is difficult to prove that the fish aboard such vessels was caught in fact within the limit. This bill would place the burden of proof upon the foreign fishermen caught within the zone to show that they legally caught the fish outside U.S. fishing waters.

Again, I join my colleagues in urging prompt passage of this legislation.

Mr. DINGELL. Mr. Speaker, I yield to my friend from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I firmly believe that the time has come to curtail the violations of this Nation's traditional sovereign water rights by foreign fishing vessels.

Current penalties for violating our established fishery resource conservation zone are simply not severe enough to keep foreign fishermen out of our fishing areas—a fact that is borne out by the number of vessels which have been apprehended in our coastal area more than once in the past.

In my judgment, the current $10,000 fine is grossly inadequate and does not substantially diminish the profits that come as a result of good catches made in U.S. waters by foreign vessels.

Due to the fact that I represent a sizable portion of California's fishing industry, I have been following the problem closely for a long period of time and I am particularly pleased by the responsiveness of the committee to our requests for assistance.

The recent violations of a Soviet trawler within the 12-mile-limit, off the northern California coast, was the crowning blow. In my judgment, the intrusion of this trawler was in complete disregard of U.S. territorial integrity and, more importantly, a slap in the face of our north coast fishermen and their wives and families who depend on these fishing grounds for their livelihood.

As an outgrowth of this incident, a meeting, attended by myself and the gentlemen from Oregon (Mr. DELLENBACK and Mr. WYATT) was held with Ambassador Donald McKernan and representatives of west coast fishermen.

Dramatic evidence was presented to the Ambassador, indicating the seriousness of the problem and the absolute necessity for immediate remedial action.

While I am fully aware of the international implications, as well as our treaty obligations, something can and must be done to prevent further plundering of our fish resources within established territorial limits. Passage of legislation to extend our fishing limits to 12 miles, which I cosponsored was a step in the right direction, but it is proving to be a meager one at that.

Foreign intrusions into our territorial waters is only part of what makes American fishermen's blood boil. These intruders, particularly the Russians, are using equipment of a type that is forbidden for American fishermen and it is common knowledge that little attention is paid to established fishing seasons by those who are systematically plundering our fishing grounds.

The legislation before us will not only increase the penalty for illegal fishing to $100,000, but will also provide for the confiscation of any catch found on a vessel in violation—certainly a step that should make potential trespassers think twice before violating our territorial waters.

With talk about vigilante action on the high seas by some, it should be clearly evident that something must be done, and done immediately, before even greater damage is done to our fishing industry.

Again, my appreciation to the committee for its responsiveness and I strongly urge immediate passage of this legislation before us.

Mr. Speaker, I should like to insert as a permanent part of the RECORD at this point, two newspaper items which point up the absolute need for this legislation. The first is an editorial that appeared in the Del Norte, Calif., Triplicate on August 1, and the second, an article that appeared in the Fort Bragg, Calif., Advocate News on August 13. These two articles are just a sample of the feelings of the people of our area. All of the radio, news, and TV media have carried similar editorial and/or story content.

The articles follow:

GET THE RUSSIANS OFF THE BACKS OF OUR FISHING FLEET

(By J. J. Yarbrough)

There is now pending before the House of Representatives committee on merchant marine and fisheries a bill introduced by Congressman Don H. Clausen [R] Crescent City which would go a long way toward getting the Russian fishing fleet off the backs of U.S. fishermen.

Other bills introduced earlier by Clausen didn't get very far. And there are reasons for their failure to gain acceptance—not the least of which is the opposition of the tuna fleets.

Clausen's bill would establish a contiguous fishery zone, or two-hundred mile limit, beyond the territorial sea of the United States. The measure, H.R. 17426 provides that all waters in a 197-mile zone contiguous to the territorial sea [3-miles off shore] would be under the jurisdiction of the United States. The United States would exercise the same exclusive rights in respect to fisheries in the 200 mile zone as it now does in the territorial sea.

Opposition to such measures in the past has come from American tuna fishermen and their allies who fish for tuna off the coast of South America. And this opposition more than likely will continue.

However, the Clausen bill does offer trading leeway with the South American countries and others which the United States may permit to continue "traditional" fishing privileges. The Clausen bill provides that the Secretary of State shall, in cooperation with the Secretary of the Interior and in consultation with the affected foreign countries, determine the extent to which foreign fishing is permitted.

This probably won't solve things for the tuna boats who want to fish within the 200-mile limit of Peru. But it should mean that all nations would honor the territorial limits of each other and discontinue the senseless rape of the fishery resource.

Sightings of Russian fishing vessels off the Del Norte coast in recent weeks have triggered renewed interest in the problem. Hopefully, some action can be taken on the Clausen bill and, also hopefully, the U.S. jurisdiction will be fully enforced and no "deals" made with the Russians. It is time a halt was called to Russian depredations upon the west coast fishery. The western states, and the United States, have too much of an investment and to many people whose livelihood depends upon the resource to let it go unprotected.

The Congress of the United States—and in particular the members of the Merchant Marine and Fisheries committee—should be strongly urged to immediate action on the Clausen bill.

This newspaper urges its readers to voice their opinions and to write the "Merchant Marine and Fisheries Committee, House of Representatives, Washington, D.C., 20515, The Hon. Edward A. Garmatz, Chairman, Send a copy of Clausen.

A petition prepared by the Del Norte County Chamber of Commerce is now being circulated by the Fisherman's Wives Club, individuals and available in a number of business houses throughout the county. There is one in this newspaper office. We urge all Del Norters—and our visitors—to sign.

DON CLAUSEN COMES TO AID OF FISHERMAN

WASHINGTON, D.C.—Congressman Don Clausen (R-1st District) Friday announced that plans are taking shape for a meeting in Coos Bay, Ore., on Tuesday, Aug. 18, regarding continued intrusion of foreign vessels into U.S. waters.

Participants in the meeting in addition to Clausen, will be Congressman John Dellenback and Wendell Wyatt (both R-Oregon) and Ambassador Don McKernan, along with representatives of the fishing industry from California and Oregon.

McKernan is an undersecretary of the Department of Interior but holds the rank of Ambassador since he represents the United States in all fishery resources and oceanography matters in negotiations with foreign countries.

The meeting is in response to continuing violations of the 12-mile limit by foreign fishing boats.

In addition, Clausen announced earlier that the House Merchant Marine and Fisheries Committee had approved legislation which drastically increases the fines for invasions of the 12-mile limit by foreign fisherman.

The legislation, as reported out by the committee, increases the fine from the current $10,000 to $100,000. Clausen stated the current fine was "simply not enough," a fact that is substantiated by the number of vessels that have been apprehended more than one time.

The bill, of which Clausen is a co-sponsor, also provides for the seizure of catches found on any fishing boat that is in violation, as well as the $100,000 fine.

A further provision would authorize a reward of $5,000 to any person who provides information leading to a conviction for violation of U.S. territorial waters.

Under the measure, the Coast Guard is authorized to request assistance from any other federal agency to assist in its surveillance and enforcement activities.

Clausen is continuing to call for hearings by the Merchant Marine and Fisheries Committee on his legislation to extend the current 12-mile limit to 200 miles.

The north coast congressman was the co-author of the measure that was responsible for extending the old three-mile limit to the current 12-mile figure.

Mr. PELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, H.R. 14678, of which I am a cosponsor and wish to take this opportunity to compliment the distinguished chairman of the Subcommittee on Fisheries and Wildlife Conservation the gentleman from Michigan (Mr. DINGELL) for his great efforts during this Congress on behalf of the fishing industry of the United States. H.R. 14678 to increase the penalties for illegal fishing in our territorial waters and contiguous fishery zone is the latest in a series of important measures which have been brought to the floor during the 91st Congress to assist U.S. fishermen and to protect our vital fishery resources. Other measures which have been enacted include Public Law 91-249, amending and expanding the Anadromous Fish Conservation Act; Public Law 91-279, extending the United States Fishing Fleet Improvement Act; Public Law 91-315 consenting to amendments to the Pacific marine fisheries compact; and Public Law 91-387, extending the fishermen's loan fund.

The Fisheries and Wildlife Conservation Subcommittee has held many hours of public hearings and received testimony from hundreds of witnesses dealing with the problems confronting an American fisherman whose livelihood is seriously threatened by the activities of huge foreign fishing fleets operating off our coasts. The presence of these foreign fishing vessels relates not only to the legis-

lation we are considering today but has a strong bearing upon each of the public laws which I have just enumerated. The competitive impact of these foreign operations which are, by the way, in many instances heavily financed and in the case of the Russians totally financed by the Government, is enormous. The continued existence of our fishery resources in many coastal waters is in serious doubt and with it, the future of the American fishing industry.

In 1966, the legislation establishing a 9-mile contiguous fisheries zone beyond the territorial sea of the United States was enacted. That legislation followed by some 2 years the original law which we are amending today, and recognized the fact that our traditional 3-mile territorial sea was a completely out-of-date concept in light of the highly organized foreign fishing activities taking place within sight of our shores. Since 1966, these foreign fishing fleets have grown tremendously. The problem was acute then, and it has reached crisis proportions today. Off the west coast, with which I am most familiar, the Russian and Japanese fleets are in obvious abundance. At times, it almost appears that American fishing vessels are outnumbered by their foreign counterparts.

It is not enough that these foreign ships come within sight of our shores to take those species of fish upon which we have traditionally relied such as salmon and ocean perch. In their greed, they regularly violate our 12-mile fishery zone. Their method of fishing has been described aptly as the "vacuum-cleaner approach." While the official representatives of these foreign countries solemnly pledge their adherence to conservation standards to insure maximum sustained yield, their fishing vessels operate in such a way as to insure that the fish stocks will be exhausted within a few short years.

Mr. Speaker, the legislation we are considering today is long overdue. The existing maximum penalty and existing enforcement procedures have not deterred anyone from violating our fishery zone. As the committee report points out, a good night's catch may more than pay the cost of any fine which has been imposed heretofore.

I sincerely hope that the increased penalties provided in H.R. 14678 will serve as a deterrent and that the enforcement activities of the Coast Guard, the Interior Department, and the Treasury Department will be stepped up. Important as this legislation is it will not, however, solve the overriding problem of overfishing by foreign countries near our shores. The newspapers on the west coast are full of articles dealing with this question. Violations are constantly being reported. The public is aroused and strongly favors a further extension of our contiguous fishery zone to include the Continental Shelf or 200 miles, whichever is farther.

I am aware of all the arguments both pro and con advanced regarding extension of our fishery zone. Those arguments against extension relating to questions of international law and freedom of the sea do not impress the American fishermen or the average citizen whose boat may be run down by a Japanese or Russian trawler 15 or 20 miles offshore.

In Congress, a number of us have worked constantly over the years to protect our legitimate interest in the fishery resources, both inside and beyond our contiguous zone. Notwithstanding, however, we are little further ahead than we were in 1966. In many areas, we have slipped backward badly.

Mr. Speaker, the passage of this bill will serve notice to our State Department and to those foreign countries whose ships can be seen daily 12 miles at sea that something must be done. This problem must be resolved promptly either through international agreement or through legislation.

Either the question of foreign fishing will be resolved in the next Congress through agreement, or, speaking for myself, I will do my best to see that it is resolved unilaterally through legislation. I, of course, recognize the diplomatic problems that exist, and I would certainly prefer an international accord which establishes the legitimate rights of the coastal states to those species of fish in the high seas which are of prime importance to the coastal states fishing industry. The interest of the United States in its own fishery resources is paramount, however, and we must protect that interest whether or not voluntary agreement can be reached with the principal fishing nations of the world.

Mr. Speaker, again I urge my colleagues to support H.R. 14678, which will make it unprofitable for foreign fishing vessels to enter our fishery zone. This is an important step in the right direction.

Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DELLENBACK).

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

Mr. Speaker, I rise in strong support of the passage of H.R. 14678, a bill to strengthen the penalties for illegal fishing in the territorial waters and contiguous zone of the United States. As a sponsor of similar but separate legislation on this same subject I commend the Subcommittee on Fisheries and Wildlife under the leadership of Congressman JOHN DINGELL, and the full Merchant Marine and Fisheries Committee under the chairmanship of Congressman GARMATZ for presenting this bill to the full House for our prompt consideration and, I hope, its speedy passage.

Strong evidence has been gathered over the past few years by this committee pointing to the need for legislation such as this. Increased and nonconservational fishing by foreign fleets have, in serious adverse fashion, affected our fishing industry and the continued existence of this valuable natural resource off our shores. I know from firsthand discussion with fishermen who fish out of Oregon ports how serious is their injury from foreign fishing fleets. They need and deserve our help, and I certainly intend to give them all the sound assistance that I possibly can.

Existing penalties for illegal fishing activity under Public Law 88-308 have not served to prevent foreign fishing violations within our 12-mile limit. The Coast Guard, charged with the surveillance and enforcement of our existing laws in this regard, has suffered from a lack of ships, planes, and other equipment necessary to perform this vital mission. This bill would assist in correcting this situation by increasing the maximum fine for violators from the present $10,000 to $100,000. In addition, it would permit the use of available aircraft and ships from other Federal agencies such as the U.S. Navy and Air Force in order to provide stricter enforcement.

The masters of foreign fishing vessels may well feel that the minimum penalty levels and chances of actual capture while in violation are negligible and are worth the risk of conducting illegal fishing activity within our 12-mile zone. The importance of passage of this legislation cannot be overemphasized. Over 80 percent of the fish and shellfish caught by our American fishing industry are taken within this 12-mile zone. Continued violations by foreign fishing fleets could well result in the permanent decline of this vitally important segment of the American economy and in the destruction of a valuable natural resource. We must not permit this to happen. Enactment of this measure will assist in preventing the occurrence of such a disaster.

Mr. PELLY. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Speaker, I rise in support of this legislation. Foreign fishing activity along the east coast from the Chesapeake Bay to Georges Bank off my district has increased tremendously over the past 10 years.

Certain species of fish are critical to the American fishermen. The Soviet floating factories and the large fleets of Germany and Poland have taken up what amounts to practically permanent residence—almost within view of our shores.

Unfortunately these foreign fleets fish in such quantities that these resources are now in short supply—particularly haddock and yellow tail flounder. And all too often these foreign boats violate our 12-mile fishing zone.

This legislation will help in the enforcement of our fishing zone and will make it much more expensive for would-be violators. In this day of electronic equipment there is no good excuse for large foreign trawlers coming within 12 miles. When they do they must be apprehended and subjected to more severe penalties than those in the existing statutes.

Unfortunately our record of prosecution has not been good. A slap on the wrist simply encourages further, more blatant violations.

It is my hope that all agencies and in particular the Department of Defense will assist the Coast Guard under the authority created by this legislation.

This will enable the Coast Guard to respond to sudden demands upon its over-taxed resources.

There is a constant shift in fishing grounds during the course of a year. As the fleets move from one area to another the Coast Guard must respond in a flexible manner. Under this legislation the Coast Guard may call upon the Navy for assistance pursuant to agreement between the Secretaries of Transportation and Defense. This should greatly

increase the available enforcement equipment and personnel.

The increased penalty—up to $100,000 per violation coupled with a presumption that all fish found on a seized vessel were taken in violation of the 12-mile zone—will cause foreign vessel operators to think twice before following a school of fish close in shore.

It is essential that the Federal courts and U.S. attorneys recognize the seriousness of these violations and impose maximum penalties as a lesson to others who may be similarly tempted. As I have indicated, prosecutions in the past have not been a sufficient deterrent.

Finally, Mr. Speaker, I support the provision of this bill which authorizes an informer's fee to those who furnish information leading to the conviction of a fishery zone violator.

All too frequently an American fisherman may see a violation but cannot remain on the scene to direct the Coast Guard because he must pursue his own catch. This provision will provide some compensation for his assistance to the Coast Guard and will, in my view, help in obtaining prosecution under this act. I urge passage of this bill.

Mr. PELLY. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. POLLOCK).

Mr. POLLOCK. Mr. Speaker, I thank the gentleman from the State of Washington for yielding me this time.

Mr. Speaker, I rise in support of H.R. 14678 to strengthen the penalties for illegal fishing in the territorial seas and the contiguous zone in U.S. waters.

Mr. Speaker, I wish to take this opportunity, as my colleagues before me have, to express my sincere appreciation to the outstanding chairman of the Subcommittee on Fisheries and Wildlife Conservation, my good friend, the gentleman from Michigan, JOHN DINGELL, and also to the chairman and members of the full committee for the work they have done, not only on this bill, but on a variety of bills concerning the merchant marine and the fisheries industries of the United States this year. There have been many excellent pieces of legislation worked on, as the gentleman from Washington indicated earlier. Some of the measures passed were the Anadromous Fish Conservation Act, the U.S. Fleet Improvement Act, continuation and expansion of the Pacific fisheries compact, and extension of the Fishermen's Loan Fund. All of these are of extreme importance.

But, Mr. Speaker, nothing could be more important for the protection of the fisheries of Alaska than the passage of H.R. 14678, for it would substantially strengthen the penalties for illegal fishing either in the territorial seas of the coastal States or the contiguous fishery zones, which are Federal waters.

We have a problem off the shores of Alaska where we have more than one-half of the entire coastline of the United States, for we have fishermen from Korea and Japan and from Canada and from Russia coming into our territorial seas or the contiguous zone and fishing the 12-mile contiguous zone, and in some cases are in violation of international accords, conventions, or agreements.

In other cases, as with Korea, there are no international accords or agreements with the United States. Thus they fish outside our 12-mile limit—and will come as close to the line as they possibly can, often illegally entering the contiguous zone. But even outside they harvest salmon and other fish that are spawned in our Alaskan waters and to which we hold a proprietary interest.

Mr. Speaker, I had suggested and requested of the committee that we take action in several other areas to protect our fisheries. One, to extend the contiguous zone from the 12-mile limit to the 200-mile limit. This is a controversial issue, because it adversely affects our tuna fishermen off the west coast of South America and our shrimp fishermen off the east and west coasts of Mexico who wish to fish as closely as possible to those foreign shores.

However, Mr. Speaker and Members of this distinguished body, I want to urge that the U.S. Government at this juncture take a very serious look into a problem to which we have not really addressed ourselves, and that is the matter of extending exclusive jurisdiction to the coastal state or nation over their own anadromous fish during its entire life cycle, no matter where the fish travels in the oceans. I say this because these anadromous fishes hatch in the fresh water streams of our coastal States and go down to the sea, entering the estuaries where the salt water of the ocean and fresh water of the streams mix. They then go into the ocean to live most of their life cycle in the salt water, but come back into these streams again to spawn. It is during the return of the salmon to the estuary that the American fisherman is allowed under controlled conditions to harvest the salmon and other anadromous fish.

The Coastal States do not allow any of our own American fishermen to go out on the high seas to harvest these fish, and we look very unkindly toward any other nation harvesting where we cannot, and before the fish are mature. As long as we do have a strong proprietary interest in these fish that are hatched in our waters and die there, then I think we must be in a position to control the other nations' activities so far as our anadromous fish are concerned. Thus it is essential that we get an international accord to allow the coastal state or nation to control the entire life cycle of its anadromous fish.

I urge this Congress and the committee, and admonish the next Congress, to give very serious consideration to passage of appropriate legislation. Otherwise we will continue over the years to have a very serious problem that can only be resolved by such an international accord. We should take the initiative by authorizing U.S. participation in appropriate international conventions.

In the legislation under consideration, when the vessels of foreign nations wrongfully enter our waters, they should be punished, and punished severely. I am delighted to see us raise the limit from $10,000 up to $100,000 on fines. I wish we could have made a separate and additional penalty for the owner of the company whenever one of their ships violates the territorial seas or contiguous zone of the United States. I also believe that we should have provided additional or double the maximum penalties in cases where a vessel or a master of a vessel or a company is seized and prosecuted for violation of our territorial seas or contiguous zone in a second or subsequent offense. Nevertheless, I am pleased with our progress and feel we have made a tremendous step forward.

Again, Mr. Speaker, I want to thank our good colleague and my friend the gentleman from Michigan (Mr. DINGELL) for the excellent job he has done, and thank the chairman of the full committee also for the work on this bill.

Mr. Speaker, I have risen in wholehearted support of this great piece of legislation. I think it is an historic document.

Mr. PELLY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. SCHADEBERG).

Mr. SCHADEBERG. Mr. Speaker, I rise in support of this bill which I cosponsored, and wish to commend the chairman of the subcommittee, the gentleman from Michigan (Mr. DINGELL) and also the gentleman from Washington (Mr. PELLY) for a job well done, in bringing this legislation that is certainly a matter of interest and of tremendous value to the United States to this House for action.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. LENNON).

Mr. LENNON. Mr. Speaker, I certainly want to commend the chairman of the subcommittee and the ranking minority member, and the full membership of the committee, for bringing what I believe to be an essential piece of legislation to the floor at this time.

I think it would be wise to place into the CONGRESSIONAL RECORD this statement found in the committee report on page 3:

> As an example of this increasing pressure, the Bureau of Commercial Fisheries reported that during the month of August 1969 alone, a total of 325 foreign fishing vessels were observed off the coast of New England. These included vessels belonging to the Soviet Union, Poland, East Germany, Rumania, Bulgaria, Israel, Iceland, Spain, and Norway.

I think also, Mr. Speaker, that it is important that we take into consideration, and I will recapitulate by reading the findings and conclusions, not only with respect to the inability and the unwillingness of the Department of Justice to adequately enforce the law as it now exists. Its habit of not insisting upon the imposing of the maximum fines and penalties regardless of the violation and the offense, and I quote from page 5 of the report:

> Your committee feels compelled to express its dissatisfaction with the level of the fines and penalties that have been imposed against violators since the inception of the act. Your committee feels that the law has not been appropriately carried out and enforced. There should be a more stringent use of the penalty provisions, including the imposition of large fines and the forfeiture of the catch, tackle, and equipment, and even the vessel itself, whenever violations are of such a nature as to warrant stricter sanctions.

We did finally and at long last persuade the Department of Justice, the Department of the Interior, and the Department of Transportation to get into this situation and make the determination as to whether or not they have the responsibilities, which they have under the law, to enforce the present existing act, to take their case to the Department of Justice and in turn for the Department of Justice attorneys to appeal to the courts to impose proper fines and penalties which are necessary to restrict these foreign fishing vessels from taking fish off the coasts of our Nation within the 12-mile limit.

Mr. CLARK. Mr. Speaker, I would like to rise and join my colleagues in support of H.R. 14678, which has as its main purpose to increase the penalties for illegal fishing in our exclusive 12-mile fisheries zone.

Mr. Speaker, as one of the 23 cosponsors of the bill, I would like to compliment the distinguished chairman of the Committee on Merchant Marine and Fisheries, as well as the distinguished chairman of our Subcommittee on Fisheries and Wildlife Conservation for their diligent work in seeing that this bill is brought to the floor of the House for a vote.

Mr. Speaker, one of the provisions of the bill, which I strongly support and which I would like to bring to the attention of my colleagues, would authorize the Secretary of the Interior, the Secretary of State and the Secretary of the Department in which the Coast Guard is operating, to utilize vessels and equipment of other Federal agencies in carrying out their enforcement responsibilities under the act. As chairman of the Coast Guard Subcommittee of the House Merchant Marine and Fisheries Committee, I would like to strongly urge the Secretaries to exert every effort to cooperate with the Coast Guard in this regard. Coast Guard testimony at the hearings on the legislation indicated that less than 10 percent of foreign violators off the coast of Alaska are apprehended.

I am most hopeful that with increased surveillance and enforcement techniques and with increased fines against violators that foreign fishing vessels will find it too costly to risk venturing into our exclusive fisheries zone.

Mr. Speaker, I feel that the House will pass this bill overwhelmingly and I hope that the Senate will take similar action so that this legislation can be enacted into law during this session of the Congress.

Mr. MEEDS. Mr. Speaker, before the House today is a timely and badly needed measure to encourage self-restraint among those foreign vessels who fish near our shores. I urge its adoption.

H.R. 14678 increases from $10,000 to $100,000 the maximum penalty levied against foreign fishermen caught inside the American 12-mile exclusive fishery zone. Moreover, the bill declares that fish aboard a vessel so caught would be presumed to have been taken illegally. Unless the ship's operator could prove otherwise, the fish would be confiscated.

The legislation also authorizes rewards of up to $5,000 for information leading to a conviction, and it permits the use of all Government facilities and equipment in enforcing the 12-mile zone. Continued in the bill from the original 1964 act are possible penalties of 1 year in jail and forfeiture of the ship's furniture, tackle, equipment, and even the vessel itself.

Four years ago Congress passed a bill which I cosponsored and supported strongly. This law extended from 3 miles to 12 miles the exclusive fishery zone for Americans. Since that time there have been 10 convictions for violating the zone, nine of them involving illegal fishing off the Pacific coast.

Yet, evidence presented to the Merchant Marine and Fisheries Committee showed that enforcing the fishery rights of Americans was quite difficult. The committee was told, for example, that only about 10 percent of the ships fishing illegally in Alaskan waters were apprehended. For this reason, I feel strongly that H.R. 14678 can assist us by furnishing a credible deterrent.

In recent weeks fishermen in Anacortes, Bellingham, Port Angeles, and other Pacific Northwest communities have renewed their alarm over the offshore activities of the Russian fleet. I share their concern. In contrast to the small American fishing boats, the huge, modern Russian fleet can range about the globe, processing and storing the catch it takes from the traditional fisheries of other countries.

THE 200-MILE QUESTION

The fleets of Japan and Russia have brought into sharp focus the critical distinction between traditional and legal fisheries. Obviously, when everyone's ships were smaller and less mobile, when smaller populations needed not as much food, and when the resource was plentiful, there were far fewer conflicts between the United States and other nations over fish.

All this has changed.

To protect our salmon fisheries we negotiated the North Pacific Salmon Treaty with Canada and Japan in 1952. The essence of this agreement is that Japan cannot fish east of 175 degrees west longitude, which amounts to the better part of the Pacific, since the line extends from tip of Siberia down through Midway Island.

Fishery experts claim that this treaty protects 95 percent of the Pacific coast salmon resource and that the Russians now fishing off our shores are interested mainly in hake and perch. What salmon they do catch, say the experts, is consumed on ship. Perhaps this is correct, but we cannot say for sure since Americans are not welcomed on board as observers.

For some time American fishermen have recommended that we adopt an exclusive fishery zone of 200 miles. For an equal length of time, this idea has gotten nowhere. Nor do I forsee hope in the future for the proposal.

The main obstacle is again the distinction between legal and traditional fisheries. Simply put, there is nothing in international law that allows us to extend our ownership beyond 12 miles.

Enforcement is another wall. If it is difficult for the Navy and Coast Guard to police a 12-mile zone, then it would be extremely burdensome to patrol a 200-mile zone.

Finally, there are political considerations foremost of which is the division in the fishing industry. Extending our fishery zone to 12 miles was not done with a casual wave of the legislative wand. There was considerable opposition from fishermen in the Gulf Coast States and California who feared reprisals from Mexico and South American nations.

NEGOTIATION IS THE ANSWER

It is in the area of negotiation that we can and must press forward to protect our fisheries. Already we have made an agreement in 1967 with Russia over offshore fishing near the Pacific coast. Americans won significant concessions, and it is my understanding that the agreement will be renegotiated in 1971. I am hopeful that the talks can be held here in Washington, D.C., so that concerned Members of Congress can consult with our team.

One item that we must pursue with Russia is the 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas. The United States is the only major fishery power that has signed this convention. Basically, the convention gives each nation jurisdiction—as contrasted from control—over the management of the fisheries in its coastal waters and contiguous zone and sanctions negotiations leading to agreements that will recognize the rights of other nations within a framework of meaningful conservation.

Mr. Speaker, the bill before us today is good legislation, essential legislation. Its approval today should signal to the nations of the world and to our own State Department that the Congress is anxious to protect our fisheries and that all effort should be made to initiate affirmative talks.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that I may have permission to revise and extend my remarks, and I make the same request on behalf of all my colleagues.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 14678, as amended.

The question was taken.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 315, nays 0, not voting 115, as follows:

[Roll No. 308]

YEAS—315

Abbitt	Albert	Andrews, Ala.
Abernethy	Anderson, Calif.	Andrews, N. Dak.
Adair	Anderson, Ill.	Annunzio
Adams		

Arends	Gibbons	Natcher
Ashbrook	Gonzalez	Nedzi
Aspinall	Goodling	Nelsen
Baring	Gray	Nichols
Beall, Md.	Green, Oreg.	Nix
Belcher	Green, Pa.	Obey
Bell, Calif.	Griffin	O'Hara
Bennett	Griffiths	O'Neal, Ga.
Berry	Gross	O'Neill, Mass.
Betts	Grover	Passman
Bevill	Gubser	Patten
Biaggi	Gude	Pelly
Biester	Hagan	Pepper
Bingham	Haley	Perkins
Blackburn	Hall	Philbin
Blanton	Hamilton	Pickle
Boggs	Hammer-schmidt	Pike
Boland	Hanley	Pirnie
Bolling	Hanna	Poage
Brademas	Hansen, Wash.	Podell
Brasco	Harvey	Poff
Bray	Hathaway	Pollock
Brinkley	Hays	Preyer, N.C.
Broomfield	Hébert	Price, Ill.
Brotzman	Hechler, W. Va.	Price, Tex.
Brown, Calif.	Heckler, Mass.	Pryor, Ark.
Brown, Ohio	Helstoski	Quillen
Broyhill, N.C.	Henderson	Railsback
Broyhill, Va.	Hicks	Randall
Buchanan	Hogan	Rarick
Burke, Fla.	Hosmer	Rees
Burke, Mass.	Howard	Reid, Ill.
Burleson, Tex.	Hull	Reid, N.Y.
Burlison, Mo.	Hungate	Reuss
Burton, Calif.	Hunt	Rhodes
Byrne, Pa.	Hutchinson	Riegle
Byrnes, Wis.	Ichord	Rivers
Cabell	Jacobs	Roberts
Caffery	Jarman	Robison
Camp	Johnson, Calif.	Rodino
Carey	Jonas	Roe
Carter	Jones, Ala.	Rogers, Fla.
Cederberg	Jones, N.C.	Rooney, N.Y.
Clancy	Jones, Tenn.	Rooney, Pa.
Clark	Kastenmeier	Rostenkowski
Clausen, Don H.	Kazen	Roth
Clay	Kee	Ruth
Cleveland	Keith	Ryan
Cohelan	King	Sandman
Collier	Kleppe	Saylor
Collins	Kluczynski	Schadeberg
Colmer	Kyl	Scherle
Conable	Kyros	Schmitz
Corbett	Landgrebe	Schwengel
Corman	Langen	Scott
Coughlin	Latta	Sebelius
Crane	Leggett	Shipley
Culver	Lennon	Shriver
Cunningham	Long, Md.	Sikes
Daniel, Va.	Lujan	Sisk
Daniels, N.J.	Lukens	Skubitz
Davis, Ga.	McClory	Smith, Calif.
Davis, Wis.	McCloskey	Smith, Iowa
de la Garza	McClure	Springer
Dellenback	McDade	Stafford
Denney	McDonald, Mich.	Staggers
Dent	McEwen	Stanton
Derwinski	McMillan	Steed
Devine	Macdonald, Mass.	Steiger, Ariz.
Dingell	Madden	Steiger, Wis.
Donohue	Mahon	Stephens
Dorn	Mailliard	Stokes
Downing	Mann	Stubblefield
Dulski	Marsh	Stuckey
Duncan	Martin	Sullivan
Eckhardt	Mathias	Symington
Edmondson	Matsunaga	Taylor
Edwards, Calif.	May	Teague, Calif.
Edwards, La.	Mayne	Teague, Tex.
Eilberg	Meeds	Thomson, Wis.
Erlenborn	Meskill	Tiernan
Eshleman	Michel	Vander Jagt
Evans, Colo.	Mikva	Vanik
Evins, Tenn.	Miller, Calif.	Waggonner
Fascell	Miller, Ohio	Wampler
Feighan	Mills	Watts
Findley	Minish	Weicker
Flood	Mink	Whalen
Flowers	Minshall	White
Foley	Mizell	Whitten
Ford, Gerald R.	Mollohan	Wiggins
Ford, William D.	Monagan	Williams
Foreman	Montgomery	Winn
Fountain	Moorhead	Wright
Frey	Morgan	Wyatt
Friedel	Morse	Wylie
Fuqua	Morton	Wyman
Fulton, Pa.	Mosher	Yates
Garmatz	Moss	Yatron
Gaydos	Murphy, Ill.	Young
Gettys	Myers	Zablocki
Giaimo		Zion

NAYS—0

NOT VOTING—115

Addabbo	Flynt	Purcell
Alexander	Fraser	Quie
Anderson, Tenn.	Frelinghuysen	Reifel
Ashley	Fulton, Tenn.	Rogers, Colo.
Ayres	Galifianakis	Rosenthal
Barrett	Gallagher	Roudebush
Blatnik	Gilbert	Rousselot
Bow	Goldwater	Roybal
Brock	Halpern	Ruppe
Brooks	Hansen, Idaho	St Germain
Brown, Mich.	Harrington	Satterfield
Burton, Utah	Harsha	Scheuer
Bush	Hastings	Schneebeli
Button	Hawkins	Slack
Casey	Holifield	Smith, N.Y.
Celler	Horton	Snyder
Chamberlain	Johnson, Pa.	Stratton
Chappell	Karth	Taft
Chisholm	Koch	Talcott
Clawson, Del	Kuykendall	Thompson, Ga.
Conte	Landrum	Thompson, N.J.
Conyers	Lloyd	Tunney
Cowger	Long, La.	Udall
Cramer	Lowenstein	Ullman
Daddario	McCarthy	Van Deerlin
Dawson	McCulloch	Vigorito
Delaney	McFall	Waldie
Dennis	McKneally	Watson
Dickinson	MacGregor	Whalley
Diggs	Melcher	Whitehurst
Dowdy	Mize	Widnall
Dwyer	Murphy, N.Y.	Wilson, Bob
Edwards, Ala.	O'Konski	Wilson, Charles H.
Esch	Olsen	Wold
Fallon	Ottinger	Wolff
Farbstein	Patman	Wydler
Fish	Pettis	Zwach
Fisher	Powell	
	Pucinski	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Burton of Utah.
Mr. Brooks with Mr. Del Clawson.
Mr. Delaney with Mr. Cowger.
Mr. Farbstein with Mr. McCulloch.
Mr. Thompson of New Jersey with Mr. McKneally.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Karth with Mr. Bush.
Mr. Lowenstein with Mr. MacGregor.
Mr. Wolff with Mr. Horton.
Mr. Addabbo with Mr. Bow.
Mr. Rogers of Colorado with Mr. Hansen of Idaho.
Mr. Casey with Mr. Cramer.
Mr. Stratton with Mr. Button.
Mr. Vigorito with Mr. Reifel.
Mr. Flynt with Mr. Johnson of Pennsylvania.
Mr. Tunney with Mrs. Chisholm.
Mr. Ottinger with Mr. Schneebeli.
Mr. Chappell with Mr. Lloyd.
Mr. McFall with Mr. Snyder.
Mr. Harrington with Mr. Powell.
Mr. Daddario with Mr. Quie.
Mr. Purcell with Mr. Roudebush.
Mr. Roybal with Mr. Taft.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Barrett with Mr. Watson.
Mr. Gallagher with Mr. Ayres.
Mr. Celler with Mr. Conyers.
Mr. Dowdy with Mr. Brown of Michigan.
Mr. Murphy of New York with Mr. Whitehurst.
Mr. Melcher with Mr. Thompson of Georgia.
Mr. McCarthy with Mr. Widnall.
Mr. Fallon with Mr. Chamberlain.
Mr. Long of Louisiana with Mr. Edwards of Alabama.
Mr. Charles H. Wilson, with Mr. Pettis.
Mr. Alexander with Mr. O'Konski.
Mr. Scheuer with Mr. Diggs.
Mr. Holifield with Mr. Goldwater.
Mr. Ashley with Mr. Conte.
Mr. Udall with Mr. Hastings.
Mr. Patman with Mrs. Dwyer.
Mr. Olsen with Mr. Hruska.
Mr. Fisher with Mr. Dennis.
Mr. Rosenthal with Mr. Halpern.
Mr. Gilbert with Mr. Esch.
Mr. Pucinski with Mr. Ruppe.
Mr. St Germain with Mr. Frelinghuysen.
Mr. Slack with Mr. Mize.
Mr. Van Deerlin with Mr. Fish.
Mr. Landrum with Mr. Dickinson.
Mr. Koch with Mr. Hawkins.
Mr. Satterfield with Mr. Rousselot.
Mr. Ullman with Mr. Smith of New York.
Mr. Waldie with Mr. Talcott.
Mr. Fraser with Mr. Zwach.
Mr. Galifianakis with Mr. Wydler.
Mr. Bob Wilson with Mr. Bush.
Mr. Whalley with Mr. Wold.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2264, COMMUNICABLE DISEASE CONTROL AMENDMENTS OF 1970

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2264) to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance, with the House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and without objection, appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, SPRINGER, and NELSON.

There was no objection.

CROWN OF THORNS STARFISH

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3153) to authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other U.S. territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs.

The Clerk read as follows:

S. 3153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of conserving and protecting coral reef resources of the tropical islands of interest and concern to the United States in the Pacific and safeguarding critical island areas from possible erosion and to safeguard future recreational and esthetic uses of Pacific coral reefs, the Secretary of the Interior and the Secretary of the Smithsonian Institution are authorized to cooperate with and provide assistance to the governments of the State of Hawaii, the territories and possessions of the United States, including Guam and American Samoa, the Trust Territory of the Pacific Islands, and other island possessions of the United States, in the study and control of the seastar "Crown of Thorns" (Acanthaster planci).

SEC. 2. In carrying out the purposes of this Act, the Secretary of the Interior and

the Secretary of the Smithsonian Institution are authorized to—

(1) conduct such studies, research, and investigations, as they deem desirable to determine the causes of the population increase of the "Crown of Thorns", their effects on coral and coral reefs, and the stability and regeneration of reefs following predation;

(2) to monitor areas where the "Crown of Thorns" may be increasing in numbers and to determine future needs for control;

(3) to develop improved methods of control and to carry out programs of control in areas where these are deemed necessary; and

(4) to take such other actions as deemed desirable to gain an understanding of the ecology and control of the seastar "Crown of Thorns".

SEC. 3. For the purpose of carrying out the provisions of this Act, there is authorized to be appropriated for the period commencing on the date of its enactment and ending June 30, 1975, not to exceed $4,500,000.

The SPEAKER pro tempore. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, the purpose of S. 3153 is to conserve and protect coral reefs and coral reef resources of the tropical islands of the Pacific that are of interest and concern to the United States.

Mr. Speaker, as unbelievable as it may sound, many of the coral reefs in the Pacific developed over 50 million years ago. They are the oldest biological assemblage on this planet. Corals require a long time to grow; scientists estimate as much as 200 years.

Since the early 1960's there have been large infestations of the crown of thorns starfish throughout the Pacific Ocean. These starfish feed upon living coral and have completely destroyed miles of coral reefs in the Pacific. As anomalous as it may seem, the living parts of coral are actually predatory on small starfish and help keep its population in check.

Somehow, the balance of nature has been upset and this has enabled the crown of thorns starfish to reach a position of dominance among the living creatures of the reefs. For instance, between 1964 and 1966, a population explosion of the crown of thorns starfish destroyed over 100 square miles of the Great Barrier Reef off the coast of Australia. Since 1967 more than 23 miles of coral reefs of Guam have been almost completely destroyed by this starfish.

Early last summer the Department of the Interior contracted with Westinghouse Ocean Research Laboratory for a study on the impact of the crown of thorns starfish on the Pacific Coral Reefs. The findings of the study substantiated reports of recent population increases and verified that starfish are rapidly spreading throughout the Trust Territories.

Mr. Speaker, the scientific team that carried out the study reported that if control measures were not undertaken immediately to reduce the starfish population, it could have long-range economic repercussions, particularly since many islanders are dependent upon reefs and their fisheries resources for subsistence. In addition to providing a habitat and food source for fish, living coral reefs offer protection to the islands during tropical storms. Should the coral die and begin to erode, the islands become susceptible to erosion and other damage caused by typhoons. Because of their great beauty, coral reefs are also a valuable tourist resource.

Mr. Speaker, because of the valuable contribution S. 3153 can make toward the solving of the problem of starfish, I urge its prompt passage. All departments reporting on the legislation strongly favored its enactment and the Committee on Merchant Marine and Fisheries was unanimous in urging its passage.

Mr. Speaker, briefly explained, the bill would authorize the Secretaries of the Interior and the Smithsonian Institution to cooperate with and provide assistance to the governments of Hawaii, the Territories of Guam and American Samoa, the Trust Territory of the Pacific Islands, and other United States territories in the Pacific Ocean for the conservation and protection of their coral reefs. Also, the bill would authorize the Secretaries of the Interior and the Smithsonian Institution to first, conduct studies; second, to monitor and determine future needs for control of the crown of thorns starfish; third, to develop better methods of control; and fourth, to take such other actions as may be deemed desirable to gain an understanding of the ecology and control the crown of thorn starfish.

To carry out the purpose of the act, the bill would authorize to be appropriated not to exceed $4.5 million from the date of enactment of the bill to June 30, 1975.

Mr. Speaker, I join my distinguished colleague from the State of Hawaii and the author of the companion House bill, Congressman MATSUNAGA, in urging passage of this legislation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Hawaii (Mr. MATSUNAGA), who is the author of the House version of this bill, and who has expressed particular interest and concern in this matter.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of S. 3153.

Mr. Speaker, I thank the chairman of the subcommittee, the distinguished gentleman from Michigan (Mr. DINGELL). I commend him and the chairman of the full Committee on Merchant Marine and Fisheries, the distinguished gentleman from Maryland (Mr. GARMATZ), for reporting favorably on S. 3153.

Mr. Speaker, we have come to realize over the past several years the precarious nature of ecological balance, and the necessity of understanding that balance.

In the Western Pacific, an unexplained explosion in the population of the crown of thorns starfish has threatened to upset that delicate ecological balance. The starfish—properly called Acanthaster planci—Ache-anthas-ter Plankeye—are literally devouring the living corals that build the beautiful and vital coral reefs.

I therefore urge the House to approve today S. 3153, which would authorize a program of research, monitoring, and selected control of the crown of thorns starfish.

Mr. Speaker, although this is a relatively minor bill, it is an urgent one. The Governor of the Territory of Guam has estimated that perhaps half of his island's reefs have been destroyed by starfish infestation. One expert estimated during Senate hearings that Guam's coral reefs are being devoured at the rate of one-half mile a month.

This relatively sudden starfish plague is not confined to Guam alone. Serious infestations have been found in other parts of the Marianas Islands, and in the Caroline Islands. In my own State of Hawaii, a heavy concentration was found off the cost of the Island of Molokai.

Regrowth of the destroyed sections of reef, and protection of reefs threatened by the starfish, is vital.

With the death of large sections of coral, the complete life pattern of the reef changes almost immediately.

The number of small colorful reef fish, which depend on the coral for existence, drops markedly. With the loss of the small reef fish there is a similar drop in the population of larger fish used in many cases for human food.

The affected Pacific islands, therefore, have three separate worries as a result of the starfish infestation.

First, the loss of fish would deprive many of the island inhabitants of their primary source of protein. Often, there is no immediate substitute to meet the resulting nutritional deficiency.

Second, the beautiful reefs and the colorful reef fishes have contributed substantially to the growth of recreation areas in many of the islands. With their destruction, the burgeoning tourist industry in the Pacific Trust Territory, would be hampered in growth or even reduced.

Third, some scientists have voiced grave concern over the threat to the beaches and shipping channels of many of the smaller and low level islands, posed by the destruction of the protective reefs.

But, Mr. Speaker, the most worrisome aspect of the entire crown of thorns starfish situation is how little we know about the true nature of the problem.

Are the current infestations isolated and coincidental How significantly, and for how long, will the overall reef biology be altered? What part, if any, has man played in upsetting the ecological balance?

The answers to all these questions is the same: We simply do not know.

Every preliminary study has come to the same conclusion: We need more research. A recent workshop held at the Scripps Institute of Oceanography in San Diego came to a conclusion that is representative. I quote:

It is impossible to state positively the ultimate consequences of the loss of extensive amounts of living corals. There could be in process a significant change in the ecology of reefs which conceivably could have consequences beyond our ability to foresee at this time.

Mr. Speaker, that is precisely the knowledge gap toward which S. 3153 is directed. It would authorize, over the next 5 years, four-and-a-half million dollars, to investigate and monitor the

starfish and its effects on reef ecology. Also, control programs would be instituted where they were immediately necessary. Incidentally, in Hawaii, Guam, and other areas where attempts have already been made to control the spread of the starfish, the only available method was the injection of poison into individual adult starfish by means of a crude injection gun. Hopefully, one of the products of a research program will be development of improved control methods.

As a sponsor of H.R. 17216, a bill identical to S. 3153, I urge the swift approval of the measure before us. It passed the Senate in April by voice vote. It was approved unanimously last month by the House Committee on Merchant Marine and Fisheries. The Interior Department and the Smithsonian Institution, who would share responsibility for its implementation, have both endorsed it strongly. I urge the House to pass S. 3153 today, so that we might take immediate steps toward understanding and protecting our valuable coral reefs in the Pacific.

Again I wish to commend the gentleman from Michigan (Mr. DINGELL) and the gentleman from Maryland (Mr. GARMATZ) who are bringing this measure out of the committee.

Mr. DINGELL. Mr. Speaker, I yield 5 minutes to my distinguished friend the gentleman from Maryland, the able chairman of the Committee on Merchant Marine and Fisheries.

Mr. GARMATZ. Mr. Speaker, in the face of mounting danger to our total natural resources, it is frightening to realize how little man really knows about his environment.

The alarming destruction of the coral reefs and the coral reef resources of the tropical Pacific Ocean is an excellent illustration of how our environmental resources can be endangered and even destroyed before man realizes what has happened.

Certainly, anyone would be impressed by the fact that the largest tropical coral reefs now in existence developed over 50 million years ago. These precious, beautiful, and valuable resources are the oldest biological assemblage found on earth.

For many centuries, these reefs continued to peacefully grow. And then, suddenly, something happened. Somehow, a population explosion of the crown of thorns starfish, which devours the coral reef, increased beyond control.

In just 2 short years—between 1964 and 1966—these starfish destroyed over 100 square miles of the precious barrier reef in Australia. The starfish menace spread quickly to other areas, and serious coral damage has now occurred on Guam. Since 1967, more than 23 miles of Guam's coral reef has been destroyed by the crown of thorns starfish.

Why this sudden change in such an ageless process? Several leading marine biologists believe that man, as usual, is the culprit. Somehow, the balance of nature was upset by manipulation of the reef's environment, and the explosion of the starfish population was the result.

The very fact that this situation has been allowed to happen is proof enough that man knows very little about protecting his environment; it also emphasizes the need for adequate research, so we can develop the knowledge necessary to reverse what has happened, and to prevent its recurrence.

Mr. Speaker, S. 3153 is designed to fund adequate research on the crown of thorn starfish and the coral reefs. Even now, in Guam and neighboring islands of the trust territory, the starfish continue to grow uncontrollably, and more and more precious coral is being destroyed. The destruction is proceeding, at an unbelievably rapid rate.

The need for immediate action on this legislation is necessary if we intend to protect this ancient and irreplaceable resource. I am confident the Congress will respond accordingly, and pass this important legislation.

Mr. PELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join the distinguished chairman of the Subcommittee on Fisheries and Wildlife Conservation (Mr. DINGELL) in support of S. 3153 authorizing the Secretary of Interior and the Smithsonian Institution to take necessary steps to protect the coral reefs of the State of Hawaii and our Pacific territories from destruction by the crown of thorns starfish.

The coral reefs of Guam and American Samoa and the islands of the Trust Territory in particular are essential to the economy of these areas. Without the reefs, these islands are open to the sea and the ravages of typhoons. The reefs form the breeding grounds for fish upon which the inhabitants of these islands in many cases depend for their survival.

The starfish population of the Pacific reefs has grown tremendously in the last few years, and it is literally a life and death proposition for these islands to discover the cause of this destructive population growth.

Most of us probably think of coral as a very hard rock-like substance. Coral, however, in its formative stages is a living organism which attaches itself to a rock, then begins to secrete a limestone home for itself. These microscopic reef-builders work upward from the ocean bottom building layer upon layer of limestone until they reach just below the break of the waves. There are, in all, some 300 species of coral, each with its distinctive shape and color.

As has been pointed out in the committee report, the coral which has been killed by the crown of thorns starfish in Guam was upward of 200 years old. In view of the great length of time that it takes for a coral reef to develop, it is essential that the search for a solution to the crown of thorns problem be undertaken immediately.

Mr. Speaker, again I urge my colleagues to support S. 3153.

GENERAL LEAVE TO EXTEND

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks in the RECORD on S. 3153.

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

There was no objection.

Mrs. MINK. Mr. Speaker, I rise in support of S. 3153, which would authorize $4.5 million for the conservation of protective and productive coral reefs of Hawaii, Guam, American Samoa, Micronesia, and other U.S. territories in the Pacific Ocean.

I strongly support the primary objective of this bill, which is to control the devastating crown of thorns starfish. The recent population explosion of this species threatens the economic livelihood of Guam and may soon have an adverse impact upon the economy of the Trust Territory of the Pacific Islands.

In my own State of Hawaii, temporary eradication efforts off the island of Molokai and elsewhere have killed more than 10,000 of these starfish. In the Molokai area, the problem was one of a possible change of fishing patterns and a fear that the infested area would prove to be a seeding ground that would eventually spread the starfish throughout the entire Hawaiian island chain.

Various studies have documented the ravages being inflicted on the Great Barrier Reef of Australia, and the reefs in other areas of the Pacific by the mysterious invasion of the crown of thorns starfish. While the starfish is common throughout the warm Pacific waters, it has been kept in check by natural enemies including the Triton, whose large shell is much coveted by collectors. The starfish feeds on living coral, leaving in its path the dead white coral. One starfish can lay millions of eggs in 1 year, and a colony of the creatures can migrate nearly one-half mile a week. The dead coral in its wake is soon covered with algae, preventing new coral from growing. Dead coral may be broken by the pounding motion of the sea, exposing the island to damaging wave erosion.

It is easy to see the menace presented by the unexplained increase in the numbers of these starfish. Scientists feel that somehow the delicate balance of nature has been upset—probably because of man's tampering with the environment in the complex marine ecosystem.

We still do not know, however, the cause of the population explosion, or how its recurrence could be prevented. We do not know the other effects or manifestations of this environmental change. Obviously, while drastic steps are necessary to curb the immediate threat of despoilation of immense stretches of protective coral reefs, we need to study in depth all of the factors involved in this problem.

The issue actually goes much further than the crown of thorns starfish infestation. It involves that while ecosystems of the Indo-Pacific reefs which stretch from the coasts of Africa to Hawaii and the Marquesas. These are probably the oldest biological community in the world and certainly the most complex, yet because of their remoteness from the great research institutions of the western world they have received only a minuscule portion of the research devoted by the simpler temperate marine communities.

Dr. Albert H. Banner, professor of zoology at the University of Hawaii, has commented upon the immense changes that may be foreseen in man's impact upon these vast stretches of coral reefs. In the southern Philippines today, algae farms are being created to supply America with colloids for food processing; industry is considering the tropical fisheries for the development of fish pro-

tein concentrate, and even more far-reaching proposals seek the fertilization and farming of the logoons of Pacific atolls.

Dr. Banner asks whether any of such activities may disrupt the living environment of the coral reefs with disastrous effects, such as the effects of logging and high dams on the salmon runs of the Pacific Northwest, the plowing of the prairie to create dust bowls, and the poisoning of all life by misuse of persistent insecticides.

Dr. Banner believes:

As important as is research upon the starfish, *Acantheaster*, infinitely more important is the research needed upon the ecology of coral reefs.

I agree that we should explore more than a limited segment of this important problem, and therefore propose with the adoption of S. 3153 we embark on such wider study concerning the overall ecology of coral reefs. To obtain the best results of our proposed $4.5 million investment, we should fund as Coral Reef Institute whose objective would be continuing study of all aspects of reef ecology with immediate emphasis on the starfish problem.

Such an institute might be funded through the National Science Foundation or a similar governmental agency familiar with the process of evaluation of scientific research and the administration of research funds. It may be advisable for the Foundation to establish an advisory Coral Reef Panel composed of representatives of participating institutions as well as of coral reef biologists of national and international stature. The Panel would establish a consortium of academic and research institutions interested in coral reef ecology who could make their facilities available for research. The Panel would also select an institution, which I believe should be the University of Hawaii, as the site of the Coral Reef Institute. A director would be chosen by the Institute with advice and consent of the supervisory Coral Reef Panel.

For the first few years during establishment and while the crown of thorns starfish problem is the main focus, the institutions involved would be from the Pacific area; later, the coverage would be expanded to include the Caribbean. I envision an initial consortium composed of the University of Hawaii, with its Hawaii Institute of Marine Biology and the Eniwetok Marine Biological Laboratory—which is funded under the Atomic Energy Commission but administered through the university—the College of Gaum with its new marine laboratory, and private institutions including the Oceanic Foundation of Honolulu, the Bishop Museum of Honolulu, and the Micronesian Institute which is now constructing a marine laboratory in the Paulau Islands.

I believe the funding already contained in the bill would be sufficient for the initial years if there could be a carryover of unexpended funds from one year to the next. The Institute could continue for the 5 years for which funding is provided under S. 3153, after which Congress could review the accomplishments and assess the merit of continued funding.

The program I propose would help to accomplish the purpose of this legislation. With this objective, I urge the adoption of S. 3153.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of S. 3153, a bill to protect and conserve the coral reefs of the Pacific Ocean which are of particular interest and concern to the United States.

More than 23 miles of coral reef off the coast of Guam have been destroyed by massive infestations of the crown of thorns starfish. If we do not move now to eradicate this menace, the remaining reefs will be stripped of their coral polyps, and the resident fish population will diminish because of a shortage of food supply.

Another important danger which would result from the destruction of the coral reefs, is that the erosion of the shores of the protected islands would indeed increase as the protective reefs disintegrate.

The legislation before us would authorize the Secretaries of the Interior and the Smithsonian Institution to render assistance to the governments of the State of Hawaii, the territory of Guam, and American Samoa, and any other territories in the Pacific Ocean under U.S. possession. Such assistance would consist of the necessary studies of the starfish and reefs to develop an adequate program for the control and eradication of the starfish menace, and other actions necessary to obtain a better understanding of this natural phenomenen so that it might be prevented in the future.

I again urge my colleagues to join with me in support of S. 3153.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill S. 3153.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND ON VETERANS' BILLS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the veterans' bills which the House will consider today.

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

There was no objection.

INCREASING NON-SERVICE-CONNECTED PENSIONS AND INCOME LIMITATIONS APPLICABLE THERETO

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15911) to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 15911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the table in subsection (b) of section 521 of title 38, United States Code, is amended to appear as follows:

"Column I			Column II
Annual income			
More than—	but	Equal to or less than—	
		$300	$121
$300		400	119
400		500	117
500		600	115
600		700	112
700		800	108
800		900	104
900		1,000	100
1,000		1,100	96
1,100		1,200	92
1,200		1,300	88
1,300		1,400	84
1,400		1,500	79
1,500		1,600	75
1,600		1,700	69
1,700		1,800	63
1,800		1,900	57
1,900		2,000	51
2,000		2,100	45
2,100		2,200	37
2,200		2,300	29".

(b) The table in subsection (c) of such section 521 is amended to appear as follows:

"Column I		Column II	Column III	Column IV
Annual income				
More than—	but Equal to or less than—	One dependent	Two dependents	Three or more dependents
	$500	$132	$137	$142
$500	600	130	135	140
600	700	128	133	138
700	800	126	131	136
800	900	124	129	134
900	1,000	122	127	132
1,000	1,100	119	119	119
1,100	1,200	116	116	116
1,200	1,300	113	113	113
1,300	1,400	110	110	110
1,400	1,500	107	107	107
1,500	1,600	104	104	104
1,600	1,700	101	101	101
1,700	1,800	99	99	99
1,800	1,900	96	96	96
1,900	2,000	93	93	93
2,000	2,100	90	90	90
2,100	2,200	87	87	87
2,200	2,300	84	84	84
2,300	2,400	81	81	81
2,400	2,500	78	78	78
2,500	2,600	75	75	75
2,600	2,700	72	72	72
2,700	2,800	69	69	69
2,800	2,900	66	66	66
2,900	3,000	62	62	62
3,000	3,100	58	58	58
3,100	3,200	54	54	54
3,200	3,300	50	50	50
3,300	3,400	42	42	42
3,400	3,500	34	34	34".

(c) The table in subsection (b) of section 541 of title 38, United States Code, is amended to appear as follows:

"Column I			Column II
Annual income			
More than—	but	Equal to or less than—	
		$300	$81
$300		400	80
400		500	79
500		600	78
600		700	76
700		800	73
800		900	70
900		1,000	67
1,000		1,100	64
1,100		1,200	61
1,200		1,300	58
1,300		1,400	55
1,400		1,500	51

"Column I			
Annual income			
More than—	but	Equal to or less than—	Column II
1,500		1,600	48
1,600		1,700	45
1,700		1,800	41
1,800		1,900	37
1,900		2,000	33
2,000		2,100	29
2,100		2,200	2r
2,200		2,300	17."

(d) The table in subsection (c) of such section 541 is amended to appear as follows:

"Column I			
Annual income			
More than—	but	Equal to or less than—	Column II
		$600	$99
$600		700	98
700		800	97
800		900	96
900		1,000	95
1,000		1,100	94
1,100		1,200	92
1,200		1,300	90
1,300		1,400	88
1,400		1,500	86
1,500		1,600	84
1,600		1,700	82
1,700		1,800	80
1,800		1,900	78
1,900		2,000	76
2,000		2,100	74
2,100		2,200	72
2,200		2,300	70
2,300		2,400	68
2,400		2,500	66
2,500		2,600	64
2,600		2,700	62
2,700		2,800	59
2,800		2,900	56
2,900		3,000	53
3,000		3,100	51
3,100		3,200	48
3,200		3,300	45
3,300		3,400	43
3,400		3,500	41".

SEC. 2. (a) The table in subsection (b)(1) of section 415 of title 38, United States Code, is amended to appear as follows:

"Column I			
Total annual income			
More than—	but	Equal to or less than—	Column II
		$800	$96
$800		900	94
900		1,000	91
1,000		1,100	87
1,100		1,200	81
1,200		1,300	75
1,300		1,400	69
1,400		1,500	62
1,500		1,600	54
1,600		1,700	46
1,700		1,800	38
1,800		1,900	31
1,900		2,000	25
2,000		2,100	18
2,100		2,200	12
2,200		2,300	10".

(b) The table in subsection (c) of such section 415 is amended to appear as follows:

"Column I			
Total annual income			
More than—	but	Equal to or less than—	Column II
		$800	$66
$800		900	64
900		1,000	61
1,000		1,100	58
1,100		1,200	54
1,200		1,300	50
1,300		1,400	46
1,400		1,500	41
1,500		1,600	35
1,600		1,700	29
1,700		1,800	23
1,800		1,900	20
1,900		2,000	16
2,000		2,100	14
2,100		2,200	12
2,200		2,300	10".

(c) The table in subsection (d) of such section 415 is amended to appear as follows:

"Column I			
Total combined annual income			
More than—	but	Equal to or less than—	Column II
		$1,000	$64
$1,000		1,100	62
1,100		1,200	60
1,200		1,300	58
1,300		1,400	56
1,400		1,500	54
1,500		1,600	52
1,600		1,700	49
1,700		1,800	46
1,800		1,900	44
1,900		2,000	42
2,000		2,100	40
2,100		2,200	38
2,200		2,300	35
2,300		2,400	33
2,400		2,500	31
2,500		2,600	29
2,600		2,700	27
2,700		2,800	25
2,800		2,900	23
2,900		3,000	21
3,000		3,100	19
3,100		3,200	17
3,200		3,300	14
3,300		3,400	12
3,400		3,500	10".

(d) Subsection (e) of such section 415 is amended by inserting immediately preceding the word "file" in the first sentence thereof the following text: ", other than one who has attained seventy-two years of age and has been paid dependency and indemnity compensation during two consecutive calendar years,".

SEC. 3. (a) Sections 322(b), 411(c), and 544 of title 38, United States Code, are each amended by striking out "$50" and inserting in lieu thereof "$55".

(b)(1) Subsection (d) of section 521 of such title is amended by striking out "$100" and inserting in lieu thereof "$110".

(2) Subsection (e) of such section 521 is amended by striking out "$40" and inserting in lieu thereof "$44".

(c) Section 542(c) of such title is amended by striking out "$1,800" and inserting in lieu thereof "$2,000".

SEC. 4. Subsection (h) of section 612 of title 38, United States Code, is amended by adding at the end thereof the following new sentence: "The Administrator shall continue to furnish such drugs and medicines so ordered to any such veteran in need of regular aid and attendance whose pension payments have been discontinued solely because his annual income is greater than the applicable maximum annual income limitation, but only so long as his annual income does not exceed such maximum annual income limitation by more than $500."

SEC. 5. Section 4 of Public Law 90-275 (82 Stat. 68) is amended to read as follows:

"SEC. 4. The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 hereafter shall be $1,900 and $3,200, instead of $1,600 and $2,900, respectively."

SEC. 6. Section 506(a)(2) of title 38, United States Code, is amended by striking out the comma after "child" and inserting in lieu thereof "or a person who has attained seventy-two years of age and has been paid pension thereunder during two consecutive calendar years,".

SEC. 7. Section 503 of title 38, United States Code, is amended—

(1) by inserting before "United" in paragraph (4) thereof "servicemen's group life insurance,";

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(14) amounts equal to prepayments on an indebtedness secured by a mortgage, or similar type security instrument, on real property (which was prior to death the principal residence of a veteran and spouse) made by the veteran or his widow, after the death of the spouse, during the year of death and the succeeding year, if said indebtedness was in existence at the time of death;

"(15) amounts in joint accounts in banks and similar institutions acquired by reason of other joint owner;

"(16) payments received by a retired employee from his former employer as reimbursement for monthly premiums for supplementary medical insurance benefits for the aged provided by part B of title XVIII of the Social Security Act, as amended;

"(17) payments of annuities elected under chapter 73 of title 10."

SEC. 8. (a) Section 415(g)(1) of title 38, United States Code, is amended (1) by inserting "and under the first sentence of section 9(b) of the Veterans' Pension Act of 1959" immediately before the semicolon at the end of subparagraph (C), (2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon, and (3) by adding at the end thereof the following new subparagraph:

"(M) payments of annuities elected under chapter 73 of title 10."

(b) Section 1441 of title 10, United States Code, is amended by striking out "except section 415(g) and chapter 15 of title 38".

SEC. 9. (a) Paragraph (11) of section 101 of title 38, United States Code, is amended by inserting "the Mexican border period," immediately after "Spanish-American War,".

(b) Such section 101 is further amended by adding at the end thereof the following new paragraph:

"(30) The term 'Mexican border period' means the period beginning on May 9, 1916, and ending April 5, 1917, in the case of a veteran who during such period served for 90 days or more in Mexico, on the borders thereof, or in the waters adjacent thereto."

(c)(1) Subsection (a) of section 521 of title 38, United States Code, is amended by inserting "the Mexican border period," immediately before "World War I".

(2) Paragraphs (1) and (2) of subsection (g) of such section 521 are each amended by inserting "the Mexican border period," immediately before "World War I".

(3) The heading of such section 521 is amended by inserting "The Mexican border period," immediately before "World War I".

(d)(1) Subsection (a) of section 541 of such title is amended by inserting "the Mexican border period," immediately before "World War I".

(2) Subsection (e)(1) of such section 541 is amended by inserting "Mexican border period or "immediately before "World War I".

(3) the heading of such section 541 and the catchline immediately before such heading are each amended by inserting "Mexican border period," and "MEXICAN BORDER PERIOD,", respectively, immediately before "World War I" and "World War I".

(e)(1) Subsection (a) of section 542 of title 38, United States Code, is amended by inserting "the Mexican border period," immediately before "World War I".

(2) The heading of such section 542 is amended by inserting "Mexican border period," immediately before "World War I".

(f) Subsection (h) of section 612 of title 38, United States Code, is amended by inserting "the Mexican border period,", immediately before "World War I,".

(g) Section 901 of title 38, United States Code, is amended—

(1) by striking out "of Mexican border service," in subsection (a); and

(2) by amending subsection (c) thereof to read as follows:

"(c) For the purpose of this section, the term 'Mexican border period' as defined in

paragraph (30) of section 101 of this title includes the period beginning on January 1, 1911, and ending on May 8, 1916.".

(h) The table of sections at the beginning of chapter 15 of title 38, United States Code, is amended

(1) by inserting "the Mexican border period," immediately after "521. Veterans of";

(2) by striking out : "World War I, World War II, the Korean conflict, and the Vietnam era

"541. Widows of World War I, World War II, Korean conflict, or Vietnam era veterans.

"542. Children of World War I, World War II, Korean conflict, or Vietnam era veterans."

and inserting in lieu thereof: "Mexican border period, World War I, World War II, Korean conflict, and the Vietnam era

"541. Widows of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans.

"542. Children of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans."

SEC. 10. (a) Sections 1, 2 (a), (b), and (c), 3, 4, 5, 6, 7, 8, and 9 shall take effect on January 1, 1971.

(b) Sections 2(d) and 6 shall take effect on January 1, 1972.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. TEAGUE) will be recognized for 20 minutes, and the gentleman from California (Mr. TEAGUE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Speaker, the non-service-connected pension program dates back many years in the history of VA benefits. The existing program was authorized as Public Law 86–211, effective July 1, 1960. Veterans who were on the rolls prior to that date are classified as eligible for pensions under the old law and the rates of pension have largely been left at the level which existed at that time. The present annual income limitations for that group are $1,600 for a single veteran or widow without children or $2,900 for a veteran who has a dependent on a widow with children.

Pensioners are primarily older people: seven out of 10 veterans on the rolls served in World War I and three out of four widows are widows of World War I husbands. There are presently 332,267 beneficiaries under the old law and 1,575,286 under the current law for a total of 1,907,553. Insofar as those eligible under Public Law 86–211 are involved. They are broken down by source as indicated below:

	World War I	World War II	Korean conflict	Vietnam
Veterans	490,253	347,566	24,109	1,320
Widows	474,860	217,604	18,271	1,303

The income an eligible pensioner may have in addition to his non-service-connected pension comes from a variety of sources, but three out of four receive social security, many receive private retirement and civil service annuities.

Social security was last increased effective January 1, 1970, and this increase was 15 percent. Prior to that in February of 1968 there was a 13-percent increase and in July of 1965 there had been a 5-percent increase. There is now pending in the Senate the bill—H.R. 17550—which proposes to increase the rates of social security generally by 5 percent and also recompute male social security on an average wage based on 6 instead of a 9-year period and compute a widow's survivor's rate up to 100 percent of the primary insured rates instead of 82.5 percent as is the law today.

Civil service retirement increases are automatic based on the Consumer Price Index. There was a 3.9-percent increase April 1, 1968, a 5-percent increase effective November 1, 1969, and 5.6 percent effective August 1, 1970. Many private retirement increases are based on the cost-of-living rises.

In connection with each recent increase in social security the Congress has increased income limitations, raised monthly rates, or otherwise modified the pension program, resulting in protection of the VA benefit.

Under the measure, enacted into law, it will mean that those individuals who had social security increases of 15 percent effective January 1, 1970, will not lose any of their VA non-service-connected pension.

If this bill is enacted, virtually all of the 1,575,286 current law pensioners—863,248 veterans and 712,038 widows—would receive an average increase of $7.47 a month.

The rate changes and income limitations proposed by sections 1 and 2 are shown in the tables which follow and reflect pension increases averaging 9.5 percent taking into account the 15 percent social security increase.

VETERAN ALONE

Countable income not more than—	Law	H.R. 15911
$300	$110	$121
$400	108	119
$500	106	117
$600	104	115
$700	100	112
$800	96	108
$900	92	104
$1,000	88	100
$1,100	84	96
$1,200	79	92
$1,300	75	88
$1,400	69	84
$1,500	63	79
$1,600	57	75
$1,700	51	69
$1,800	45	63
$1,900	37	57
$2,000	29	51
$2,100		45
$2,200		37
$2,300		29

VETERAN AND 1 DEPENDENT

Countable income not more than—	Law	H.R. 15911
$500	$120	$132
$600	118	130
$700	116	128
$800	114	126
$900	112	124
$1,000	109	122
$1,100	107	119
$1,200	105	116
$1,300	103	113
$1,400	101	110
$1,500	99	107
$1,600	96	104
$1,700	93	101
$1,800	90	99
$1,900	87	96
$2,000	84	93
$2,100	81	90
$2,200	78	87
$2,300	75	84
$2,400	72	81
$2,500	69	78
$2,600	66	75
$2,700	62	72
$2,800	58	69
$2,900	54	66
$3,000	50	62
$3,100	42	58
$3,200	34	54
$3,300		50
$3,400		42
$3,500		34

WIDOW ALONE

Countable income Not more than—	Law	H.R. 15911
$300	$74	$81
$400	73	80
$500	72	79
$600	70	78
$700	67	76
$800	64	73
$900	61	70
$1,000	58	67
$1,100	55	64
$1,200	51	61
$1,300	48	58
$1,400	45	55
$1,500	41	51
$1,600	37	48
$1,700	33	45
$1,800	29	41
$1,900	23	37
$2,000	17	33
$2,100		29
$2,200		23
$2,300		17

WIDOW AND 1 CHILD

Countable income not more than—	Law	H.R. 15911
$600	$90	$99
$700	89	98
$800	88	97
$900	87	96
$1,000	86	95
$1,100	85	94
$1,200	83	92
$1,300	81	90
$1,400	79	88
$1,500	77	86
$1,600	75	84
$1,700	73	82
$1,800	71	80
$1,900	69	78
$2,000	67	76
$2,100	65	74
$2,200	63	72
$2,300	61	70
$2,400	59	68
$2,500	57	66
$2,600	55	64
$2,700	53	62
$2,800	51	59
$2,900	48	56
$3,000	45	53
$3,100	43	51
$3,200	41	48
$3,300		45
$3,400		43
$3,500		41

DEPENDENCE AND INDEMNITY COMPENSATION—1 PARENT

Income increment	Law	H.R. 15911
$800	$87	$96
$900	81	94
$1,000	75	91
$1,100	69	87
$1,200	62	81
$1,300	54	75
$1,400	46	69
$1,500	38	62
$1,600	31	54
$1,700	25	46
$1,800	18	38
$1,900	12	31
$2,000	10	25
$2,100		18
$2,200		12
$2,300		10

2 PARENTS LIVING TOGETHER

Income increment	Law	H.R. 15911
$1,000	$58	$64
$1,100	56	62
$1,200	54	60
$1,300	52	58
$1,400	49	56
$1,500	46	54
$1,600	44	52
$1,700	42	49
$1,800	40	46
$1,900	38	44
$2,000	35	42
$2,100	33	40
$2,200	31	38
$2,300	29	35
$2,400	26	33
$2,500	23	31
$2,600	21	29
$2,700	19	27
$2,800	17	25
$2,900	15	23
$3,000	12	21
$3,100	11	19
$3,200	10	7
$3,300		14
$3,400		12
$3,500		10

2 PARENTS NOT LIVING TOGETHER

Income increment	Law	H.R. 15911
$800	$58	$66
$900	54	64
$1,000	50	61
$1,100	46	58
$1,200	41	54
$1,300	35	50
$1,400	29	46
$1,500	23	41
$1,600	20	35
$1,700	16	29
$1,800	12	23
$1,900	11	20
$2,000	10	16
$2,100		14
$2,200		12
$2,300		10

Section 3 of the bill increases the monthly aid and attendance rate for widows above their basic pension from $50 to $55 and for veterans who are in the same category from $100 to $110, again above their basic pension, and in the case of the housebound veteran the monthly rate is increased from $40 to $44 above his basic pension.

This section also increases the income limitation applicable to children of veterans by permitting the child to receive pension as long as his annual income does not exceed $2,000 rather than the present $1,800, and of course earned income is excluded in each case.

Section 612(h) of title 38, United States Code, authorizes the Administrator to furnish each veteran of World War I, World War II, Korea, or Vietnam, who is receiving additional pension, and each veteran who is receiving additional compensation or allowance, because of being in need of regular aid and attendance, such drugs and medicines as may be ordered on a prescription by a duly licensed physician in the treatment of any illness or injury suffered by the veteran. Section 4 would amend this provision to permit the administrator to furnish such drugs and medicines to any veteran pensioner whose annual income has exceeded the permissible rates so long as it does not exceed $500 more than the maximum, thus in the case of the present bill, a veteran could still continue to receive his drugs and medicines even though he and his wife had an annual income of as much as $4,000 and in the case of a single veteran, so long as his individual income did not exceed $2,800.

Section 5 would increase the annual income limitation for those individuals receiving pension under the so-called old law—those who were on the rolls on June 30, 1960—from the present $1,600 for a single veteran or widow to $1,900 and for a veteran with dependents or a widow with a child from $2,900 to $3,200.

Section 6 would, effective January 1, 1972, remove the current mandatory requirements for the annual reporting of income and corpus or estate for those persons on the non-service-connected pension rolls who are 72 years of age or older and who have received pension during 2 consecutive calendar years. A similar proposal relating to annual income reports by parents receiving dependency and indemnity compensation is contained in subsection 2(d) of the bill. There would be no change in the authority of the Administrator to require clarification or proof of income and corpus of estate, when such action is indicated, by this group of individuals age 72 or more. There is reason to believe that these changes would produce some administrative savings and would certainly make administration simpler.

Section 7 of the bill would add five exclusions from reportable income under the non-service-connected pension program. These are:

First, servicemen's group life insurance payments;

Second, amounts equal to prepayments made on indebtedness secured by a mortgage on real property;

Third, amounts in a joint bank account acquired by reason of death of other joint owner;

Fourth, payments made by a former employer to retired employee as reimbursement for premiums paid by the retiree on supplementary medical insurance benefits for the aged; and

Fifth, payments from retired serviceman's family protection plan provided in chapter 73 of title 10, United States Code.

At its inception the plan mentioned in item 5 provided that annuities thereunder should not be considered income under any law administered by the Veterans' Administration.

Section 8 provides exclusion from income, for dependency and indemnity compensation purposes, of annuities of the retired serviceman's family protection plan—item 5 in section 7—and of pension under law in existence prior to July 1, 1960, when Public Law 86-211 became operative.

Section 9 includes as beneficiaries those individuals who served on the Mexican border in the period immediately preceding World War I. This section would in effect give pension and certain other benefits available for World War I service to those veterans and the widows and children of such veterans who served during this prescribed period of time immediately before the onset of World War I. The defined period is that which begins on May 9, 1916, and ends on April 5, 1917, the day before the beginning of World War I, and service of 90 days or more is required in Mexico, on the borders of Mexico, or waters adjacent to Mexico.

Sections 6 through 9 were included in H.R. 372 which passed the House October 6, 1969.

Section 10 provides that the bill will be effective January 1, 1971, except for sections 2(d) and 6 which will be effective January 1, 1972.

The cost of the bill is estimated by the Veterans' Administration at $159,700,000 the first year, rising to $177,500,000 the fifth year.

Mr. Speaker, I am sure that all the Members of this House would agree that in recent months their veteran mail has involved requests for information concerning the need for legislation to prevent veterans who have received an increase in their social security from being adversely affected in the non-service-connected pension program of the Veterans' Administration. The Subcommittee on Compensation and Pension went into this matter in depth and the bill which we are considering today is a tribute to the care and attention they have given to this subject. I want to express my appreciation to the gentleman from South Carolina, the chairman of the Subcommittee on Compensation and Pension (Mr. DORN), and to his colleagues who are the gentleman from Texas (Mr. ROBERTS), the gentleman from Mississippi (Mr. MONTGOMERY), the gentleman from Indiana (Mr. ADAIR), the gentleman from Pennsylanvia (Mr. SAYLOR), and the gentleman from Virginia (Mr. SCOTT).

Mr. TEAGUE of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. ADAIR).

Mr. ADAIR. Mr. Speaker, I rise in support of H.R. 15911. This bill, if enacted into law, will alleviate the plight of those veteran pensioners who, because of the modest increase in social security received earlier this year, may otherwise have their pension reduced or terminated at the end of this calendar year.

I am sure that most of my colleagues have received an abundance of mail from veterans who are apprehensive because the 15-percent social security increase received earlier this year will put them in a higher income bracket and thus, either reduce or terminate their monthly pension benefits at the end of this calendar year. Approval of this bill, Mr. Speaker, should put the minds of such veterans at ease because it insures that no veteran will lose one single penny of his monthly pension benefits as the result of the recent social security increase. The bill affords the same protection to widows who are in receipt of pension benefits and to dependent parents who are in receipt of

dependency and indemnity compensation payments.

The bill accomplishes this purpose by increasing the maximum income limits for all categories of veterans whether married or single and whether drawing pension under the so-called old law or the new law. For example, the maximum income limit under existing law for a married veteran is $3,200 annually. The bill proposes to increase this maximum to $3,500 annually.

Additionally, increases in monthly pension rates averaging approximately 9.5 percent for current law pensioners are authorized by this measure.

Mr. Speaker, the bill also contains provisions to remove the current mandatory requirements for the annual reporting of income for persons on the pension rolls who are 72 years of age and have been in receipt of pension for 2 consecutive years. The bill also makes veterans who served on the Mexican border in the period immediately preceding World War I eligible for wartime veterans' benefits. A bill containing these latter two provisions, Mr. Speaker, passed the House last year. Unfortunately, the other body has not yet acted upon these important provisions.

This proposal, Mr. Speaker, will provide a measure of relief to the Nation's older veterans who are living on fixed incomes. I believe it is necessary and urge that it be passed.

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

Mr. TEAGUE of Texas. I yield to the gentleman from Illinois.

Mr. GRAY. I thank the gentleman for yielding.

First I want to commend the gentleman and his entire Committee on Veterans' Affairs for bringing out this legislation. I do have a question as to the income limitation provision. I am happy to be a cosponsor of this legislation.

This bill increases the income limitation from $3,200 to $3,500 for married veterans mostly of World War I, a couple.

Mr. TEAGUE of Texas. That is correct.

Mr. GRAY. What would happen if a railroad retirement pension, social security income or a miner's welfare pension were increased. Would this $300 a month increase in income limitation keep them from having that same amount deducted from the veterans' pension?

Mr. TEAGUE of Texas. Our committee had to tie the income limitation to some retirement. We have chosen social security. Regardless of where the man's income comes from, it would be counted against the pension.

Mr. GRAY. In my district there are a lot of World War I veterans who are also drawing miner's pensions, railroad retirement and social security. They have pointed out cases where a small increase has been made in the miner's welfare which would cause them to lose much of their veterans' pension.

Mr. TEAGUE of Texas. This does not apply just to social security. We could not take every different kind of retirement—teachers and firemen and so on—and handle each one individually. We had to take some amount and tie to it. That is what we did with social security.

Mr. GRAY. In other words, going from $3,200 to $3,500, or from $2,900 to $3,200 if under the old law, if all aggregate pensions fall within that umbrella they would be covered under this bill and no pension would be reduced?

Mr. TEAGUE of Texas. That is correct.

Mr. GRAY. I thank the gentleman.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from California.

Mr. BURTON of California. I should like to commend the distinguished chairman of the full committee and the committee for this proposal. I am particularly pleased to note it treats equitably all low-income veterans or their widows or others otherwise eligible under the act. For that reason I am particularly pleased to have the opportunity to speak in support of this proposal.

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. A moment ago there was an amount for married veterans, expressed as being changed from $3,200 to $3,500, yet on page 7 of the report I see where it is apparently $2,900 to $3,200. What figures are correct?

Mr. TEAGUE of Texas. We have what we call the old law for the pensioners, and that is the $2,900. The new law is the $3,500. There are some veterans who have stayed under the old law. They are governed by those limitations.

Mr. MILLER of Ohio. Are we saying that under the old law the income limitation for married veterans is increased from $2,900 to $3,200 and under the new law from $3,200 to $3,500?

Mr. TEAGUE of Texas. That is correct.

Mr. MILLER of Ohio. I thank the gentleman.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of H.R. 15911, a bill to increase the rates and income limitations relating to payment of pension to veterans and widows and dependency and indemnity compensation of the parents of veterans.

It is vitally important that Congress pass this bill to protect the veterans and widows of veterans of our wars. Under the present veterans benefit program there are over 870,000 eligible veterans and 712,000 eligible widows of veterans. We must move to keep present benefits at a level up to pace with inflation and increased costs of living, or the recipients will suffer a continual decrease in buying power and the program will lose its effectiveness. Since 7 out of 10 veterans are older people, it is ridiculous to expect them to go to work during their later years because their benefits may no longer be high enough for their sustenance.

The bill provides that those individuals who had social security increases of 15 percent last January, will be able to retain their VA non-service-connected pensions. Also, there would be increases of pensions on the average of $7.47 per month under the bill's provisions. In addition, the annual income limitation for those individuals receiving pension under the law of 1960 would be raised to a ceiling of $1,900 for a single veteran or widow and $3,200 for a veteran with dependents or a widow with a child from the present $1,600 and $2,900 levels. The bill contains many other features which will make it much easier for veterans and widows to receive their benefits under the VA program.

Mr. Speaker and my fellow colleagues, we have an obligation to provide assistance to veterans and widows of our wars. If we expect sacrifices from these brave individuals who come forward to defend our Nation, we must in turn come forth with some assurance and assistance for these individuals, so that they may be able to live fruitful and productive lives after their return from war. I again urge the Members to wholeheartedly support H.R. 15911.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 15911, which increases pension rates and income limitations applicable to nonservice-connected disabled veterans.

At this moment, many pensioners find their pension in jeopardy because of the 15-percent social security increase which could have an effect on decreasing the net monthly amount they will receive unless H.R. 15911 becomes law before January 1, 1971. It will be a sad commentary of our times if we permit those veterans of our Nation, who served in time of war, to lose any part of those veterans' benefits to which they are entitled.

Mr. Speaker, nearly 68 percent of all spinal cord afflicted veterans in VA hospitals are nonservice connected, and about 48 percent of these nonservice connected are quadraplegic, or have disability from the neck down. I feel that most of these veterans remain in veterans hospitals because they do not have the financial means to support themselves outside the hospital.

To maintain a veteran with a spinal cord injury in a VA spinal cord injury center costs about $16,973 per year. If we raise the rates of pension and also increase the aid and attendance allowance, I believe many of those in the VA hospitals would leave and establish themselves in our communities. This would be more than humanitarian in nature; it would result in substantial savings to the Government.

Mr. Speaker, I commend you and your distinguished colleagues on the committee for recognizing these facts and bringing them to the public's attention.

Under H.R. 15911, those individuals who had social security increases of 15 percent effective January 1, 1970, will not lose any of their VA non-service-connected pension. Virtually all of the 1.6 million pensioners will receive an average increase of $7.47 a month.

Section 3 of the bill increases the monthly aid and attendance rate for eligible veterans from $100 to $110 above their basic pension, and in the case of housebound veterans, the rate is increased from $40 to $44 above his basic pension.

Section 5 would increase the annual income limitation for those veterans with dependents—who were on the rolls on June 30, 1960—from $2,900 to $3,200. Similarly, single veterans and widows

income limitation would be increased from $1,600 a year to $1,900.

Mr. Speaker, in these days of spiralling inflation, we must insure that the standard of living of those on a fixed income—such as pensioners—should be maintained at a reasonable level. While I feel that we could go further than H.R. 15911 intends, I support this measure as a progressive step in the right direction.

Mr. DORN. Mr. Speaker, I am happy to recommend today to this House the bill H.R. 15911 which was reported by the Subcommittee on Compensation and Pension of which I have the privilege of chairing.

The main purpose of this bill is to increase the income limitations for non-service-connected pensions and to raise the rates of such pension. The net result is to give a 9.5 percent increase in the rates of such pension and to raise by $300 the income limitations.

The bill which would be effective January 1, 1971, would provide increases for approximately 1½ million beneficiaries; by far the greatest portion of these are in World War I. And it would provide protection for those individuals who have received the 15 percent social security increase which was effective earlier this year.

The bill also provides for a liberalization of the exclusions from income and also for the first time provides non-service-connected pensions for those individuals who served on the Mexican border immediately preceding World War I.

The income limitations applicable to those individuals who continue to receive pension under the so-called old law provision—those who were on the rolls on June 30, 1960—are raised by $300.

Section 6 would, effective January 1, 1972, remove the current mandatory requirements for the annual reporting of income for those persons who are on the pension rolls who are 72 years of age or older and who have received pension during 2 consecutive calendar years. This provision was originally part of H.R. 372 passed by the House nearly a year ago and still pending in the other body.

Another liberalization is the provision that a non-service-connected pensioner who is receiving pension at the aid and attendance rates may have an income of $500 above the limitations applicable to other veterans and still continue to receive his drugs and medicines prescribed for him by a doctor of medicine.

Section 3 of the bill increases the monthly aid and attendance rates for widows from $50 to $55 and for veterans from $100 to $110 and in the case of the housebound veteran, this is increased by 10 percent also by making the rate $44 rather than $40.

I hope that the bill will be promptly enacted into law.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of H.R. 15911. This bill will liberalize the non-service-connected pension program for veterans. It will accomplish this purpose by increasing the monthly rates of pension received by current law pensioners by approximately 9.5 percent and by increasing the maximum annual income limitations for all pensioners by $300. The bill will also eliminate the requirement of reporting annual income for pensioners who have reached the age of 72 years and have been on the pension rolls for 2 years.

Mr. Speaker, the mail I have received in recent months and my personal discussions with older veterans, particularly those veterans who served during World War I, have reflected an apprehension and concern that their pension payments will be reduced or terminated as the result of modest increases in social security.

This bill, Mr. Speaker, should put to rest such fears, because if it is passed by both Houses of Congress and approved by the President, it will insure that not one single pensioner will suffer a reduction or termination of his monthly payments as the result of the most recent social security increase. If we are to show our appreciation for the sacrifices, the hardships and the tribulations endured by these men in protecting our national security during time of war, then this legislation is essential. I urge that it be approved.

Mr. DUNCAN. Mr. Speaker, I rise in support of H.R. 15911. This bill will increase both the monthly rates of pension and the income limits thereunder. The principal thrust of this bill is to prevent the adverse effect of the recent social security increase upon veterans' pensions.

Members will recall that a 15-percent increase in social security benefits was approved earlier this year. Unless the bill before the House or similar legislation is enacted into law prior to the end of this year, thousands of veterans will have their pension payments either reduced or eliminated. It is indeed ridiculous to permit an increase in one Federal benefit to cause a reduction in another Federal benefit.

I am pleased to have cosponsored this bill that means so much to the Nation's veteran pensioners. Not only will it serve to prevent any veteran or widow on the pension rolls from suffering a reduction or termination of pension benefits, but it will authorize a modest increase in monthly pension payments for current law pensioners and an increase of $300 in the annual income limits for all pensioners.

My only regret, Mr. Speaker, is that the bill does not restore the pension benefits that were reduced on January 1 of this year as the result of the 1968 social security amendments. Unfortunately, the amendment I offered in committee to accomplish this worthy purpose did not prevail, and the procedure under which the bill is considered today does not permit amendments.

I believe Members should be aware, however, that every time social security is increased, there is an adverse effect upon veteran pensioners. In any event, Mr. Speaker, the bill before the House is necessary and I am proud to have cosponsored it. I urge its approval.

Mr. SAYLOR. Mr. Speaker, I rise in support of this bill. No legislation is more deserving of our attention nor more important to older veterans, particularly those from World War I than the bill before the House today.

This bill, Mr. Speaker, will authorize increases averaging $7.47 in the monthly rates of pension. Additionally, the bill will increase the maximum income limits of existing law by $300 annually.

The most significant effect of this bill, Mr. Speaker, is that it will prevent any veteran or widow receiving pension or any dependent parent receiving dependency and indemnity compensation from suffering any reduction or termination in monthly pension payments as the result of the last increase in social security.

It was my privilege, Mr. Speaker, to cosponsor this important piece of legislation. It was also my privilege to participate in its consideration as a member of the Subcommittee on Compensation and Pension of the Committee on Veterans' Affairs and then, finally, to participate in the full committee's deliberations on this measure and I am pleased today to cast my vote in support of this important and deserving legislation.

Mr. MONAGAN. Mr. Speaker, I want to record my support of the three veterans bills which we are now considering. In this Congress to date, I have supported 13 bills increasing veterans benefits in the fields of education, and training assistance, home loans, nursing home care, medical assistance, and pension eligibility. In addition, I have been actively working to improve the medical facilities in Connecticut veterans hospitals.

The three bills presently under consideration will provide veterans with vital assistance in several critical areas.

H.R. 16710, the first bill under consideration today, provides for the removal of the termination date on applying for housing loan guarantees for World War II and Korean war veterans. Also, the bill provides that for the first time the Veterans' Administration will be authorized to guarantee loans for the purchase of mobile homes. H.R. 18448, the second bill, provides mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing, and H.R. 15911 increases the rates and income limitations relating to payment of pension, parents dependency, and indemnity compensation. The bill, if enacted into law, will mean that individuals who had social security increases of 15 percent effective January 1, 1970, will not lose any of their VA non-service-connected pension. Under the bill, almost all current pensioners will receive pension increases averaging 9.5 percent, or about $7.47 a month.

The veterans of this Nation have earned and deserve a top priority in receiving Federal consideration, and I urge my colleagues to join me in voting for passage of these bills.

Mr. RANDALL. Mr. Speaker, it has never been the policy of this Government to give to its people with one hand and take away with the other. Yet, that is exactly what will happen if Congress does not enact H.R. 15911 or similar legislation.

It has been because of our grateful recognition to our veterans for their contribution to our security and freedom, that this Nation has established programs of non-service-connected pensions and in addition parents de-

pendency and indemnity compensation to those men who have worn the uniform of our country, and for their widows and dependents. Approximately 1,900,000 veterans participate in these programs. Statistics reveal that seven out of 10 are veterans of World War I while three out of four of the widows drawing benefits from these programs are widows of men who fought for us 50 or more years ago.

The reason this bill is not only helpful but absolutely necessary is that late last year Congress passed legislation to increase by 15 percent those benefits that are paid under the Social Security Act. Subsequently, the House passed another bill which provides for an additional 5-percent increase in those benefits, effective next January. These increases have been made or authorized in recognition of the deflated purchasing power of the social security dollar.

For many of the 1.9 million veterans or survivors who participate in the non-service-connected pension program, the increases they have received or will receive under the Social Security Act liberalization push them above the allowable income limitations with respect to their veterans' pensions. Therefore, they will become ineligible on January 1 to continue to receive these benefits unless Congress passes H.R. 15911. This bill will increase certain non-service-connected pensions and increases the income limitations sufficiently to protect this class of pensioners against loss of any part of their VA benefits.

This bill is not something to be considered lightly. Instead it is a mandatory action to avoid loss by our veterans. It would be unconscionable, yes, unpardonable to give a social security increase only to lose it by a reduction in veterans pension.

I have never regarded pension legislation for our veterans to be in the category of welfare payments. Yet, the modest amounts of these pensions, and the very low limitations on earnings that govern eligibility to receive non-service-connected pensions make them just barely distinguishable from welfare handouts. For example, the single veteran or widow alone is not eligible for a non-service-connected pension if his or her income exceeds $2,000 under present law. At the other end of the scale, a veteran with three or more dependents, under present law, cannot receive a non-service-connected pension if his income from all sources, including social security benefits, exceeds $3,500. You will recall that under current definitions and guidelines, this is considerably less than "poverty line" as defined by those in charge of the so-called war on poverty.

Each of us should take careful note that if the non-service-connected veterans whose incomes exceed the modest maxmiums delineated in seven different classes of pensions by reason of the recent social security benefit increases, then they will face the cruel spectacle of our Government actually taking away with the other hand what it has given with the one unless we enact this bill into law before we adjourn.

It is a disappointment to me that the Veterans' Administration under the Nixon regime has recommended against passage of this bill, the total cost of which is estimated to be about $160 million, including the additional costs for expanded benefits in several other categories of veterans affairs. Presumably, the desires of many Members of Congress, including myself, who wish to express their appreciation to the Nation's veterans, have not properly alined our priorities in keeping with those of the executive branch of the Government.

I, for one, believe this bill has an incomparable priority over the billions in foreign aid, guaranteed annual incomes, welfare handouts, and other proposals for which the administration has asked and which are seemingly in consonance with its table of priorities. To me, there is no greater priority than properly equipping and training our fighting men. Following closely after this is the adequate provision for their care as veterans after they have rendered faithful service to their country. There is no other way in which we can properly keep faith with them. We cannot wait a bit longer. We must enact this bill, H.R. 15911 into law now—today.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas that the House suspend the rules and pass the bill H.R. 15911, as amended.

The question was taken.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 316, nays 0, answered "present" 1, not voting 113, as follows:

[Roll No. 309]

YEAS—316

Abbitt	Broyhill, Va.	Denney
Abernethy	Buchanan	Dent
Adair	Burke, Fla.	Derwinski
Adams	Burke, Mass.	Devine
Albert	Burleson, Tex.	Dingell
Anderson, Calif.	Burlison, Mo.	Donohue
Anderson, Ill.	Burton, Calif.	Dorn
Andrews, Ala.	Byrne, Pa.	Downing
Andrews, N. Dak.	Byrnes, Wis.	Dulski
Annunzio	Cabell	Duncan
Arends	Caffery	Edmondson
Ashbrook	Camp	Edwards, Calif.
Ashley	Carey	Edwards, La.
Aspinall	Carter	Eilberg
Baring	Cederberg	Erlenborn
Beall, Md.	Clancy	Eshleman
Belcher	Clark	Evans, Colo.
Bell, Calif.	Clausen, Don H.	Evins, Tenn.
Bennett	Clay	Fascell
Berry	Cleveland	Feighan
Betts	Cohelan	Findley
Bevill	Collier	Flood
Biaggi	Collins	Flowers
Biester	Colmer	Foley
Bingham	Conable	Ford, Gerald R.
Blackburn	Corbett	Ford, William D.
Boggs	Corman	Foreman
Bolling	Coughlin	Fountain
Brademas	Cramer	Frey
Brasco	Crane	Friedel
Bray	Culver	Fulton, Pa.
Brinkley	Cunningham	Fuqua
Broomfield	Daniel, Va.	Gallagher
Brotzman	Daniels, N.J.	Garmatz
Brown, Calif.	Davis, Ga.	Gaydos
Brown, Ohio	Davis, Wis.	Gettys
Broyhill, N.C.	de la Garza	Giaimo
	Dellenback	Gibbons
Gilbert	McEwen	Rhodes
Gonzalez	McMillan	Riegle
Goodling	Macdonald, Mass.	Rivers
Gray	Madden	Roberts
Green, Oreg.	Mahon	Robison
Green, Pa.	Mailliard	Rodino
Griffin	Mann	Roe
Griffiths	Marsh	Rogers, Fla.
Gross	Martin	Rooney, N.Y.
Grover	Mathias	Rooney, Pa.
Gubser	Matsunaga	Rostenkowski
Gude	May	Roth
Hagan	Mayne	Ruth
Haley	Meeds	Ryan
Hall	Meskill	Sandman
Hamilton	Michel	Saylor
Hammer-schmidt	Mikva	Schadeberg
Hanley	Miller, Ohio	Scherle
Hanna	Mills	Schwengel
Hansen, Wash.	Minish	Scott
Harsha	Mink	Sebelius
Harvey	Minshall	Shipley
Hastings	Mizell	Shriver
Hathaway	Mollohan	Sikes
Hays	Monagan	Sisk
Hechler, W. Va.	Montgomery	Skubitz
Heckler, Mass.	Moorhead	Smith, Calif.
Helstoski	Morgan	Smith, Iowa
Henderson	Morse	Springer
Hicks	Morton	Stafford
Hogan	Mosher	Staggers
Hosmer	Moss	Stanton
Howard	Murphy, Ill.	Steed
Hull	Myers	Steiger, Ariz.
Hungate	Natcher	Steiger, Wis.
Hunt	Nedzi	Stephens
Hutchinson	Nelsen	Stokes
Ichord	Nichols	Stubblefield
Jacobs	Nix	Stuckey
Jarman	Obey	Sullivan
Johnson, Calif.	O'Hara	Symington
Jonas	O'Neal, Ga.	Talcott
Jones, Ala.	O'Neill, Mass.	Taylor
Jones, N.C.	Passman	Teague, Calif.
Jones, Tenn.	Patten	Teague, Tex.
Kastenmeier	Pelly	Thomson, Wis.
Kazen	Pepper	Tiernan
Kee	Perkins	Vander Jagt
Keith	Philbin	Vanik
King	Pickle	Waggonner
Kleppe	Pike	Wampler
Kluczynski	Pirnie	Watts
Kyl	Poage	Weicker
Kyros	Podell	Whalen
Landgrebe	Poff	White
Langen	Pollock	Whitten
Latta	Preyer, N.C.	Wiggins
Leggett	Price, Ill.	Williams
Lennon	Price, Tex.	Winn
Long, Md.	Pryor, Ark.	Wright
Lujan	Quillen	Wyatt
Lukens	Railsback	Wylie
McClory	Randall	Wyman
McCloskey	Rarick	Yates
McClure	Rees	Yatron
McDade	Reid, Ill.	Young
McDonald, Mich.	Reid, N.Y.	Zablocki
	Reuss	Zion

NAYS—0

ANSWERED "PRESENT"—1

Schmitz

NOT VOTING—113

Addabbo	Dwyer	McKneally
Alexander	Eckhardt	MacGregor
Anderson, Tenn.	Edwards, Ala.	Melcher
Ayres	Esch	Miller, Calif.
Barrett	Fallon	Mize
Blanton	Farbstein	Murphy, N.Y.
Blatnik	Fish	O'Konski
Boland	Fisher	Olsen
Bow	Flynt	Ottinger
Brock	Fraser	Patman
Brooks	Frelinghuysen	Pettis
Brown, Mich.	Fulton, Tenn.	Powell
Burton, Utah	Galifianakis	Pucinski
Bush	Goldwater	Purcell
Button	Halpern	Quie
Casey	Hansen, Idaho	Reifel
Celler	Harrington	Rogers, Colo.
Chamberlain	Hawkins	Rosenthal
Chappell	Hébert	Roudebush
Chisholm	Holifield	Rousselot
Clawson, Del	Horton	Roybal
Conte	Johnson, Pa.	Ruppe
Conyers	Karth	St Germain
Cowger	Koch	Satterfield
Daddario	Kuykendall	Scheuer
Dawson	Landrum	Schneebeli
Delaney	Lloyd	Slack
Dennis	Long, La.	Smith, N.Y.
Dickinson	Lowenstein	Snyder
Diggs	McCarthy	Stratton
Dowdy	McCulloch	Taft
	McFall	Thompson, Ga.

Thompson, N.J.	Waldie	Wilson, Charles H.
Tunney	Watson	Wold
Udall	Whalley	Wolff
Van Deerlin	Whitehurst	Wydler
Ullman	Widnall	Zwach
Vigorito	Wilson, Bob	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Burton of Utah.
Mr. Brooks with Mr. Del Clawson.
Mr. Delaney with Mr. Cowger.
Mr. Farbstein with Mr. McCulloch.
Mr. Thompson of New Jersey with Mr. McKneally.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Karth with Mr. Bush.
Mr. Lowenstein with Mr. MacGregor.
Mr. Wolff with Mr. Horton.
Mr. Addabbo with Mr. Bow.
Mr. Rogers of Colorado with Mr. Hansen of Idaho.
Mr. Casey with Mr. Eckhardt.
Mr. Stratton with Mr. Button.
Mr. Vigorito with Mr. Reifel.
Mr. Flynt with Mr. Johnson of Pennsylvania.
Mr. Tunney with Mrs. Chisholm.
Mr. Ottinger with Mr. Schneebeli.
Mr. Chappell with Mr. Lloyd.
Mr. McFall with Mr. Snyder.
Mr. Harrington with Mr. Powell.
Mr. Daddario with Mr. Quie.
Mr. Purcell with Mr. Roudebush.
Mr. Roybal with Mr. Taft.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Barrett with Mr. Watson.
Mr. Miller of California with Mr. Ayres.
Mr. Celler with Mr. Conyers.
Mr. Dowdy with Mr. Brown of Michigan.
Mr. Murphy of New York with Mr. Whitehurst.
Mr. Melcher with Mr. Thompson of Georgia.
Mr. McCarthy with Mr. Widnall.
Mr. Fallon with Mr. Chamberlain.
Mr. Long of Louisiana with Mr. Edwards of Alabama.
Mr. Charles H. Wilson with Mr. Pettis.
Mr. Alexander with Mr. O'Konski.
Mr. Scheuer with Mr. Diggs.
Mr. Holifield with Mr. Goldwater.
Mr. Udall with Mr. Hébert.
Mr. Patman with Mrs. Dwyer.
Mr. Fisher with Mr. Dennis.
Mr. Rosenthal with Mr. Halpern.
Mr. Boland with Mr. Esch.
Mr. Pucinski with Mr. Ruppe.
Mr. St Germain with Mr. Frelinghuysen.
Mr. Slack with Mr. Mize.
Mr. Van Deerlin with Mr. Fish.
Mr. Landrum with Mr. Dickinson.
Mr. Koch with Mr. Hawkins.
Mr. Satterfield with Mr. Rousselot.
Mr. Ullman with Mr. Smith of New York.
Mr. Waldie with Mr. Dawson.
Mr. Fraser with Mr. Zwach.
Mr. Galifianakis with Mr. Wydler.
Mr. Bob Wilson with Mr. Blanton.
Mr. Whalley with Mr. Wold.

The result of the vote was announced as above recorded.

TITLE AMENDMENT OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer an amendment to the title of the bill.

The Clerk read as follows:

Title amendment offered by Mr. TEAGUE of Texas: Amend the title so as to read: "A bill to amend title 38 of the United States Code to increase the rates, income limitations, and aid attendance allowances relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 15424, AMENDING MERCHANT MARINE ACT, 1936

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15424) to amend the Merchant Marine Act, 1936, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and, without objection, appoints the following conferees: Messrs. GARMATZ, CLARK, DOWNING, MAILLARD, and PELLY.

There was no objection.

GROUP MORTGAGE INSURANCE FOR SERVICE-CONNECTED PARAPLEGIC AND QUADRIPLEGIC VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 18448) to provide mortgage protection life insurance for sevice-connected disabled veterans who have received grants for specially adapted housing.

The Clerk read as follows:

H.R. 18448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 21 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 806. MORTGAGE PROTECTION LIFE INSURANCE

"(a) The Administrator is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of mortgage protection life insurance on a group basis to provide the benefits specified in this section.

"(b) Any policy of insurance purchased by the Administrator under this section shall be placed in effect on a date determined by the Administrator and shall automatically insure any eligible veteran who is or has been granted assistance in securing a suitable housing unit under this chapter against the death of the veteran, unless the veteran elects in writing not to be insured under this section or fails to timely respond to a request from the Administrator for information on which his premium can be based.

"(c) The initial amount of insurance provided hereunder shall not exceed the lesser of the following amounts: (1) $30,000, (2) the amount of the loan outstanding on such housing unit on the date insurance under this section is placed in effect, or (3) in the case of a veteran granted assistance in securing a housing unit on or after such date the amount of the original loan. The amount of such insurance shall be reduced according to the amortization schedule of the loan and at no time shall exceed the amount of the outstanding loan with interest. If there is no outstanding loan on the housing unit no insurance shall be payable hereunder. If any eligible veteran elects not to be insured under this section, he may thereafter be insured hereunder only upon application, payment of required premiums, and compliance with such health requirements and other terms and conditions as may be prescribed by the Administrator.

"(d) The premium rates charged a veteran for insurance under this section shall be paid at such times and in such manner as the Administrator shall prescribe and shall be based on such mortality data as the Administrator deems appropriate to cover only the mortality cost of insuring standard lives. The Administrator is authorized and directed to deduct the premiums charged veterans for life insurance under this section from any compensation or other cash benefits payable to them by the Veterans' Administration and to pay such premiums to the insurer or insurers for such insurance. Any veterans insured hereunder not eligible for cash benefits from the Veterans' Administration may pay the amount of his premiums directly to the insurer or insurers for insurance hereunder.

"(e) The United States shall bear all of the cost of the insurance provided under this section except the amount of the premium rates established for eligible veterans under subsection (d) as the mortality cost of insuring standard lives. For each month for which any eligible veteran is insured under a policy purchased under this section there shall be contributed to the insurer or insurers issuing the policy or policies from the appropriation 'Compensation and Pensions, Veterans' Administration' an amount necessary to cover the cost of the insurance in excess of the premiums established for eligible veterans, including the cost of administration and the cost of the excess mortality attributable to the veterans' disabilities. Appropriations to carry out the purposes of this section are hereby authorized.

"(f) Any amount of insurance in force under this section on the date of death of an eligible veteran insured hereunder shall be paid only to the holder of the mortgage loan, the payment of which such insurance was granted, for credit on the loan indebtedness and the liability of the insurer under such insurance shall be satisfied when such payment is made. If the Administrator is the holder of the mortgage loan, the insurance proceeds shall be credited to the loan indebtedness and, as appropriate, deposited in either the direct loan or loan guaranty revolving fund established by section 1823 or 1824 of this title, respectively.

"(g) Each policy purchased under this section shall also provide, in terms approved by the Administrator, for the following:

"(1) reinsurance, to the extent and in a manner to be determined by the Administrator to be in the best interest of the veterans or the Government, with other insurers which meet qualifying criteria established by the Administrator as may elect to participate in such reinsurance.

"(2) that at any time the Administrator determines such action to be in the best interest of veterans or the Government he may (A) discontinue the entire policy, or (B) at his option, exclude from coverage under such policy loans made after a date fixed by him for such purpose; however, any insurance previously issued to a veteran under such policy may not be canceled by the insurer solely because of termination of the policy by the Administrator with respect to new loans. If the policy is wholly discontinued, the Administrator shall have the right to require the transfer, to the extent and in a manner to be determined by him, to any new company or companies with which he has negotiated a new policy or policies, the amounts, as determined by the existing insurer or insurers with the concurrence of the Administrator of any policy or contingency reserves with respect to insurance previously in force;

"(3) issuance to each veteran insured under this section of a uniform type of certificate setting forth the benefits to which he is entitled under the insurance;

"(4) any other provisions which are reasonably necessary or appropriate to carry out the provisions of this section; and

"(5) an accounting to the Administrator not later than ninety days after the end of each policy year which shall set forth, in a form approved by the Administrator, (A) the amount of premiums paid by veterans and contributions made by the Veterans' Administration accrued under the contract or agreement from its date of issue to the end of such contract year; (B) the total of all mortality and other claim charges incurred for that period; and (C) the amount of the insurer's expense and risk charges, if any, for that period. Any excess of the total of item (A) over the sum of items (B) and (C) shall be held by the insurer as a contingency reserve to be used by such insurer for charges under the contract or agreement only. The contingency reserve shall bear interest at a rate to be determined in advance of each contract year by the insurer, which rate shall be approved by the Administrator if consistent with the rates generally used by the insurer for similar funds held under other plans of group life insurance. If and when the Administrator determines that such contingency reserve has attained an amount estimated by him to make satisfactory provision for adverse fluctuations in future charges under the contract, the Administrator shall require the insurer to adjust the premium rates and contributions so as to prevent any further substantial accretions to the contingency reserve. If and when the contract or agreement is discontinued and if after all charges have been made there is any positive balance remaining in the contingency reserve, such balance shall be payable to the Administrator and by him deposited to the appropriation 'Compensation and Pensions, Veterans' Administration,' subject to the right of the insurer to make such payment in equal monthly installments over a period of not more than two years.

"(h) With respect to insurance contracted for under this section, the Administrator is authorized to adopt such regulations relating to eligibility of the veteran for insurance, maximum amount of insurance, maximum duration of insurance, and other pertinent factors not specifically provided for in this section, which in his judgment are in the best interest of veterans or the Government Insurance contracted for under this section shall take effect as to eligible veterans heretofore granted assistance under this chapter on a date determined by the Administrator, and as to eligible veterans hereafter granted assistance under this chapter at the time of the closing of his loan. The amount of the insurance at any time shall be the amount necessary to pay the mortgage indebtedness in full, except as otherwise limited by the policy.

"(i) Insurance contracted for under this section shall terminate upon whichever of the following events first occurs:

"(1) satisfaction of the veteran's indebtedness under the loan upon which the insurance is based;

"(2) the veteran's seventieth birthday;

"(3) termination of the veteran's ownership of the property securing the loan;

"(4) discontinuance of payment of premiums by the veteran; or

"(5) discontinuance of the entire contract or agreement.

"(j) Termination of the mortgage protection life insurance will in no way affect the guaranty or insurance of the loan by the Administrator."

SEC. 2. The analysis of chapter 21, title 38, United States Code, is amended by adding at the end thereof the following:

"806. Mortgage Protection Life Insurance."

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, sections 801–805 of title 38, United States Code, provides a $12,500 grant for specially adapted housing for veterans who—

The administrator is authorized, under such regulations as he may prescribe, to assist any veteran, who is entitled to compensation under chapter 11 of this title, based on service after April 20, 1898, for permanent and total service-connected disability—

(1) Due to the loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, or

(2) Which includes (a) blindness in both eyes, having only light perception, plus (b) loss or loss of use of one lower extremity, or (c) due to the loss or loss of use of one lower extremity together with residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without resort to a wheelchair,

In acquiring a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, and necessary land therefor, the regulations of the administrator shall include but not be limited to provisions requiring findings that (1) it is medically feasible for such veteran to reside in the proposed housing unit and in the proposed locality; (2) the proposed housing unit bears a proper relation to the veteran's present and anticipated income and expenses; and (3) the nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes.

This bill authorizes the Administrator of Veterans' Affairs to purchase a policy from a commercial insurer to provide mortgage protection life insurance for seriously disabled veterans who have been granted assistance as described above.

The initial amount of the insurance could not exceed $30,000 or the amount of the mortgage loan, whichever is the lesser amount. The amount of the insurance would be reduced as the mortgage is amortized. The insurance would be payable only to the holder of the mortgage loan and no insurance would be payable if the mortgage was paid off prior to the death of the veteran. No insurance protection would extend beyond age 70.

Eligible veterans would be automatically insured unless they elect in writing not to be insured or fail to furnish the Administrator information on which their premiums can be based. Veterans who elected not to be insured could later elect to be insured under certain conditions.

The premiums charged eligible veterans would only cover the cost of insuring standard lives. The Government would bear the administrative cost of the insurance and the cost of the excess mortality attributable to the veterans' disabilities. In general the veterans' premiums would be deducted from their compensation, and the government's contributions to the cost of the insurance would be made from the appropriation for compensation and pensions, veterans' administration.

It is significant that the formal veterans' administration report, among other things, states:

H.R. 18448 proposes to provide the benefit of mortgage protection life insurance to a limited group of veterans with certain serious service-connected disabilities. Few, if any, of these veterans can obtain mortgage protection life insurance from commercial sources. The veterans have suffered greatly and deserve our most sympathetic understanding and consideration, viewing these facts alone, the bill would appear to warrant favorable consideration.

The rates which veterans would probably pay for this insurance are indicated in the chart which follows:

PROPOSED (TENTATIVE) PREMIUM SCHEDULE FOR MORTGAGE INSURANCE ON DISABLED VETERANS QUALIFYING FOR SPECIALLY ADAPTED HOUSING GRANTS UNDER CH. 21, TITLE 38
MONTHLY PREMIUM PER $1,000 OF OUTSTANDING MORTGAGE INDEBTEDNESS AT ISSUE OF INSURANCE

[(1) 8-percent mortgage; (2) 4-percent mortgage]

Age at issue of insurance	Number of years remaining under mortgage at issue of insurance															
	5		10		15		20		25		30		35		40	
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
20	0.04	0.04	0.05	0.04	0.05	0.05	0.06	0.05	0.07	0.06	0.08	0.07	0.11	0.09	0.13	0.11
25	.04	.04	.05	.05	.06	.06	.07	.07	.09	.08	.12	.10	.16	.13	.20	.16
30	.05	.05	.06	.06	.08	.07	.11	.09	.14	.12	.19	.16	.24	.20	.31	.25
35	.07	.07	.10	.09	.13	.12	.17	.15	.23	.20	.30	.25	.39	.32	.49	.40
40	.13	.12	.17	.16	.22	.20	.29	.26	.38	.33	.49	.41	.62	.52	.76	.63
45	.21	.21	.28	.26	.37	.33	.48	.42	.62	.52	.78	.66	.96	.81	1.15	.96
50	.36	.34	.46	.43	.60	.55	.77	.69	.98	.86	1.22	1.05	1.46	1.24	1.68	1.43
55	.58	.56	.75	.70	.97	.88	1.23	1.10	1.54	1.35	1.85	1.61	1.25	1.86	2.39	2.09
60	.93	.90	1.20	1.13	1.55	1.42	1.94	1.74	2.36	2.09	2.75	2.43	3.09	2.73	3.33	2.98

Source: Office of Chief Actuary, Insurance Service, Department of Veterans Benefits, July 1970.

It is expected that a maximum of 10,000 veterans are involved at the present time and that about 500 new grants might be made each year.

It is estimated that the death claims will amount to about $1,440,000 a year

which would be a cost to the Government and that that the first year administrative cost could be $200,000 and thereafter approximately $38,000.

Mr. Speaker, it has been suggested and advocated for many years by the leadership of the Paralyzed Veterans of America, and in recent months particularly by its former able executive director, Peter Lassen, that legislation be enacted to provide for the redemption of home mortgage of a service-connected paraplegic or quadriplegic veteran. The gentleman from Mississippi (Mr. MONTGOMERY), has taken a special interest in this and arranged for the sponsorship of this bill which we are considering today. I commend him and the membership of the Subcommittee on Insurance which developed this proposal which is headed by the gentleman from New Jersey (Mr. HELSTOSKI). The other members are the gentleman from California (Mr. BROWN), the gentleman from Mississippi (Mr. MONTGOMERY), the gentlewoman from New York (Mrs. CHISHOLM), the gentleman from Pennsylvania (Mr. SAYLOR), the gentleman from Arkansas (Mr. HAMMERSCHMIDT), and the gentleman from Nebraska (Mr. DENNEY). I also extend my appreciation for assistance we have had in this regard from the private sector who has been most valuable in providing this piece of legislation.

Mr. TEAGUE of California. Mr. Speaker, I rise in support of H.R. 18448. This bill, if enacted into law, will provide mortgage life insurance for certain seriously disabled service connected veterans who have received grants for specially adapted housing.

Under existing law, Mr. Speaker, the Administrator of Veterans' Affairs is authorized to provide a $12,500 grant for specially adapted housing to veterans whose permanent and total service connected disabilities affect balance and propulsion and preclude their locomotion without a wheelchair.

Unfortunately, this magnanimous grant will not purchase the home. In most cases, the veteran purchaser must assume a $20,000 to $25,000 mortgage. Because of their serious disabilities, few, if any, of these veterans can obtain mortgage protection life insurance from commercial sources.

This bill, Mr. Speaker, therefore proposes to provide mortgage life insurance to this small group of seriously disabled veterans at a premium cost not in excess of the premium cost paid by the average citizen for similar protection. The insurance would in most respects be similar to the life insurance coverage provided for servicemen. It would be underwritten by a commercial carrier. The veteran would pay a premium covering the cost of insuring standard lives. The Federal Government would bear the administrative costs of the insurance and the cost of the excess mortality attributable to the veteran's disability.

The Veterans' Administration has estimated that a maximum of 10,000 veterans would be eligible for this insurance at the present time and that about 500 new grants might be made each year in the future. This is sound legislation, Mr. Speaker, and I urge that it be passed.

(Mr. MONTGOMERY, at the request of Mr. TEAGUE of Texas, was granted permission to extend his remarks at this point in the RECORD.)

Mr. MONTGOMERY. Mr. Speaker, this bill which I am happy to have been the principal sponsor of, is a measure which has been advocated for many years, but has never been enacted into law. I hope that with the passage of this bill today the other body will act promptly and that this bill will become law before we adjourn the second session of the 91st Congress.

I want to emphasize, Mr. Speaker, that this bill applies solely to service-connected disabled veterans and of this service-connected group it is restricted to one of the most severely disabled of the service-connected classification; namely, quadriplegics and paraplegics. There are approximately 10,000 of this group involved and all have been eligible for a grant from the Government for a home up to $12,500 under current law. In addition they have been eligible for a guaranteed home loan by the Veterans' Administration and several thousand have taken advantage of this provision while others have gotten commercial loans for the construction of a specially adapted house to meet the needs of their service-connected disability.

The insurance issued would not be payable to the veteran but would only be payable to the holder of the mortgage in case of the death of the veteran, and this is an item which has quite an effect on the morale of the individual so disabled because naturally he wishes to provide for his wife and children after his death. The mortgage redemption insurance, which will be provided by private carrier under a contract between the carrier and the Veterans' Administration, could not exceed $30,000 in any individual case and the insurance would not cover any veteran who is over 70 years of age.

The premiums charged eligible veterans would only cover the cost of insuring standard lives with the Government bearing the administrative costs and the cost of excess mortality attributable to the veterans' disabilities.

The bill was reported unanimously by the Subcommittee on Insurance and is estimated that the death claims would amount to about $1,440,000 a year and that the first year administrative costs would be $200,000 and thereafter be reduced to approximately $38,000.

Mr. Speaker, I am indeed happy that this bill is being considered today and I urge all of my colleagues to vote for this extremely worthwhile measure.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 18448. This bill will authorize mortgage protection life insurance to a limited group of veterans with certain serious service-connected disabilities. These are veterans who are blind or who have suffered disability which precludes locomotion without the aid of wheelchairs or other devices and who require a suitable housing unit with special fixtures or movable facilities therein. Because of the serious nature of the service-connected disabilities of these veterans, few, if any, of them are able to purchase mortgage life insurance.

The bill before you today authorizes the Veterans' Administration to purchase a group mortgage protection life insurance policy from a commercial insurer that would afford the desired protection to individual veterans. The seriously disabled veteran would pay the average premium paid by any citizen for mortgage life insurance. The excess premium occasioned by his serious service-connected disabilities would be paid from appropriations by the Veterans' Administration.

Mr. Speaker, this is a meritorious bill and I urge that it be passed.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of H.R. 18448. This bill will provide mortgage insurance for service-connected disabled veterans who have been the recipient of grants for specially adapted housing.

These veterans, for the most part, are paraplegic and quadriplegic veterans. However, any veteran whose disabilities have qualified him for specially adapted housing is eligible for such a grant. The specially adapted housing consists of ramps and other devices for veterans who require a wheelchair or other propulsion device for locomotion.

Because of the serious nature of their disabilities, these veterans are unable to purchase mortgage life insurance protection. The bill before you will authorize the Government to furnish such insurance protection at standard premiums to the veteran. The insurance would be underwritten by a commercial insurer, much in the same manner as the Serviceman's Group Life Insurance coverage. The increased premium resulting from the serious disability of the veteran would be paid by the Federal Government. After the initial group of 10,000 are insured, Mr. Speaker, it is anticipated that not more than 500 new grants might be made each year. This insurance protection is important to the recipients and in view of the seriousness of the service-connected disabilities affecting this group of veterans, the Federal Government can well afford to assume this responsibility. I urge that the bill be passed.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas that the House suspend the rules and pass the bill, H.R. 18448.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF GUARANTEED HOUSING LOANS—DIRECT LOANS TO PARAPLEGIC VETERANS—PURCHASE OF MOBILE HOMES

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16710) to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans for mobile homes if used as permanent dwellings, to authorize the Administrator to pay certain closing costs for, and interest on, certain loans guaranteed and made under such chapter, to remove the time limitation on the use of entitlement to benefits under such chapter, and for other purposes, as amended.

The Clerk read as follows:

H. R. 16710

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 "Veterans Housing Act of 1970".

SEC. 2. The last sentence of section 1802 (b) of title 38, United States Code, is amended to read as follows: "Entitlement restored under this subsection may be used at any time."

SEC. 3. (a) Subsection 1803(a) of title 38, United States Code, is amended to read as follows:

"(a) (1) Any loan to a World War II or Korean conflict veteran, if made for any of the purposes, and in compliance with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 per centum of the loan if the loan is made for any of the purposes specified in section 1810 of this title and not more than 50 per centum of the loan if the loan is for any of the purposes specified in section 1812, 1813, or 1814 of this title.

"(2) Any unused entitlement of World War II or Korean conflict veterans which expired under provisions of law in effect prior to the date of enactment of the Veterans Housing Act of 1970 is hereby restored."

(b) Subsection 1803(b) of title 38, United States Code, is amended by deleting "sections 1810 and 1811 of this title," and substituting in place thereof "sections 1810, 1811, and 1819 of this title,".

SEC. 4. Section 1811 of title 38, United States Code, is amended as follows:

(a) by striking out subsection (h) and inserting in lieu thereof the following:

"(h) No loan may be made under this section to any veteran after January 31, 1975, except pursuant to a commitment issued by the Administrator before such date."

(b) by striking out subsection (i) and inserting in lieu thereof the following:

"(i) The Administrator may exempt dwellings constructed through assistance provided by this section from the minimum land planning and subdivision requirements prescribed pursuant to subsection (a) of section 1804 of this title, and with respect to such dwellings may prescribe special minimum land planning and subdivision requirements which shall be in keeping with the general housing facilities in the locality but shall require that such dwellings meet minimum requirements of structural soundness and general acceptability."

(c) by striking out subsection (j) and inserting in lieu thereof the following:

"(j) The Administrator is authorized, without regard to the provisions of subsections (a), (b), and (c) of this section, to make or enter into a commitment to make a loan to any veteran to assist the veteran in acquiring a specially adapted housing unit authorized under chapter 21 of this title, if the veteran is determined to be eligible for the benefits of such chapter 21, and is eligible for loan guaranty benefits under this chapter."

SEC. 5. Section 1818 of title 38, United States Code, is amended (1) by striking out subsections (c) and (d); (2) by redesignating subsection (e) as (c) and amending it to read as follows:

"(c) Notwithstanding the exception in subsection (a) of this section, entitlement derived under such subsection (a) shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) the veteran previously derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict, and (2) he has not used any of his entitlement derived from such service."

SEC. 6. (a) Subchapter II of chapter 37, title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1819. Loans to purchase mobile homes

"(a) Notwithstanding any other provisions of this chapter, any veteran eligible for loan guaranty benefits under this chapter who has maximum home loan guaranty entitlement available for use shall be eligible for the guaranteed or direct mobile home loan benefit provided in this section. Use of such mobile home loan benefit shall preclude the use of any home loan guaranty entitlement under any other section of this chapter until the guaranteed or direct mobile home loan has been paid in full.

"(b) No direct loan for the purchase of a mobile home shall be made from funds available in the direct loan revolving fund unless the site for such home is located in an area designated by the Administrator pursuant to section 1811(b) as a 'housing credit shortage area' for the purpose of providing direct loan financing for the purchase of other than mobile homes. Any such direct loan shall be subject to such requirements and limitations prescribed in this section for guaranteed mobile home loans as may be applicable.

"(c) Any loan to a veteran eligible under subsection (a) shall be guaranteed by the Administrator if (1) the loan is for the purpose of purchasing a new mobile home or for the purchase of a used mobile home which is the security for a prior loan guaranteed or made under this section or for a loan guaranteed, insured or made by another Federal agency, and (2) the loan complies in all other respects with the requirements of this section. Loans for such purpose shall be submitted to the Administrator for approval prior to loan closing except that the Administrator may exempt any lender, or class of lenders, from compliance with such prior approval requirement if he determines that the experience of such lender or class of lenders in mobile home financing warrants such exemption. Upon determining that a loan submitted for prior approval is eligible for guaranty under this section, the Administrator may issue a commitment to guarantee such loan and shall thereafter guarantee the loan made if such loan qualifies therefor in all respects.

"(d) The Administrator's guaranty liability to the holder of the loan shall be 30 per centum of the principal balance of the loan as of the date of the first unsecured default in payment as defined by the Administrator. Payment of such guaranty shall be made only after liquidation of the security for the loan and the filing of an accounting with the Administrator. In such accounting the Administrator may allow the holder of the loan to charge against the liquidation or resale proceeds accrued unpaid interest to such cutoff date as he may establish, and such costs and expenses as he determines to be reasonable and proper.

"(e) Whenever a new mobile home is to be purchased with the proceeds of a proposed loan, the Administrator may forego a determination of the property's reasonable value and establish a maximum loan amount based on the manufacturer's invoice cost to the dealer plus such cost and other factors as the Administrator considers proper to take into account for such purpose. In respect to loans used to purchase used mobile homes the Administrator shall establish a maximum loan amount based on his determination of the reasonable value of the property. No mobile home loan shall be guaranteed if the amount thereof exceeds $10,000 or if the term of the loan exceeds twelve years and thirty-two days. Such limitations on the amount and term of the loan, however, shall not be deemed to preclude the Administrator from consenting to necessary advances for the protection of the property or the holder's security interest, or to a reasonable reamortization or extension of the term of the loan.

"(f) No loan shall be guaranteed under this section unless—

"(1) the loan is repayable in approximately equal monthly installments;

"(2) the terms of repayment bear a proper relationship to the veteran's present and anticipated income and expenses, and the veteran is a satisfactory credit risk;

"(3) the loan will be secured by a first lien (or equivalent security interest) on the property;

"(4) the amount of loan is not in excess of the maximum amount prescribed by the Administrator;

"(5) the veteran certifies, in such form as the Administrator may prescribe; that he will personally occupy the property as his home;

"(6) the mobile home is on a site which is acceptable to the Administrator.

"(7) the interest rate to be charged on the loan does not exceed the permissible rate established by the Administrator.

"(g) The Administrator shall establish such maximum rate of interest for mobile home loans as he determines to be necessary to assure a reasonable supply of mobile home loan financing for veterans under this section.

"(h) A loan to purchase a mobile home to be guaranteed under this section, may be increased (or augmented by a separate loan) not in excess of $5,000 or the reasonable value of the lot as determined by the Administrator, whichever is less, for the acquisition of a fully developed lot on which to place the mobile home. In any such transaction the 30 per centum maximum guaranty authorized in subsection (d) shall be based on the total or combined loan amounts. If a lot owned or to be acquired by the veteran does not have the amenities necessary to make it acceptable to the Administrator as a mobile home site, the loan (or loans) may include funds to pay reasonable costs of such amenities but in any such case the total included in the mobile home purchase loan (or loans) for the acquisition of the undeveloped lot and for the cost of site amenities may not exceed $5,000. The Administrator may authorize the real estate portion of a mobile home loan to be amortized over a term of fifteen years and thirty-two days.

"(i) Entitlement to the benefit used under this section is restored upon repayment of the guaranteed obligations in full.

"(j) The Administrator is hereby authorized and directed to promulgate such regulations as he determines to be necessary or appropriate in order to fully implement the provisions of this section, and in such regulations he may include any of the provisions in other sections of this chapter as he determines to be applicable or appropriate for loans guaranteed or made under this section. The Administrator shall have such powers in respect to matters arising under this section as he has in respect to loans guaranteed or made under other sections of this chapter.

"(k) No loan for the purchase of a mobile home shall be financed through the assistance of this section unless the mobile home meets or exceeds standards for planning, construction, and general acceptability as prescribed by the Administrator. For the purpose of assuring compliance with such standards the Administrator shall from time to time inspect the manufacturing process of mobile homes to be sold to veterans with guaranteed or direct loan financing, and shall make random on-site inspections of mobile homes purchased under this section.

"(l) The Administrator shall require the manufacturer to become a warrantor of any new mobile home purchased with guaranteed or direct-loan financing under this chapter and to furnish to the veteran purchaser a written warranty in such form as the Administrator shall require. Such warranty shall specifically state that the mobile home meets the standards prescribed by the Administra-

tor pursuant to the provisions of subsection (k) of this section. Such warranty shall further provide that the warrantor's liability to the veteran purchaser is limited under the warranty to instances of substantial noncomformity to such standards which become evident within one year from the date of purchase and the veteran purchaser gives written notice to the warrantor not later than ten days after the end of the warranty date. The warranty prescribed herein shall be in addition to and not in derogation of all other rights and privileges which such purchaser may have under any other law or instrument and shall so provide in the warranty document.

"(m) The Administrator is authorized to deny guaranteed or direct loan financing in respect to mobile homes constructed by any manufacturer who declines to permit the inspections provided for in subsection (k) of this section; or which are determined by the Administrator not to conform to the aforesaid standards; or where the manufacturer fails or is unable to discharge his obligations under the warranty.

"(n) The Administrator may refuse to approve as acceptable any site in a mobile home park or subdivision owned or operated by any person or entity whose rental or sale methods, procedures, requirements, or practices are determined by the Administrator to be unfair or prejudicial to veterans renting or purchasing such sites. The Administrator may also refuse to guarantee or make direct loans to veterans to purchase mobile homes offered for sale by any dealer in such homes as to which substantial deficiencies have been discovered, or if he determines that there has been a failure or indicated inability of the dealer to discharge contractual liabilities to veterans, or that the type of contract of sale or the methods, procedures, or practices pursued by the dealer in the marketing of such properties were unfair or prejudicial to veterans purchasers.

"(o) The provisions of section 1804(d) and section 1821 of this chapter shall be fully applicable to lenders making guaranteed mobile home loans and holders of such loans.

"(p) No loans shall be guaranteed by the Administrator under the provisions of this section on and after July 1, 1975, except pursuant to commitments issued prior to such date."

SEC. 7. Clause (3) of section 802 of title 38, United States Code, is amended to read as follows:

"(3) where the veteran elects to remodel a dwelling which is not adapted to the requirements of his disability, acquired by him prior to application for assistance under this chapter, the Administrator shall pay not to exceed (A) the cost to the veteran of such remodeling; or (B) 50 per centum of the cost to the veteran of such remodeling; plus the smaller of the following sums: (i) 50 per centum of the cost to the veteran of such dwelling and the necessary land upon which it is situated, or (ii) the full amount of the unpaid balance, if any, of the cost to the veteran of such dwelling and the necessary land upon which it is situated; and".

SEC. 8. The table of sections at the beginning of chapter 37 of title 38 is amended by inserting immediately after

"1818. Veterans who serve after January 31, 1955."

the following:

"1819. Loans to purchase mobile homes."

SEC. 9. Section 6 of this Act shall become effective ninety days following the date of enactment.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the bill provides for removal of the termination date on applying for housing loan guarantees administered by the Veterans' Administration. World War II veterans entitlement ended on July 25, 1970. The bill would restore such unused entitlement without time limitation for World War II and Korean veterans. The only time limitation, in the existing program, is January 31, 1975, and applies to direct loans administered by the Veterans' Administration in areas where there is no private financing available for home loans.

The provision for a funding fee of one-half of 1 percent for guaranteed loans is repealed by this measure.

For the first time the Veterans' Administration would be authorized to guarantee loans for the purchase of mobile homes subject to the following requirements:

First. The guarantee may be made for an amount which does not exceed 30 percent of the unpaid balance of the loan amount of a home;

Second. The amount of the loan guaranteed may not exceed $10,000;

Third. The guarantee of the purchase of land on which to erect a mobile home may not exceed $5,000. The $5,000 limitation applies to a fully developed lot and in those cases where the lot does not have the necessary amenities—utilities, sewage, and so forth—the loan may include funds to pay reasonable cost of such amenities, but the cost of the undeveloped land and the cost of such amenities may not exceed the $5,000;

Fourth. The duration of the loan may not exceed 12 years and 32 days;

Fifth. The loan must be repayable in approximately equal monthly installments;

Sixth. The loan must bear a proper relationship to the veteran's present and anticipated income and expenses;

Seventh. The loan must be secured by a first lien on the property;

Eighth. The amount of the loan is not in excess of the maximum amount prescribed by the Administrator;

Ninth. The home will be personally occupied by the veteran as his home;

Tenth. The mobile home is on a site acceptable to the Administrator;

Eleventh. The interest rate to be charged does not exceed the permissible interest rate established by the Administrator;

Twelfth. Direct loans for mobile homes may be made under the same conditions as direct loans are made for standard construction; namely, in areas where there is no private financing; and

Thirteenth. The Administrator shall require the manufacturer of the mobile home to become a warrantor of any new guaranteed or direct loan financing and to furnish the veteran purchaser a written warranty in such form as the Administrator shall require including specifically that the home meets the standards prescribed by the Administrator. Such warranty shall provide that the warrantor's liability to the veteran purchaser is limited to 1 year from the date of the purchase. The Administrator is authorized to deny guaranteed or direct loan financing in respect to mobile homes constructed by any manufacturer who declines to permit inspection for warranty purposes or which are determined not to conform to the standards prescribed by the Administrator. The Administrator may also refuse to approve any site in a mobile home park or subdivision by any person whose rental or sale methods, procedures, requirements, and so forth, are determined by the Administrator to be unfair or prejudicial to veterans renting or purchasing such sites.

Fourteenth. No loans may be made after July 1, 1975.

In extending the loan guarantee and direct loan programs to mobile homes and sites on which these homes may be located, I recognize that the VA will be confronted with unique problems in addition to those ordinarily encountered in the guarantee or making of real estate loans. The mobile home is essentially a manufactured product. The VA is given authority to establish a minimum manufacture or construction standards. The VA is granted authority to establish minimum property and construction requirements for site development, and is given authority to require a manufacturer's warranty for the protection of veteran purchasers. There may be several parties to the transaction involving a mobile home purchase particularly where there is also a site involved. These parties may be the manufacturer of the mobile home unit, the distributor of the mobile home unit, the retailer of the mobile home unit, the rental park operator, and the veteran purchaser. In addition, land may be acquired in the form of a developed site from another party or raw land may be obtained from one party with the necessary site improvements being arranged through another individual. In addition to these parties there will be the institutions and intermediaries providing or arranging the necessary financing.

I expect the VA to carefully consider the roles of the various parties involved in the transaction and to clearly define the nature and the proper extent of the responsibility of each party to the veteran purchaser concerning the manufacture and construction specifications and minimum property requirements established by the VA for the protection of veteran purchasers. The VA is given authority to establish a maximum interest rate which will assure a reasonable supply of mobile home loan financing to veterans. I recognize that in order to attract lender participation in a mobile home loan program, an interest rate must be authorized which is competitive with the rate prevailing in the conventional mobile home loan market.

In addition, the bill provides that service-connected paraplegic and quadriplegic veterans specified in section 801 of title 38, as set forth below, may obtain direct loans to purchase specially adapted housing.

The Administrator is authorized, under such regulations as he may prescribe, to assist any veteran, who is entitled to compensation under chapter 11 of this title, based on service after April 20, 1898, for permanent and total service-connected disability—

(1) Due to the loss, or loss of use, of both

lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, or

(2) Which includes (a) blindness in both eyes, having only light perception, plus (b) loss, or loss of use of, one lower extremity, or

(3) Due to the loss, or loss of use of, one lower extremity together with residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without resort to a wheelchair.

Hearings were held on this bill and related proposals on July 14 and 16 before the Subcommittee on Housing.

The cost of this bill, as estimated by the Veterans' Administration, is as follows:

1. *Removal of delimiting dates.*—It is estimated that in the first year there would be 35,000 loans closed which otherwise would not be made under the VA loan program. In 5 years, the cumulative additional loans would be 179,000. It is further estimated that the additional cost for the first year, including both administrative expenses and operational losses, would be $1.6 million, and for 5 years the additional cost would be $24 million, covering both administrative expenses and operational losses.

2. *Direct loans to veterans eligible for assistance under chapter 21.*—It is estimated that approximately 150 eligible veterans would obtain direct loans each year, at an annual administrative cost of approximately $17,500. Outlays for making such loans would be approximately $3,150,000, which would be funded from the direct loan revolving fund and subsequently recovered through loan payments.

3. *Elimination of funding fee.*—It is estimated that in the first-year revenues incoming to the loan guarantee revolving fund would be reduced by $17.3 million. In 5 years, the loss of revenue is estimated at $109 million.

4. *Mobile homes.*—The cost would be minimal.

Mr. Speaker, 2 days of hearings were held by the Subcommittee on Housing headed by the gentleman from Nevada (Mr. BARING) on this bill which we are considering today and related legislation. The subcommittee combined the several proposals into one general bill and has come up with this most worthwhile piece of legislation. I desire to express my appreciation to the subcommittee and its chairman for their efforts. In addition to the gentleman from Nevada (Mr. BARING), the other members of the subcommittee are the gentleman from Texas (Mr. ROBERTS), the gentleman from Virginia (Mr. SATTERFIELD), the gentleman from New Jersey (Mr. HELSTOSKI), the gentleman from California (Mr. EDWARDS), the gentleman from California (Mr. ROYBAL), the gentleman from Ohio (Mr. AYRES), the gentleman from New York (Mr. HALPERN), the gentleman from Tennessee (Mr. DUNCAN), and the gentlewoman from Massachusetts (Mrs. HECKLER).

Mr. SAYLOR. Mr. Speaker, will the gentleman yield to me?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman.

Mr. SAYLOR. In the removal of the delimiting date which is in this bill is there anything in this legislation which would prevent a veteran who got a loan when the loan was lower from now coming in and buying another house for his home and using the remainder of the guarantee?

Mr. TEAGUE of Texas. He can use the unused amount he has.

Mr. SAYLOR. There is nothing in this bill that would change that?

Mr. TEAGUE of Texas. No, sir.

Mr. SAYLOR. But it would extend it along with all of the others who have not used their guarantee?

Mr. TEAGUE of Texas. That is correct.

Mr. TEAGUE of California. Mr. Speaker, I rise in support of H.R. 16710. This bill has several purposes. First, the bill authorizes guaranteed and direct loans under the GI bill for the purchase of mobile homes. Secondly, the bill removes the termination date for entitlement of World War II and Korean conflict veterans to loan guaranty benefits under the GI bill. Finally, it authorizes direct loans for seriously disabled service connected veterans who require specially adapted housing.

Early last year, Mr. Speaker, the President created a Cabinet-level Committee on the Vietnam Veteran to evaluate the effectiveness of the Nation in meeting its responsibilities to today's veteran. The committee's report which was approved by the President on March 26, 1970, contained several recommendations which are embodied in the bill before the House today.

The provision of this bill which authorizes the Veterans' Administration to underwrite the financing of mobile homes will serve to promote an adequate supply of low cost housing for low and moderate income veterans, who have been unable to afford homes in today's market.

The Veterans' Administration guaranty of such loans may not exceed $10,000, nor may it exceed 30 percent of the unpaid balance of the purchase price of the home. Traditionally, the Veterans' Administration is authorized to guaranty a supplemental loan site acquisition for the purchase of land on which the mobile home will be erected. This guaranty may not exceed $5,000. Thus, the total maximum guaranty for a mobile home including the land upon which it will be located will be $15,000. The loan must be repaid in approximately equal monthly installments over a period of not exceeding 12 years and 32 days.

The bill, Mr. Speaker, also contains an administration recommended provision to eliminate the terminal date or delimiting dates prior to which World War II and Korean conflict veterans must act if they are to avail themselves of the opportunity to purchase a home under the provisions of the GI bill. Under existing law there is a phase-out formula, gearing the entitlement period to the length of the veteran's war service and the date of his discharge. Under the formula, each veteran was given entitlement of 10 years from the date of separation from his last period of service plus an additional period of 1 year for each 3 months of active duty. Irrespective of this individual phase-out formula, the law terminated the World War II program on July 25, 1970, and the Korean conflict program will be terminated on January 31, 1975.

The bill before us today, Mr. Speaker, will eliminate these terminal dates, thus restoring the expired entitlement of veterans who have not had an opportunity to avail themselves of the GI home loan benefits. Equity dictates, Mr. Speaker, that this entitlement be extended. There have frequently been periods over the last 20 years when the supply of mortgage financing for GI homes was extremely scarce or nonexistent. For all practical purposes, veterans desiring to utilize the GI home loans during these periods of mortgage credit shortages were denied their eligibility. By extending the eligibility without a terminal date, such veterans will have an opportunity to gear their purchase of a home to the availability of mortgage capital.

Finally, the bill will make direct housing loans available to those seriously disabled veterans who are eligible for assistance in acquiring specially adapted housing. Under existing law, a grant of $12,500 is available to a very limited group of veterans suffering from permanent and total service connected disabilities of such a nature that they require specially adapted housing, such as ramps for wheelchairs instead of steps and other devices to assist in locomotion. Unfortunately, the grant alone is insufficient to obtain an appropriate home, especially in periods of mortgage credit shortages. This provision of the bill, Mr. Speaker, will permit a group of seriously disabled service connected veterans to more readily obtain the housing of their choice with an added assist from the Federal Government.

The bill is a good one. It has considerable merit and I urge that it be passed.

Mr. HOGAN. Mr. Chairman, I am very pleased to see legislation being considered today which is of interest and benefit to the many veterans in the Fifth District of Maryland.

Contained within H.R. 16710 are provisions which will restore to World War II veterans, without limitation, entitlement to housing loan guarantees, which authority expired on July 25 of this year.

Because of prohibitive conditions in the mortgage and housing markets in my district during the past year or more, many World War II and Korean conflict veterans have been unable to take advantage of their eligibility to obtain a housing loan under the authority of Public Law 90–77. As I felt these veterans should not be penalized because of circumstances beyond their control, I introduced legislation in July to provide for a 1-year extension of the eligibility period for World War II veterans. I am happy to see that the committee has seen fit to go beyond a 1-year or short-term extension and has recommended removal of all time limitation on unused entitlement in connection with housing loan guarantees.

This will be especially appreciated in the Fifth District of Maryland where there is presently in effect a moratorium on building construction in five areas covering most of Prince Georges County This moratorium was the result of problems related to the local sewage treatment facilities.

Suburban and State officials, along with the Interior Department, have

agreed that Maryland must provide additional plants to take care of new growth in the county and to cover present sewage treatment requirements. This moratorium will continue to be in effect until the Washington Suburban Sanitary Commission can provide assurances that the present overload situation has been alleviated, which may be a year or more away.

Complete removal of the time limitation will permit veterans to adjust the timing of their home purchases and mortgage credit needs to coincide with favorable market conditions, when sellers and lenders are willing to participate in the loan guarantee program.

Other legislation we are considering today will correct a serious injustice to veterans by increasing the annual income limitations governing payment of pensions to veterans.

Congress last year approved increases in both social security and civil service retirement benefits, followed by an increase in railroad retirement benefits this year. These increases were completely justified, of course, as no one is harder hit by rising cost of living than elderly retirees living on a fixed income.

I am sure the Members are aware that the civil service retirees who reported their November cost-of-living increase at the end of calendar 1969, carrying their income over the limitation permitted under the veterans pension program, suffered a partial or complete loss of veterans benefits as a result. Unfortunately, this bill will not restore lost benefits of the past several months to these pensioners. However, upon its passage into law, affected veterans will once again begin to receive the full benefits to which they are entitled under the veterans pension program.

It is very important that this legislation be acted upon before Congress adjourns for the year, as the number of veterans suffering loss of benefits due to the present income limitations will increase greatly when veterans are required to report their income for calendar 1970.

I urge my colleagues to join with me in supporting the passage of these measures in the interest of our veterans.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of H.R. 16710.

As a member of the Housing Subcommittee of the Committee on Veterans' Affairs, wherein this legislation was perfected, I am proud to voice my strong support for the bill and to apprise you of the merit contained therein.

This bill will pump new life into the veterans housing program by reopening for World War II and Korean conflict veterans their right to purchase homes under the GI bill. It will also permit the Veterans' Administration to guarantee loans to purchase mobile homes under the GI home loan program and finally, it will authorize the Veterans' Administration to make direct loans to paraplegic veterans and other seriously disabled veterans who require specially adapted housing.

The continually spiraling cost of housing, Mr. Speaker, has to a great extent forced the low- and middle-income veteran out of the permanent housing market. By authorizing the guaranty of mobile homes under the GI bill, we are providing a means for these veterans to obtain temporary housing until such time as their income will qualify them to purchase more permanent housing. Mobile home financing is already available under the Federal Housing Administration's program. It appears to be a logical move to make such housing available under the GI bill.

Since there have been lengthy periods when mortgage financing for GI home loans was in short supply or unavailable, it would appear to be a reasonable and logical move to reopen the program for veterans of World War II and the Korean conflict.

Certainly, Mr. Speaker, there can be no question about the merit contained in the proposal to extend direct loans to paraplegic veterans who require specially adapted housing. These seriously disabled veterans should not be required to go through the sometimes futile search for mortgage financing to buy a home. This bill will authorize the Veterans' Administration to make direct loans to such veterans.

This bill has considerable merit and it comes to us with the recommendation of the President and his Commission on the Vietnam Veteran. I urge that it be passed.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 16710. This bill, identified as the Veterans' Housing Act of 1970, will implement certain recommendations made by the President's Commission on the Vietnam Veteran. These provisions are: first, the elimination of the delimiting dates for the eligibility of World War II and Korean conflict veterans for GI home loans; second, direct housing loans for certain seriously disabled veterans who are entitled to specially adapted housing; and third, the extension of the loan guaranty program for the purchase of mobile homes.

Mr. Speaker, the President manifested his concern for the returning Vietnam veteran when he created a Cabinet-level committee on June 5, 1969, and charged them with the responsibility of determining how well the Nation was meeting its responsibilities to the Vietnam veteran. The report of the President's committee was approved on March 26, 1970, and on April 1, 1970, a draft bill to accomplish some of the recommendations of the Commission was submitted to the Congress.

After extensive hearings on the draft bill and similar proposals, the bill before you today was reported. It represents the culmination of the mature deliberations of the committee on Veterans' Affairs.

It will permit World War II and Korean conflict veterans who have not yet had the opportunity to avail themselves of G.I. home loans to do so at their personal convenience and when mortgage financing is readily available. The termination date for G.I. home loans for these two categories of veterans is not extended by this legislation, Mr. Speaker, but is eliminated in its entirety so that in the future there will be no terminal dates for entitlement.

Additionally, Mr. Speaker, the bill authorizes the Veterans' Administration to make direct loans to veterans whose serious disabilities make necessary specially adapted housing. Under existing law, a grant of $12,500 is provided to these seriously disabled service connected veterans to defray the costs of the special adaptations required in their housing. The bill before you today will permit the remainder of the mortgage on such housing to be underwritten by a direct Veterans' Administration loan.

Finally, Mr. Speaker, the bill will permit mobile homes and the site upon which such homes will be located to be guaranteed under the GI housing program. The maximum amount of the loan is $10,000 for the mobile home and $5,000 for the land upon which it will be located. Additional provisions contained in the bill will safeguard the interests of both the Government and the veteran.

Mr. Speaker, I support this bill and urge that it be passed.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas (Mr. TEAGUE) that the House suspend the rules and pass the bill H.R. 16710, as amended.

The question was taken.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 297, nays 0, not voting 133, as follows:

[Roll No. 310]

YEAS—297

Abernethy	Carter	Fountain
Adair	Cederberg	Friedel
Adams	Clancy	Fulton, Pa.
Albert	Clark	Fuqua
Anderson, Calif.	Clausen, Don H.	Gallagher
Anderson, Ill.	Clay	Garmatz
Andrews, Ala.	Cohelan	Gaydos
Andrews, N. Dak.	Collier	Gettys
Annunzio	Collins	Giaimo
Arends	Colmer	Gibbons
Ashbrook	Conable	Gilbert
Ashley	Corbett	Gonzalez
Aspinall	Corman	Goodling
Baring	Coughlin	Gray
Belcher	Cramer	Green, Oreg.
Bennett	Culver	Green, Pa.
Betts	Daniels, N.J.	Griffin
Bevill	Davis, Ga.	Gross
Biaggi	Davis, Wis.	Grover
Biester	de la Garza	Gubser
Bingham	Dellenback	Gude
Blackburn	Denney	Hagan
Blanton	Dent	Haley
Boggs	Derwinski	Hamilton
Bolling	Devine	Hammer-schmidt
Bow	Dingell	Hanley
Brademas	Donohue	Hanna
Brasco	Dorn	Hansen, Wash.
Bray	Downing	Harrington
Brinkley	Dulski	Harsha
Broomfield	Duncan	Harvey
Brotzman	Eckhardt	Hastings
Brown, Calif.	Edmondson	Hathaway
Brown, Ohio	Edwards, Calif.	Hays
Broyhill, N.C.	Edwards, La.	Hechler, W. Va.
Broyhill, Va.	Erlenborn	Heckler, Mass.
Burke, Fla.	Eshleman	Helstoski
Burke, Mass.	Evans, Colo.	Henderson
Burleson, Tex.	Evins, Tenn.	Hicks
Burlison, Mo.	Fascell	Hogan
Burton, Calif.	Feighan	Hosmer
Byrne, Pa.	Findley	Howard
Byrnes, Wis.	Flood	Hull
Cabell	Flowers	Hungate
Caffery	Foley	Hunt
Camp	Ford, Gerald R.	Hutchinson
Carey	Ford, William D.	Ichord
		Jacobs

Jarman	Morgan	Sandman
Johnson, Calif.	Morse	Saylor
Jonas	Morton	Schadeberg
Jones, Ala.	Mosher	Schmitz
Jones, Tenn.	Moss	Schwengel
Kastenmeier	Murphy, Ill.	Scott
Kazen	Myers	Sebelius
Kee	Natcher	Shipley
Keith	Nedzi	Shriver
King	Nelsen	Sikes
Kleppe	Nichols	Sisk
Kluczynski	Nix	Skubitz
Kyl	Obey	Smith, Calif.
Kyros	O'Hara	Smith, Iowa
Landgrebe	O'Neal, Ga.	Stafford
Langen	O'Neill, Mass.	Staggers
Latta	Passman	Stanton
Leggett	Patten	Steed
Lennon	Pelly	Steiger, Ariz.
Long, Md.	Pepper	Steiger, Wis.
Lujan	Perkins	Stephens
Lukens	Philbin	Stokes
McClory	Pickle	Stubblefield
McCloskey	Pike	Stuckey
McClure	Pirnie	Sullivan
McDade	Poage	Symington
McDonald, Mich.	Podell	Talcott
	Poff	Taylor
McMillan	Pollock	Teague, Calif.
Macdonald, Mass.	Preyer, N.C.	Teague, Tex.
	Price, Ill.	Thomson, Wis.
Mahon	Price, Tex.	Tiernan
Mailliard	Pryor, Ark.	Vander Jagt
Mann	Railsback	Vanik
Marsh	Randall	Waggonner
Martin	Rarick	Watts
Mathias	Rees	Weicker
Matsunaga	Reid, Ill.	Whalen
May	Reid, N.Y.	White
Meeds	Reuss	Whitten
Meskill	Rhodes	Wiggins
Michel	Riegle	Winn
Mikva	Rivers	Wright
Miller, Calif.	Roberts	Wyatt
Miller, Ohio	Robison	Wylie
Mills	Rodino	Wyman
Minish	Roe	Yates
Mink	Rooney, N.Y.	Yatron
Minshall	Rooney, Pa.	Young
Mollohan	Rostenkowski	Zablocki
Monagan	Roth	Zion
Montgomery	Ruth	
Moorhead	Ryan	

NAYS—0

NOT VOTING—133

Abbitt	Fish	Pucinski
Addabbo	Fisher	Purcell
Alexander	Flynt	Quie
Anderson, Tenn.	Foreman	Quillen
	Fraser	Reifel
Ayres	Frelinghuysen	Rogers, Colo.
Barrett	Frey	Rogers, Fla.
Beall, Md.	Fulton, Tenn.	Rosenthal
Bell, Calif.	Galifianakis	Roudebush
Berry	Goldwater	Rousselot
Blatnik	Griffiths	Roybal
Boland	Hall	Ruppe
Brock	Halpern	St Germain
Brooks	Hansen, Idaho	Satterfield
Brown, Mich.	Hawkins	Scherle
Buchanan	Hébert	Scheuer
Burton, Utah	Holifield	Schneebeli
Bush	Horton	Slack
Button	Johnson, Pa.	Smith, N.Y.
Casey	Jones, N.C.	Snyder
Celler	Karth	Springer
Chamberlain	Koch	Stratton
Chappell	Kuykendall	Taft
Chisholm	Landrum	Thompson, Ga.
Clawson, Del	Lloyd	Thompson, N.J.
Cleveland	Long, La.	Tunney
Conte	Lowenstein	Udall
Conyers	McCarthy	Ullman
Cowger	McCulloch	Van Deerlin
Crane	McEwen	Vigorito
Cunningham	McFall	Waldie
Daddario	McKneally	Wampler
Daniel, Va.	MacGregor	Watson
Dawson	Madden	Whalley
Delaney	Mayne	Whitehurst
Dennis	Melcher	Widnall
Dickinson	Mize	Williams
Diggs	Mizell	Wilson, Bob
Dowdy	Murphy, N.Y.	Wilson, Charles H.
Dwyer	O'Konski	
Edwards, Ala.	Olsen	Wold
Eilberg	Ottinger	Wolff
Esch	Patman	Wydler
Fallon	Pettis	Zwach
Farbstein	Powell	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Burton of Utah.
Mr. Brooks with Mr. Clawson of Delaware.
Mr. Delaney with Mr. Cowger.
Mr. Farbstein with Mr. McCulloch.
Mr. Thompson of New Jersey with Mr. McKneally.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Karth with Mr. Bush.
Mr. Lowenstein with Mr. MacGregor.
Mr. Wolff with Mr. Horton.
Mr. Addabbo with Mr. Beall of Maryland.
Mr. Rogers of Colorado with Mr. Hansen of Idaho.
Mr. Casey with Mr. Cleveland.
Mr. Stratton with Mr. Button.
Mr. Vigorito with Mr. Reifel.
Mr. Flynt with Mr. Johnson of Pennsylvania.
Mr. Tunney with Mrs. Chisholm.
Mr. Ottinger with Mr. Schneebeli.
Mr. Chappell with Mr. Floyd.
Mr. McFall with Mr. Snyder.
Mr. Eilberg with Mr. Powell.
Mr. Daddario with Mr. Quie.
Mr. Purcell with Mr. Roudebush.
Mr. Roybal with Mr. Taft.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Barrett with Mr. Watson.
Mr. Boland with Mr. Ayres.
Mr. Celler with Mr. Conyers.
Mr. Dowdy with Mr. Brown of Michigan.
Mr. Murphy of New York with Mr. Whitehurst.
Mr. Melcher with Mr. Thompson of Georgia.
Mr. McCarthy with Mr. Widnall.
Mr. Fallon with Mr. Chamberlain.
Mr. Long of Louisiana with Mr. Edwards of Alabama.
Mr. Charles H. Wilson with Mr. Pettis.
Mr. Alexander with Mr. O'Konski.
Mr. Scheuer with Mr. Diggs.
Mr. Holifield with Mr. Goldwater.
Mr. Jones of North Carolina with Mr. Conte.
Mr. Udall with Mr. Berry.
Mr. Patman with Mrs. Dwyer.
Mr. Olsen with Mr. Buchanan.
Mr. Fisher with Mr. Dennis.
Mr. Rosenthal with Mr. Halpern.
Mr. Abbitt with Mr. Esch.
Mr. Pucinski with Mr. Ruppe.
Mr. St Germain with Mr. Frelinghuysen.
Mr. Slack with Mr. Mize.
Mr. Van Deerlin with Mr. Fish.
Mr. Landrum with Mr. Dickinson.
Mr. Kochs with Mr. Hawkins.
Mr. Satterfield with Mr. Rousselot.
Mr. Ullman with Mr. Smith of New York.
Mr. Waldie with Mr. Bell of California.
Mr. Fraser with Mr. Dawson.
Mr. Galifianakis with Mr. Wydler.
Mr. Bob Wilson with Mr. Daniel of Virginia.
Mr. Whalley with Mr. Wold.
Mr. Madden with Mr. Foreman.
Mrs. Griffiths with Mr. Frey.
Mr. Hébert with Mr. Cunningham.
Mr. Rogers of Florida with Mr. Crane.
Mr. McEwen with Mr. Zwach.
Mr. Hall with Mr. Scherle.
Mr. Williams with Mr. Wampler.
Mr. Quillen with Mr. Mayne.
Mr. Springer with Mr. Mizell.

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "An Act to amend chapter 37 of title 38, United States Code, to remove the time limitations on the use of entitlement to loan benefits, to authorize guaranteed and direct loans for the purchase of mobile homes, to authorize direct loans for certain disabled veterans, and for other purposes."

A motion to reconsider was laid on the table.

KING RANGE NATIONAL CONSERVATION AREA, CALIF.

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12870) to provide for the establishment of the King Range National Conservation Area in the State of California, as amended.

The Clerk read as follows:

H.R. 12870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized and directed, after compliance with sections 3 and 4 of this Act, to establish, within the boundaries described in section 10 of this Act, the King Range National Conservation Area in the State of California (hereinafter referred to as the "Area"), and to consolidate and manage the public lands in the area with the purpose of conserving and developing, for the use and benefit of the people of the United States, the lands and other resources therein under a program of multiple usage and of sustained yield.

SEC. 2. (a) In the management of lands in the area, the Secretary shall utilize and develop the resources in such a manner as to satisfy all legitimate requirements for the available resources as fully as possible without undue denial of any of such requirements and without undue impairment of any of the resources, taking into consideration total requirement and total availability of resources, irrespective of ownership or location.

(b) The policy set forth in subsection (a) implies—

(1) that there will be a comprehensive, balanced, and coordinated plan of land use, development, and management of the Area, and that such plan will be based on an inventory and evaluation of the available resources and requirements for such resources, and on the topography and other features of the Area.

(2) that the plan will indicate the primary or dominant uses which will be permitted on various portions of the Area.

(3) that the plan will be based on a weighing of the relative values to be obtained by utilization and development of the resources for alternative possible uses, and will be made with the object of obtaining the greatest values on a continuing basis, and that due consideration will be given to intangible values as well as to tangible values such as dollar return or production per unit.

(4) that secondary or collateral uses may be permitted to the extent that such uses are compatible with and do not unduly impair the primary or dominant uses, according to a seasonal schedule or otherwise.

(5) that management of the renewal resources will be such as to obtain a sustained, regular, or periodic yield or supply of products or services without impairment of the productivity, or the enjoyment or carrying capacity of the land.

(6) that the plan will be reviewed and reevaluated periodically.

(7) that the resources to be considered are all the natural resources including but not limited to the soils, bodies of water including the shorelines thereof, forest growth including timber, vegetative cover including forage, fish, and other wildlife, and geological resources including minerals.

(8) that the uses to be considered are all of the legitimate uses of such resources including but not limited to all forms of outdoor recreation including scenic enjoyment, hunting, fishing, hiking, riding, camping, picnicking, boating, and swimming, all uses of water resources, watershed management, production of timber and other forest producers, grazing and other agricultural uses, fish and

wildlife management, mining, preservation of ecological balance, scientific study, occupancy and access.

SEC. 3. The Secretary shall use public and private assistance as he may require, for the purpose of preparing for the Area a program of multiple usage and of sustained yield of renewal natural resources. Such program shall include but need not be limited to (1) a quantitative and qualitative analysis of the resources of the Area; (2) the proposed boundaries of the Area; (3) a plan of land use, development, and management of the Area together with any proposed cooperative activities with the State of California, local governments, and others; (4) a statement of expected costs and an economic analysis of the program with particular reference to costs to the United States and expected economic effects on local communities and governments; and (5) an evaluation by the Secretary of the program in terms of the public interest.

SEC. 4. The Secretary shall establish the Area after a period of at least ninety calendar days from and after the date that he has (1) submitted copies of the program required by section 3 to the President of the Senate and the Speaker of the House of Representatives, the Governor of the State of California, and the governing body of the county or counties in which the area is located and (2) published a notice of intention to establish the area in the Federal Register and in at least two newspapers which circulate generally within the Area.

SEC. 5. The Secretary is authorized—

(1) to conduct a public hearing or hearings to receive expression of local views relating to establishment of the area.

(2) to acquire by donation, by purchase with donated funds or with funds appropriated specifically for that purpose, or by exchange, any land or interest in land within the area described in section 10 which the Secretary, in his judgment, determines to be desirable for consolidation of public lands within the Area in order to facilitate efficient and beneficial management of the public lands or otherwise to accomplish the purposes of this Act: *Provided*, That the Secretary may not acquire, without the consent of the owner, any such lands or interests therein which are utilized on the effective date of this Act for residential, agricultural, or commercial purposes so long as he finds such property is devoted to uses compatible with the purposes of this Act. Any lands or interests in lands acquired by the United States under the authority of this section shall, upon acceptance of title, become public lands, and shall become a part of the area subject to all the laws and regulations applicable thereto.

(3) in the exercise of his authority to acquire land or interests in land by exchange under this Act, to accept title to any non-Federal land located within the Area and to convey to the grantor of such land not to exceed an equal value of surveyed, unappropriated, and unreserved public lands or interests, in lands and appropriated funds when in his judgment the exchange will be in the public interest, and in accordance with the following:

(A) The public lands offered in exchange for non-Federal lands or interests in non-Federal lands must be in the same county or counties, and must be classified by the Secretary as suitable for exchange. For a period of five years, any such public lands suitable for transfer to nonpublic ownership shall be classified for exchange under this Act.

(B) If the lands or interests in lands offered in exchange for public lands have a value at least equal to two-thirds of the value of the public lands, the exchange may be completed upon payment to the Secretary of the difference in value, or the submittal of a cash deposit or a performance bond in an amount at least equal to the difference in value assuring that additional lands acceptable to the Secretary and at least equal to the difference in value will be conveyed to the Government within a time certain to be specified by the Secretary.

(C) If the public lands offered in exchange for non-Federal lands or interests in non-Federal lands have a value at least equal to two-thirds of the value of the non-Federal lands, the exchange may be completed upon payment by the Secretary of the difference in value.

(D) Either party to an exchange under this Act may reserve minerals, easements, or rights of use either for its own benefit, for the benefit of third parties, or for the benefit of the general public. Any such reservation, whether in lands conveyed to or by the United States, shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary. When minerals are reserved in a conveyance by the United States, any person who prospects for or acquires the right to mine and remove the reserved mineral deposits shall be liable to the surface owners according to their respective interests for any actual damage to the surface or to the improvements thereon resulting from prospecting, entering, or mining operations; and such person shall, prior to entering, either obtain the surface owner's written consent, or file with the Secretary a good and sufficient bond or undertaking to the United States in an amount acceptable to the Secretary for the use and benefit of the surface owner to secure payment of such damages as may be determined in an action brought on the bond or undertaking in a court of competent jurisdiction.

(4) in the exercise of his authority to purchase lands under this Act to pay for any such purchased lands their fair market value, as determined by the Secretary, who may, in his discretion, base his determination on an independent appraisal obtained by him.

(5) to identify the appropriate public uses of all of the public lands and interests therein within the Area. Disposition of the public lands within the Area, or any of the lands subsequently acquired as part of the area, is prohibited, and the lands in the Area described in section 10 of this Act are hereby withdrawn from all forms of entry, selection, or location under existing or subsequent law, except as provided in section 7 of this Act. Notwithstanding any provision of this section, the Secretary may (A) exchange public lands or interests therein within the area for privately owned lands or interests therein also located within the area, and (B) issue leases, licenses, contracts, or permits as provided by other laws.

(6) to construct or cause to be constructed and to operate and maintain such roads, trails, and other access and recreational facilities in the area as the Secretary deems necessary and desirable for the proper protection, utilization, and development of the area.

(7) to reforest and revegetate such lands within the area and install such soil- and water-conserving works and practices to reduce erosion and improve forage and timber capacity as the Secretary deems necessary and desirable.

(8) to enter into such cooperative arrangements with the State of California, local governmental agencies, and nonprofit organizations as the Secretary deems necessary or desirable concerning but not limited to installation, construction, maintenance, and operation of access and recreational facilities, reforestation, revegetation, soil and moisture conservation, and management of fish and wildlife including hunting and fishing and control of predators.

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

(9) to issue such regulations and to do such other things as the Secretary deems necessary and desirable to carry out the terms of this Act.

SEC. 6. (a) Subject to valid existing rights, nothing in this Act shall affect the applicability of the United States mining laws on the federally owned lands within the Area, except that all prospecting commenced or conducted and all mining claims located after the effective date of this Act shall be subject to such reasonable regulations as the Secretary may prescribe to effectuate the purposes of this Act. Any patent issued on any mining claim located after the effective date of this Act shall recite this limitation and continue to be subject to such regulations. All such regulations shall provide, among other things, for such measures as may be reasonable to protect the scenic and esthetic values of the Area against undue impairment and to assure against pollution of the streams and waters within the Area.

(b) Nothing in this section shall be construed to limit or restrict rights of the owner or owners of any existing valid mining claim.

SEC. 7. Except as may otherwise be provided in this Act, the public lands within the area shall be administered by the Secretary under any authority available to him for the conservation, development and management of natural resources on public lands in California withdrawn by Executive Order Numbered 6910, dated November 26, 1934, to the extent that he finds such authority will further the purposes of this Act.

SEC. 8. The objectives of Executive Order Numbered 5237, dated December 10, 1929, which withdrew certain public lands for classification, having been accomplished by the enactment of this Act, that Executive order is hereby revoked effective as of the date the Secretary establishes the area.

SEC 9. (a) The survey and investigation area referred to in the first section of this Act is described as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

Township 5 south, range 1 east, all sections in township.

Township 5 south, range 2 east, section 6, lots 4 through 9; 16 through 21; and 24 through 26; section 7, lots 2 through 7; 10 through 15; section 18, lots 1 through 16; section 19, lots 1 through 16; southwest quarter northeast quarter and west half southeast quarter and sections 30 and 31; section 32, southwest quarter northeast quarter; south half northwest quarter; northwest quarter northwest quarter; southwest quarter and west half southeast quarter.

Township 4 south, range 1 west, all sections in township.

Township 4 south, range 1 east; section 4, south half; south half northeast quarter and south half northwest quarter; section 5 through 9; 15 through 23; section 24, west half; section 25, west half; sections 26 through 35; section 36, lots 3 through 5 and 8 through 11 and southeast quarter.

Township 4 south, range 2 east, section 31, west half southeast quarter and southwest quarter.

Township 3 south, range 2 west, section 12, southeast quarter southeast quarter; sections 13 through 16 and 22 through 25.

Township 3 south, range 1 west, section 9, southwest quarter southwest quarter; section 12, south half southeast quarter and south half southwest quarter; sections 13 through 36.

Township 3 south, range 1 east, section 18,

lots 1 through 4; section 19, lots 1 and 2, southwest quarter and west half southeast quarter; section 29, southwest quarter northwest half southeast quarter and southwest quarter; sections 30 and 31; section 32, west half.

Township 2 south, range 2 west, section 31, north half of lot 2 of the southwest quarter (43.40 acres of public land withdrawn by Executive Order 5237 of December 10, 1929); and 22.8 acres of acquired fee lands described by metes and bounds in section 31, township 2 south, range 2 west, and section 36, township 2 south, range 3 west; and 31.27 acres of acquired easements described by metes and bounds across certain sections in township 2 south, ranges 2 and 3 west.

(b) In addition to the lands described in subsection (a) of this section, the Secretary is authorized to acquire such land outside the area but in close proximity thereto as is necessary to facilitate sound management. Acquisition hereunder shall, however, not exceed three hundred and twenty acres and shall be limited to such purposes as headquarters facility requirements, ingress and egress routes and, where necessary, to straighten boundaries or round out acquisitions.

SEC. 10. There are authorized to be appropriated such sums as may be necessary to accomplish the purposes of this Act, but not to exceed $1,500,000 for the purchase of lands and interests in lands and not to exceed $3,500,000 for the construction of improvements.

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, I rise in support of H.R. 12870 and would like to briefly explain the purpose and need for this legislation.

H.R. 12870, as amended and approved by the Committee on Interior and Insular Affairs, directs the Secretary of the Interior to establish the Kings Range National Conservation Area in Southern Humboldt and Northern Mendocino Counties, Calif. It further directs the Secretary to consolidate and manage the public lands within the area under a program of multiple use and sustained yield. In order to accomplish this, the proposal provides the Secretary with certain additional management tools to facilitate land exchanges and to block up the public lands. The present land pattern is fragmented and presents a checkerboard pattern of intermingled private and Federal land that does not work to the benefit of either party. The blocking up program will be accomplished primarily by an exchange program, but provision is also made for other forms of land acquisition. The successful accomplishment of the objectives of H.R. 12870 will enable both the Government and the private parties to manage their lands in a better and more efficient manner.

The resources of this area are varied and unique. They include the mountainous and relatively undeveloped King Range adjacent to the Pacific coast. The tract contains seashore, mountains, meadows, and some primitive area near the coast that is virtually untouched by man. Included are more than 9 miles of the most beautiful and rugged coastline in California. The recreational potential is outstanding but undeveloped largely due to the relative isolation and inaccessibility of the area.

However, in addition to the area's value and potential for recreational purposes, it is also rich in other natural resources and uses. A number of fine private sheep ranches adjoin the King Range area on the north and make grazing use in the area. The area is also endowed with substantial timber resources with Douglas fir being the predominant commercial timber type. Timber resources are estimated at about 240 million board feet of merchantable size. The timber potential, with proper reforestation and management practices, is much larger.

The public lands in this area are presently managed by the Bureau of Land Management. H.R. 12870 will not change this, but it will provide that agency with additional management tools and funds in order that better management practices may be followed.

One of the unique features of H.R. 12870 is that it does not contemplate or intend to eliminate private holdings or private enterprise within the area. These private holdings and interests are expected and will be encouraged to continue and to contribute to the overall economy and attractiveness of the area. However, in order to properly safeguard certain overriding values in the area, provision is made that private uses within the area must conform to the overall purpose of the conservation area. Should it develop that certain activities in certain areas are clearly detrimental and injurious to the total values, then the Secretary has authority to conform or eliminate these uses by acquisition or as a last resort by condemnation. It should be made clear, however, and it appears to be worth restating, that the objective of this proposal is not to eliminate private interests, nor to obtain complete control of all land within the area by eliminating private enterprise. The objective is to develop a multiple use area where resource development, recreation, private interests, and public values can all go forward together in a degree of harmony and compatibility. Only when private uses are clearly incompatible will they be curtailed.

The committee is not unaware of the problems that may develop in harmonizing the varied uses and interests. However, in this area present uses are not presently inconsistent with public interests. Thus, grazing use will continue as will timber production. Hunting and fishing will be permitted with certain necessary safeguards for public safety and management practices. Mineral activity and development is authorized, and should be encouraged, subject to certain statutory safeguards spelled out in the proposal that are designed to protect environmental and scenic values.

Several amendments to H.R. 12870 were recommended by the Department of the Interior in the reports of October 1, 1969, and May 12, 1970. The committee considered and adopted these recommended amendments. Therefore, the bill, as amended, is fully supported by the Department of the Interior.

The cost of H.R. 12870 is not large. In fact, when compared with many other land acquisition and development programs on the public lands, it is a real bargain. H.R. 12870 carries an authorization of $1,500,000 for land acquisition and $3,500,000 for improvement. The $1,500,000 will be used to equalize values in the land exchanges program and to purchase certain key tracts where an exchange is not feasible. The $3,500,000 will be used for the construction of access roads, trails, campgrounds, and other necessary facilities. These expenditures will be spread over a number of years. Therefore, the estimated first year expenditure for H.R. 12870 has been placed at $300,000. This is a small expenditure for the values involved, and the benefits that will flow to the public.

Mr. Speaker, I think H.R. 12870 is sound and brings forward a concept in public land management that has been needed for a long time. I fully endorse this proposal and urge its enactment.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation to provide for the establishment of the King Range National Conservation Area in the State of California.

The King Range area is a rough, rugged mountainous area in Northern Mendocino and Southern Humboldt Counties in California. This remote and roadless area facing the Pacific is known as California's "unknown coast" and is most difficult of access. Most of the existing roads in the area are suitable only for four-wheel drive vehicles. The lands in this area are highly valuable for a wide variety of uses. The King Range offers opportunities for scenic and recreation values with spectacular stretches of seashore, beautiful remote beaches and coves, magnificent forested areas, and many species of wildlife. In addition, the King Range area is adjoined by a number of private sheep ranches and grazing is an important use of the area. Mining and timber resources are also actively pursued in the area.

Because of the lack of access and the land ownership patterns, proper management of the public lands in the area is complicated. There are separate parcels of public land checkerboarded and otherwise intermingled among private holdings, and small parcels of private lands isolated within public holdings. This intermingled and complicated land ownership pattern obviously does not permit efficient management of either the private or public lands.

H.R. 12870 will assist in the effective administration of these lands under multiple use principles by directing the Secretary of the Interior to establish the King Range National Conservation Area. Under the terms of this bill, the Secretary will survey, investigate, and study an area of 51,000 acres, which includes approximately 31,000 acres of public lands. The bill directs the Secretary to consolidate and manage the public lands in the area for the purpose of conserving and developing the lands and their resources in accordance with a comprehensive, coordinated land use plan.

The bill authorizes the appropriation of $1,500,000 for the acquisition of lands

and interests in lands and $3,500,000 for the construction of improvements.

Mr. Speaker, H.R. 12870 is a true conservation bill based upon the concept and principles of multiple use. I urge the rules be suspended and the bill be passed.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

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

Mr. DON H. CLAUSEN. Mr. Speaker, I rise to strongly support the legislation before us and to extend my deep appreciation to Chairman ASPINALL, Mr. SAYLOR, the ranking minority member, Mr. BARING, Mr. KYL, and all the members of the Public Lands Subcommittee and the full Interior Committee for their cooperation and support of this new and innovative conservation measure.

For many years, we have held numerous meetings, corresponded, and communicated with the people of Humboldt County, the Mattole Action Committee, headed by Knowles Clark and Ken Roscoe, the Humboldt County Board of Supervisors and the various agencies of the Federal Government and their personnel.

I also want to single out for appreciation, Mr. John Gromala, an attorney from Fortuna, who was very helpful in coordinating the activities as we worked out the finally accepted compromise bill now approved unanimously by the committee and, hopefully, by the House today.

Our Interior Committee staff members, Sid McFarland, Bill Schaefer, Charles Leppart, and Lee McElvain, have given us untold man-hours of assistance, for which I shall be eternally grateful.

I believe this will prove to be a proud day in the history of Congress because this King Range conservation package is a real conservation gem that will provide much in the way of benefits to the American people and the people of southern Humboldt and northern Mendocino Counties.

Mr. Speaker, as the author of the measure now before us, H.R. 12870, to create the King Range National Conservation Area, I would like to briefly explain the purposes and some of the provisions of the legislation.

The primary purposes of this legislation are to facilitate the land exchange objectives of the Department of the Interior and to enhance their land consolidation objectives, conservation, and true multiple use of all resources.

The present ownership pattern in this area of northern California is "checkerboard" in nature with intermingled public and private ownership. This landownership pattern, has, as testimony to the committee brought out, created very serious right-of-way and access problems for both the private and public sector. In addition, this pattern has limited the ability of both the Bureau of Land Management and private landowners to properly manage their lands.

Of the total acreage, the Bureau of Land Management controls approximately 31,500 acres, with the remaining 13,000 acres held in private ownership. Much of this 13,000 acres will be acquired through exchange for public lands, outside the planning unit, located in the same county. There will, of course, be some cash required to make up the difference where land values, in the exchange process, do not come out even. The legislation authorizes $1,500,000 for this purpose, and land acquisition when exchange is not feasible or practical.

The boundaries of the conservation area coincide roughly with the boundaries of the BLM's King Range planning unit, but effective management of that unit is hampered by the aforementioned "checkerboard" landownership.

The present use of these land units currently is livestock grazing, but trespassing and destruction of private property by those attempting to gain entry to the federally held lands have disrupted the lives and economies of the private landholders. In my judgment, this legislation, now before the House, can eliminate these problems to a large extent, if not, in fact, entirely.

By the use of the exchange method, outstanding wilderness, recreation, and grazing area can be created at a very minimal cost to the taxpayers. As stated previously, the bill authorizes $1.5 million to make up the differences in price that might exist in the values of the lands being exchanged, or for acquisition. In addition, $3.5 million is authorized for access road and minimal recreation facility development, once the exchanges are completed and the lands consolidated.

Once this consolidation is completed, it will greatly enhance the local tax base, since the private land units will become more productive. For this reason, the Board of Supervisors of Humboldt County, where the conservation area is located, has indicated its complete support of the legislation.

The bill also has the support of the conservation groups that recognize the wilderness and recreation potential of the area. These groups have endorsed this concept of conservation, one that includes all aspects of conservation in one package, because of the uniqueness of the area.

Local residents, as well, have endorsed this proposal and, as a matter of fact, they have joined together into a committee to urge the Congress to take action on this proposal.

I would like to take just a moment to include at this point three specific areas of concern that are covered by the committee report; namely, condemnation authority, predator control, and land classification. The following are taken directly from the report:

1. CONDEMNATION AUTHORITY

The committee recognizes and agrees that limited condemnation authority is necessary to enable the Secretary to properly manage the area and to assure that future uses and activities are kept in harmony. It is the committee's understanding, however, that any acquisition of private property, without the consent of the owner, will be made only when there is a clear showing that the use of the property is not compatible with the overall purposes and objectives of the proposal. It is the committee's understanding that prior to acquiring any property without the consent of the owner, it will first be appraised at its full fair market value and an offer to purchase made on that basis. Acquisition by condemnation will be used only when other methods are unsuccessful. As indicated earlier, one of the unique and desirable features of H.R. 12870 is the continuation of private uses and activities within the area.

2. FISH AND GAME PREDATOR CONTROL

In order to establish some legislative history, I want to make it abundantly clear that the local people do not want any change in the present predator animal programs in effect and I fully support their position.

The committee adopted the recommendations suggested by the Department pertaining to fishing, hunting, and predator control within the area. These activities will continue under the applicable laws of the United States and the State of California. Any predator control measures carried out within the area should recognize and give consideration to the need to protect private as well as public lands and interests. However, the Secretary may restrict or prohibit any or all such activities when it is necessary for safety or proper use and management of the area. Except in emergencies any change in regulations or use will be made in cooperation with the State fish and game department.

3. LAND CLASSIFIED FOR EXCHANGE

In adopting the amendment for the classification of public land suitable for exchange, the committee recommends a period of 5 rather than the 2 years as suggested by the Department. Land exchanges frequently involve long and complicated negotiations, and the 2-year period was considered to be insufficient time to permit many exchanges to be completed. The committee expects the Secretary to classify tracts of public land as suitable for exchange that are fully representative of the public land values in the area and in amounts sufficient to encourage the consummation of the exchange program.

As the author of this legislation, I would like to indicate my strong support for the intent of this legislation as described by the committee. These positions are the result of 8 years of working with the Department, the committee, and those who will be most affected by the creation of the King Range National Conservation Area, the residents of the county and county government.

This conservation area would be the central unit in my regional conservation plan, which I have termed "Redwoods-to-the-Sea." The 90th Congress authorized the northern portion, the Redwood National Park, and just this past April, the current Congress authorized the necessary funds to complete the Southern section, the Point Reyes National Seashore in Marin County.

Mr. Speaker, with the establishment of the King Range National Conservation Area, coupled with the Redwood National Park and Point Reyes, the north coast of California will have a conservation, recreation, and wilderness complex that will be second to none in the world today.

And, because of the uniqueness of the proposal, we will have an opportunity of creating a public domain, and at the same time, enhancing the local tax base, plus providing to future generations a true conservation area at minimal expense to the taxpayer.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill H.R. 12870, as amended.

The question was taken; and (two thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BOUNDARY OF EVERGLADES NATIONAL PARK, FLA.

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 17789) to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to increase the authorization for such acquisitions, as amended.

The Clerk read as follows:

H.R. 17789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(a) of the Act entitled "An Act to fix the boundary of Everglades National Park, Florida, to authorize the Secretary of the Interior to acquire land therein, and to provide for the transfer of certain land not included within said boundary, and for other purposes", approved July 2, 1958 (72 Stat. 280) as amended (83 Stat. 134; 16 U.S.C. 410p), is amended by striking out "$2,000,000" and inserting in lieu thereof "$22,000,000".

SEC. 2. The second sentence of section 2 of the said Act of July 2, 1958, is amended by inserting a period after the word "otherwise" and deleting the remainder of the sentence.

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, the legislation now before the House is H.R. 17789 which was introduced by Representative HALEY of Florida. An identical bill, introduced by Representative FASCELL, and a similar bill approved by the other body were also considered by the Committee on Interior and Insular Affairs.

Everyone in this House is familiar with the Everglades National Park in the State of Florida which this legislation involves. It ranks among the most outstanding areas of the national park system, primarily because it provides the ideal habitat for birds and animals rarely found in any other part of the United States.

This is the largest subtropical wilderness existing today in North America. Altogether, it includes a little more than 1.4 million acres—practically all of which has been donated or purchased with funds donated by the State of Florida. Only 58,398 acres within the park boundaries remain unacquired.

When this area was first authorized in 1934, Mr. Speaker, a park in excess of 2 million acres was contemplated. At that time, the marshes and mangroves were thought to be almost totally useless to man. In fact, without belittling it, this land was thought to be strictly for the birds.

Times have changed since the Everglades National Park was authorized. Lands in Florida which were considered to be wastelands two or three decades ago have been reclaimed and are now extremely valuable. This is the situation which confronts us in the Everglades today because even though the lands are largely unimproved, most of them are prospectively very valuable.

One major area, which contains large blocks of land in private ownership, has already been subdivided into about 3,000 ownerships. These are located in an area of interconnected waterways containing some of the significant mangrove shoreline and estuarine areas of the park. Their development for residential or commercial purposes would seriously impair park values.

The other major area of privately owned lands is presently devoted primarily to agricultural uses. When the Congress redefined the boundaries of the park in 1958, it was generally believed that farming operations were harmless to park values and that lands used for agricultural purposes need not be acquired. Now, however, it has been demonstrated that pesticide residues and fertilizers used on the farm lands are radically altering the ecology of adjacent park lands.

Because these uses are determined to the values which the park was created to protect, the Members of the committee feel that the remaining non-Federal lands within the park boundaries should be acquired promptly. The State of Florida has done its share to make this park possible and the Federal effort to date has been relatively small—Federal acquisition funds have amounted to only about $2,700,000. Now, Federal action is required to acquire the remaining lands. It is expected that the 58,398 acres remaining will require an investment of $20,000,000. When this acquisition is completed, we should have a well-rounded park which will serve the public needs for many years to come.

Mr. Speaker, the committee has recommended some amendments to the bill. Of these, only one involves the substance of the legislation. It repeals the language in the 1958 act which prohibits the Secretary from acquiring agricultural lands and other lands left in their natural condition. We made this change because of the acknowledged adverse impact of farming activities and because of the potentially harmful effects of residential and commercial developments within the park.

Mr. Speaker, we feel that this park is an extremely valuable unit of the national park system and that it warrants the investment which H.R. 17789 would authorize. As chairman of the Committee on Interior and Insular Affairs, I recommend the enactment of this legislation and I urge its favorable consideration by the Members of the House.

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

Mr. ASPINALL. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the gentleman from Colorado has this land in whole or in part ever been held by the Federal Government?

Mr. ASPINALL. The land came, of course, by way of treaty, and the Everglades themselves were a part, as I remember my history, of the area belonging to the Indians at one time. Then a great deal of it was turned over to the State. Whether or not all of these lands were turned over to the State at that time I am not sure, but it is my understanding that they were, so that the State owned the lands and gave out patents to the lands that are privately owned at the present time.

Mr. GROSS. Perhaps if I used the words "ever held by the Government"—I did not mean it quite in that sense. I am talking about comparatively recent years, say the last 30 or 40 years when we really began the establishment and the preservation of certain lands for this purpose.

Mr. ASPINALL. The land was held by different Indian tribes, the State of Florida and private individuals.

Mr. GROSS. That is, it was privately owned land at one time. I thank the gentleman.

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

Mr. ASPINALL. I yield to the gentleman.

Mr. KYL. Mr. Speaker, as a matter of fact, after this park boundary was established by the Federal Government, the State did acquire lands and donated them to the Federal Government for park purposes.

There also is some question here apparently about parts of this land. It has to be remembered that there are title holders in one little area and that 300 and some odd hundred dollars an acre is actually a very low price when one considered that those sites were purchased as prime residential sites and for vacation homes in these prime natural surroundings, and it is rather amazing that the price is as low as it is actually under the circumstances.

Mr. ASPINALL. Yes, and that it is still available under the circumstances.

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

Mr. ASPINALL. I yield to the gentleman.

Mr. SAYLOR. Mr. Speaker, I just want to congratulate the chairman on the statement he has made.

I want to say that if the Corps of Engineers had not drained some sections of Florida and made certain that this land which is now being purchased fast land, then very frankly we would not have to spend all of this money; and some of this is directly attributable to the mistake that the Corps of Engineers made in certain sections of Florida.

But with the program that has now been worked out between the Army Engineers and the Park Service, we are now assured that there will be adequate safe water for the Everglades.

Mr. Speaker, I rise in support of this bill, H.R. 17789, to amend the act fixing the boundary of the Everglades National Park, in the State of Florida, and authorizing an increase in appropriations for the acquisition of lands therein.

The purpose of this bill is to increase the appropriation authorization for the acquisition of lands in the Everglades National Park by $20 million. The in-

creased authorization will, when appropriated, permit the acquisition of 58,398 acres of privately owned lands which threaten the character and ecology of this national park.

The Everglades National Park was established in 1934 to include 1,563,520 acres of land. At that time, it was not anticipated that the Federal Government would need to purchase these lands for park purposes and the legislation specifically provided no appropriations for land acquisition. Subsequently, this all changed with the influx of people and the economic progress in Florida. Congress in 1958 was called upon to redefine the boundaries of the Everglades National Park, and did so by limiting the park to encompass 1,400,533 acres of land and providing $2 million for the acquisition of lands.

Within the 1,400,533 acres of this important, unique national park remains 58,398 acres of privately owned lands in two general areas which are adversely threatening the future of this great national resource of the United States. Of these privately owned lands, 42,900 acres are in Monroe County, Fla., and have been subdivided for the purpose of future commercial and residential development. The other lands, an area of 22,138 acres, are in Dade County, Fla. These lands are presently in agricultural production and the application of biocides and fertilizers is radically affecting the animal and plant life of the park. These lands must be acquired to assure protection of the park's ecosystem.

The passage of this legislation is imperative if we are to preserve the Everglades National Park for the benefit and enjoyment of present and future generations. In 1969, approximately 1,187,000 persons visited this park. The Everglades National Park is known the world over for its subtropical wilderness and its uniqueness to the North American Continent.

Mr. Speaker, I am pleased to include as stanch supporters of this legislation my colleagues, GERALD R. FORD, minority leader in the House, and Rogers Morton, of Maryland, a former member of the House Interior and Insular Affairs Committee, and now national Republican chairman.

Mr. Speaker, I urge that the rules be suspended and H.R. 17789 be passed.

Mr. TAYLOR. Mr. Speaker, H.R. 17789, by our friend from Florida (Mr. HALEY), authorizes the appropriation of the funds needed to complete the acquisition of lands within the Everglades National Park.

Creation of the Everglades National Park was authorized by the Congress in 1934. At that time, the legislation required that the lands and waters included in the park be acquired by donation or by purchase with donated funds. In the years that followed, the State of Florida transferred by donation large acreages to the United States for the park and donated $2 million to acquire additional lands within the park boundaries, but in 1958 it became apparent that some of the lands would have to be purchased if title was to be vested in the Federal Government.

At that time, the boundaries were drawn as presently defined and $2,000,000 in Federal funds was authorized to be appropriated to acquire the lands still in private ownership. In enacting that legislation, it was decided that the act should exempt from condemnation any lands being used for agricultural purposes, lying fallow, or being retained in their natural condition. Any other lands could be acquired as funds were appropriated.

Last year, we learned that only about 65,000 acres of land in the park remained unacquired—and the National Park Service had an option on 6,640 acres of that. Because the option was considered to be very favorable to the United States and because it was then about to expire, legislation was introduced and approved which provided only the $700,200 needed to complete that single transaction, and the larger question was left for further consideration. Altogether, this made the authorized Federal investment in this important national park $2,700,000. Practically all of this amount has now been appropriated and expended and only 58,000 acres remain unacquired.

Even though this acreage is only a fraction of the entire national park, its acquisition is considered to be extremely important. As everyone knows, this is a water oriented park. It is the home of many rare and endangered species of wildlife as well as many more common varieties. Part of the lands involved have been subdivided and, if dredged and filled, may become residential and commercial properties completely incompatible with the park. Most of the other lands are used for agricultural purposes and, as such, are subjected to the use of insecticides and fertilizers which are said to be radically altering plant and animal life in the park.

Mr. Speaker, there was testimony before the Subcommittee on National Parks and Recreation which indicated that the continued private use of the lands within the park boundaries is detrimental to the ecological system in the park. Since there is a delicate balance in this area, every effort should be made to assure the perpetual effectiveness of the parklands. This can only be done, we believe, if the remaining privately owned lands are acquired as expeditiously as possible.

This is a unique park which, for the most part, was made available to the Nation with a minimum Federal investment. It cannot be matched anywhere in this country for any amount of money and I sincerely feel that it merits the investment which H.R. 17789 calls for at this time. This park is available for visitors from all parts of the country and they will continue to come to see it for many generations; consequently, its value in the future will be as great or greater than it is today. For this reason, Mr. Speaker, I support H.R. 17789 and I urge its approval by my colleagues in the House.

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

Mr. TAYLOR. I yield to the gentleman.

Mr. HALEY. Mr. Speaker, today, I rise in support of a bill I have introduced, H.R. 17789, which I believe to be of great importance not only to the people of the State of Florida, but also to the people of our entire Nation. This bill, which is the companion bill to S. 2565, introduced by my good friend Senator SPESSARD L. HOLLAND, and passed by the Senate on July 10, 1970, would amend the act fixing the boundaries of the Everglades National Park, Fla., by striking out the figure $2 million and inserting $22 million in its place. This increase of $20 million would authorize the purchase of the remaining 58,398 acres of privately owned lands inside the Everglades National Park.

As my colleagues will remember, the legislation before us today is part of the long history of the Florida Everglades which is the only area of its kind in the world. Congress first expressed its interest in protecting the Everglades in 1929 when it passed an act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicality of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida. As you know, in 1934 the Congress established the Everglades National Park. Since that time, the boundaries of the park have been enlarged somewhat as our knowledge and awareness of the importance of the Everglades has increased.

Last October, the 91st Congress authorized the National Park Service to acquire a small portion of the private inholdings, some 6,640 acres in the Hole-in-the-Donut section of the park known as the Flagler Tract, on which the Department of the Interior held an option which was to expire on November 18, 1969. Because of the timely enactment of that legislation, the National Park Service was able to purchase the land involved at a cost of $697,000, the option price of the land.

Unfortunately, as enacted, the original park legislation limited the authorization to $2 million for the acquisition of the inholdings to match the $2 million which the State had already given. Today, I am asking the House of Representatives to increase from the $2 million authorized by Congress in 1958 to $22 million the amount to acquire all of the remaining private lands within the park boundaries. This increase of $20 million is the amount needed to acquire the inholdings according to a recent Department of the Interior appraisal.

For a number of reasons I believe it is absolutely necessary for us to authorize the purchase of these lands. Only in recent years has the entire country started to become aware of the profound impact such natural areas as the Everglades has on our water supplies, the ecological balance of nature, and even our climate. As long as there are privately owned lands in the Everglades National Park, it is subject to private or commercial industrial or agricultural development—all having potentially adverse effects on the ecology of the area. From an economical standpoint alone, it behooves us to go ahead and acquire the remaining lands at a reasonable price before further inflation or land appreciation push the cost upward.

The value of the Everglades to our country is impossible to set. The jungle, which supports a multimillion-dollar sport and commercial fishery industry, is the natural home of thousands of forms of plant, fish, and wildlife, and is visited annually by thousands of Americans. The fresh water of the Everglades mixes with the shoreline brackish waters to support larval forms of fish and shrimp which are actually harvested many miles away.

So, Mr. Speaker, I urge my colleagues to join with me in supporting H.R. 17789 which will do so much to insure the Everglades National Park and its many beneficial effects on our environment are protected for our and future generations to enjoy.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of H.R. 17789, a bill authorizing the additional acquisition of land for the Everglades National Park.

At the present time, some 58,398 acres within the park's boundaries are still privately owned and are not extensively used for commercial or agricultural purposes. This land has remained unspoiled as a sanctuary for fish, fowl, and wildlife and it must be preserved. I urge the Congress to act now to authorize money to purchase this land before it loses its natural beauty and value to conservation.

I am very pleased that the committee has reported out a bill that will enable the Federal Government to purchase the remaining property within the park's boundaries. I cosponsored a bill with several of my colleagues from Florida in July of last year to authorize money to be used for the option to buy this property.

I again call upon my colleagues to join me in support of H.R. 17789 before it is too late to save the Everglades. We now have the option to purchase the remaining land. We should move forward and purchase the land now before the option expires and the land becomes too expensive.

Mr. PEPPER. Mr. Speaker, I recall with great pleasure the bill presented in the 80th Congress when I was in the Senate which authorized the acquisition of land for the Everglades National Park. I had the honor and privilege with Senator SPESSARD L. HOLLAND to work with President Truman on this legislation and to participate in the dedication ceremonies of the park in 1947. I have great personal pride in the Everglades National Park and I intend to do everything I possibly can to preserve it. I strongly urge my colleagues to support this legislation which is important not only to the State of Florida but also to the Nation. The Florida Everglades is unique, a national treasure, and a national trust.

Congress originally contemplated that all lands for the park were to be obtained by the United States by public or private donation. And, subsequent to the authorization of the park, the State of Florida donated 866,493 acres of land within the park boundaries to the United States and also provided $2 million for the acquisition of additional parklands.

In 1958, Congress approved legislation redefining the park's boundaries to include 1,400,533 acres and authorizing $2 million for the acquisition of privately owned lands therein.

Our consciousness and concern for the ecology of our environment today has confirmed that lands used for intensive agricultural purposes can prove to be disastrous to the ecology of an area because of the use of insecticides and fertilizers. We must protect the Everglades from this threat.

The additional $20,000,000 authorized by this legislation for acquisition of privately owned lands in the Everglades is a small price to pay to preserve and protect this treasure, the only great subtropical wilderness in North America. It contains perhaps the most fragile and unique plant and animal communities in the national park system. Water-oriented, the park is famous for its rare reptiles and the abundance of exotic flora and fauna, which has attracted tourists from all parts of the world. In 1969, 1,187,000 visitor days were recorded—more than a twelvefold increase in two decades.

I concur with members of the other body who have already expressed their approval of the land acquisition program by their passage of comparable legislation and urge the House's approval of the bill today.

Mr. CRAMER. Mr. Speaker, I join in supporting additional funds to complete the land acquisition program for the Everglades National Park—H.R. 17789.

This extraordinary park, one of the largest and most important in the United States, is famous for its rare reptiles and bird rookeries. It is one of the most popular parks in America, and is a vital contribution to Florida's tourist-oriented economy.

It is critically important that the remaining privately owned tracts in the park be acquired as soon as possible. Adverse development in the area, and increased use of pesticides in portions now used for agriculture endanger the delicate ecology of the park.

Therefore, it is essential that the privately owned lands within the boundaries of the Everglades National Park be acquired to preserve this priceless natural asset for this and future generations of America.

Mr. FASCELL. Mr. Speaker, I urge the House to act favorably today on H.R. 17789 and thereby assure the preservation of the Everglades National Park.

This bill, sponsored by our colleague, Congressman JIM HALEY, a ranking member of the Interior and Insular Affairs Committee and fellow member of the Florida delegation, would provide for the acquistion of the remaining inholdings within the boundaries of the Everglades National Park. As a sponsor of identical legislation I wish to emphasize the urgent need for action necessary to acquire all private inholdings and prevent any future ecological disruption in the park.

The Everglades National Park was first authorized in 1934, and in 1947, it was officially established and became part of our national parks system. In 1958, additional legislation was enacted to finalize the boundary of the park and authorize the Secretary of the Interior to acquire the inholdings within that boundary. The legislation in 1958, which I cosponsored at that time. authorized a ceiling of $2 million in Federal funds for acquisition to match the $2 million which the State of Florida had already given, in addition to the State's gift of 850,000 acres of land and water.

The full $2 million authorized in 1958 has been appropriated and expended. In addition, the Interior and Insular Affairs Committee and the Congress acted expeditiously last year in approving authorization for an additional $700,200 to purchase the Flagler Tract within the park. The Park Service had obtained an option on that tract which would have expired without acquisition had the Congress not acted promptly and favorably as it did.

Today, some 58,398 acres of private inholdings remain to be purchased within the boundary of the park in order to complete acquisition. The National Park Service has indicated that an additional authorization of $20 million is necessary to complete this acquisition.

H.R. 17789 would amend the 1958 act by fixing the boundary of the park and authorizing the acquisition of land therein by increasing the authorization from $2 million to $22 million.

Mr. Speaker, it is vitally important that all private lands within the boundary of the Everglades National Park be acquired by the Federal Government so that the park can be completed. Continued private use of lands within the park is detrimental to the entire ecological system. We are all famliar with the plight of the American alligator—and the problems of regulating an adequate water supply in this region. It is vital that all lands within the park's boundaries be administered by the National Park Service so that we can provide the greatest protection of the land and the endangered species.

Mr. Speaker, I wish to commend the chairman of the Interior and Insular Affairs Committee and Congressman JIM HALEY for the leadership they have again demonstrated in congressional efforts to protect our natural environment.

The SPEAKER pro tempore. The question is on the motion of the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 17789, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2565) to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to increase the authorization for such acquisitions.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act to fix the boundary of Everglades National Park, Florida, to authorize the Secretary of the Interior to acquire land therein, and to provide for the transfer of certain lands not included within said boundary, and for other purposes", approved July 2, 1958 (72 Stat. 280), is amended by striking out "$2,000,000" and inserting in lieu thereof "$22,000,000".

SEC. 2. The second sentence of section 2 of the said Act of July 2, 1958, is amended by inserting a period after the word "otherwise" and deleting the remainder of the sentence.

AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR: Strike out all after the enacting clause of S. 2565 and insert in lieu thereof the provisions of H.R. 17789, as passed.

The amendment was agreed to.

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

A similar House bill (H.R. 17789) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bills H.R. 17789 and H.R. 12870, just passed.

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

There was no objection.

FIXING AND ADJUSTING RATES OF PAY FOR PREVAILING RATE EMPLOYEES OF THE GOVERNMENT

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That (a) subchapter IV of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER IV—PREVAILING RATE SYSTEMS

"§ 5341. Policy

"It is the policy of Congress that rates of pay of prevailing rate employees be uniformly fixed and adjusted and be based on principles that—

"(1) there will be equal pay for substantially equal work for all employees who are working under similar conditions of employment in all agencies within the same wage area;

"(2) there will be relative differences in pay within a wage area when there are substantial or recognizable differences in duties, responsibilities, and qualification requirements among positions;

"(3) the level of rates of pay will be maintained in line with prevailing levels of comparable work within a wage area; and

"(4) the level of rates of pay will be maintained so as to attract and retain qualified employees.

"§ 5342. Definitions; application

"(a) For the purpose of this subchapter—

"(1) 'agency' has the meaning given it by section 5102 of this title;

"(2) 'prevailing rate employee' means—

"(A) an individual employed in or under an agency in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, and any other individual including a foreman and a supervisor in a position having trade, craft, or laboring experience and knowledge as the paramount requirement;

"(B) an employee in the Bureau of Engraving and Printing whose duties are to perform or direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations;

"(C) an employee of a nonappropriated fund instrumentality described by section 2105(c) of this title; and

"(D) an employee of the Veterans' Canteen Service, Veterans' Administration, excepted from chapter 51 of this title by section 5102 (c) (14) of this title; and

"(3) 'position' means the work, consisting of duties and responsibilities, assignable to a prevailing rate employee.

"(b) This subchapter applies to all prevailing rate employees and positions in or under an agency. All such employees employed within the United States shall be bona fide residents of the United States, unless the Secretary of Labor certifies that no bona fide resident of the United States is available to fill the particular position. This subchapter does not apply to employees and positions described by section 5102(c) of this title other than by paragraphs (7), (8), and (14) of that section.

"§ 5343. Prevailing rate determinations, wage schedules

"(a) The pay of prevailing rate employees shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates. Subject to section 213(f) of title 29, the rates may not be less than the appropriate rates provided by section 206(a)(1) of title 29. To carry out this subsection—

"(1) the Civil Service Commission shall define the boundaries of individual local wage areas and designate a lead agency for each local wage area;

"(2) a lead agency, on order of the Commission, shall conduct a wage survey within the local wage area, collect and analyze wage survey data, and develop and establish wage schedules; and

"(3) the head of each agency having prevailing rate employees in a local wage area shall fix and adjust the rates of such employees in that area in accordance with the wage schedules established by the lead agency in that area.

"(b) The Commission shall order full-scale wage surveys every second year with interim surveys in alternating years. The Commission may order more frequent surveys when conditions so suggest.

"(c) The Commission, by regulation, shall prescribe practices and procedures for conducting wage surveys, analyzing wage survey data, and developing and establishing wage schedules. The regulations shall provide—

"(1) that wages surveyed by those paid by private employers in the local wage area for similar work performed by regular full-time employees;

"(2) for participation at all levels by representatives of employee organizations in every phase of providing an equitable system for fixing and adjusting the rates of pay for prevailing rate employees, including the planning of the surveys, the drafting of specifications, the selection of data collectors, the collection and the analysis of the data, and the submission of recommendations to the head of the lead agency for wage schedules and for special wage schedules where appropriate;

"(3) for requirements for the accomplishment of wage surveys and for the development of wage schedules;

"(4)(A) that a lead agency, in making a wage survey, shall determine whether there exists in the local wage area a sufficient number of comparable positions in private industry to establish wage schedules for the principal types of positions for which the survey is made, and that the determination shall be in writing and shall take into consideration all relevant evidence including evidence submitted by employee organizations recognized as representative of employees in the area; and

"(B) that, when it is determined that there is an insufficient number of comparable positions in private industry to establish the wake schedules, the lead agency shall establish the wage schedules on the basis of local private industry rates and rates paid for comparable positions in private industry in the nearest wage area that it determines to be most similar in the nature of its population, employment, manpower, and industry to the wage area for which the wage survey is being made;

"(5)(A) that each grade of a wage schedule have 4 steps, the first step at 96 percent of the prevailing rate, the second step at 100 percent of the prevailing rate, the third step at 104 percent of the prevailing rate, and the fourth step at 108 percent of the prevailing rate;

"(B) that, with satisfactory work performance of an acceptable level of competence as determined by the head of the agency, an employee advance automatically to the next higher step within the grade at the beginning of the next pay period following the completion of—

"(i) 26 calendar weeks of continuous service in step 1;

"(ii) 78 calendar weeks of continuous service in step 2; and

"(iii) each 104 calendar weeks of continuous service in step 3; and

"(C) that the benefit of successive step increases is preserved for employees whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-Government civilian employment during a period of war or national emergency;

"(6) for special rates and schedules as appropriate;

"(7) for equal rates of pay for the same work in the same local wage area;

"(8) for pay distinctions in keeping with work distinctions, with proper differentials as determined by the Commission for duty involving unusually severe working conditions or unusually severe hazards;

"(9) rules governing the administration of pay for individual employees on appointment, transfer, promotion, demotion (including retention of pay rates as appropriate), and other similar changes in employment status; and

"(10) for a continuing program of systems maintenance and improvement designed to keep the prevailing rate system fully abreast of changing conditions, practices, and techniques both in and out of the Government of the United States.

"§ 5344. Effective date of wage increase; retroactive pay

"(a) Each increase in rates of basic pay granted, pursuant to a wage survey, to prevailing rate employees is effective not later

than the first day of the first pay period which begins on or after the 45th day, excluding Saturdays and Sundays, following the date the wage survey is ordered to be made.

"(b) Retroactive pay is payable by reason of an increase in rates of basic pay referred to in subsection (a) of this section only when—

"(1) the individual is in the service of the Government of the United States, including service in the armed forces, or the government of the District of Columbia on the date of the issuance of the order granting the increase; or

"(2) the individual retired or died during the period beginning on the effective date of the increase and ending on the date of issuance of the order granting the increase, and only for services performed during that period.

For the purpose of this subsection, service in the armed forces includes the period provided by statute for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia after he is relieved from training and service.

"(c) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of this title, an increase in the rate of basic pay referred to in subsection (a) of this section is effective on the date of the issuance of the order granting the increase. However, for an employee who dies or retires during the period beginning on the effective date of the increase and ending on the date of the issuance of the order granting the increase, the amount of the insurance is determined as if the increase under this section were in effect for the employee during that period.

"§ 5345. Retained rate of pay on reduction in grade

"(a) Under regulations prescribed by the Civil Service Commission, and subject to the limitation in subsection (b) of this section, a prevailing rate employee—

"(1) who is reduced in grade from a grade of a wage schedule;

"(2) who holds a career or a career-conditional appointment in the competitive service, or an appointment or equivalent tenure in the excepted service or in the government of the District of Columbia;

"(3) whose reduction in grade is not (A) caused by a demotion for personal cause, (B) at his request, (C) effected in a reduction in force due to lack of funds or curtailment of work, or (D) with respect to a temporary promotion, a condition of the temporary promotion to a higher grade;

"(4) who, for 2 continuous years immediately before the reduction in grade, served (A) in the same agency, and (B) in a grade or grades higher than the grade to which demoted; and

"(5) whose work performance during the 2-year period is satisfactory or better;

is entitled to basic pay at the rate to which he was entitled immediately before the reduction in grade (including each increase in rate of basic pay granted pursuant to a wage survey) for a period of 2 years from the effective date of the reduction in grade, so long as he—

"(A) continues in the same agency without a break in service of 1 workday or more;

"(B) is not entitled to a higher rate of basic pay by operation of this subchapter; and

"(C) is not demoted or reassigned (i) for personal cause, (ii) at his request, or (iii) in a reduction in force due to a lack of funds or curtailment of work.

"(b) The rate of basic pay to which a prevailing rate employee is entitled under subsection (a) of this section with respect to each reduction in grade to which that subsection applies may not exceed the sum of—

"(1) the minimum rate of the grade to which he is reduced under each reduction in grade to which that subsection applies (including each increase in rate of basic pay granted pursuant to a wage survey); and

"(2) the difference between his rate immediately before the first reduction in grade to which that subsection applies (including each increase in rate of basic pay granted pursuant to a wage survey) and the minimum rate of that grade which is 3 grades lower than the grade from which he was reduced under the first of the reductions in grade (including each increase in the rate of basic pay granted pursuant to a wage survey).

"(c) Under regulations prescribed by the Commission consistent with the provisions of subsections (a) and (b) of this section, an employee who is reduced to a grade of a wage schedule from a position not subject to this subchapter is entitled to a retained rate of basic pay.

"(d) The Commission may prescribe regulations governing the retention of the rate of basic pay of an employee who together with his position is brought under this subchapter. If an employee so entitled to a retained rate under these regulations is later demoted to a position under this subchapter, his rate of basic pay is determined under subsections (a) and (b) of this section. For the purpose of those subsections, service in the position which was brought under this subchapter is deemed service under this subchapter.

"§ 5346. Job grading system

"(a) The Civil Service Commission, after consulting with the agencies and with employee organizations, shall establish and maintain a job grading system for positions to which this subchapter applies. For the purpose, the Commission shall—

"(1) establish and define individual occupations and the boundaries of each occupation;

"(2) establish job titles within occupations;

"(3) develop and publish job grading standards; and

"(4) provide a method to assure consistency in the application of job standards.

"(b) The Commission, from time to time, shall review such numbers of positions in each agency as will enable the Commission to determine whether the agency is placing positions in occupations and grades in conformance with or consistency with published job standards. When the Commission finds that a position is not placed in its proper occupation and grade in conformance with published standards or that a position for which there is no published standards is not placed in the occupation and grade consistently with published standards, it shall, after consultation with appropriate officials of the agency concerned, place the position in its appropriate occupation and grade and shall certify this action to the agency. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"(c) On application, made in accordance with regulations prescribed by the Commission, by a prevailing rate employee for the review of the action of an employing agency in placing his position in an occupation and grade for pay purposes, the Commission shall—

"(1) ascertain currently the facts as to the duties, responsibilities, and qualification requirements of the position;

"(2) decide whether the position has been placed in the proper occupation and grade; and

"(3) approve, disapprove, or modify, in accordance with its decision, the action of the employing agency in placing the position in an occupation and grade.

The Commission shall certify to the agency concerned its action under paragraph (3) of this subsection. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"§ 5347. Federal Prevailing Rate Advisory Committee

"(a) There is established a Federal Prevailing Rate Advisory Committee composed of—

"(1) the Chairman, who shall not hold any other position in the Government of the United States or the government of the District of Columbia, and who shall be appointed by the President for a 4-year term at a rate of pay equivalent to the maximum rate for the General Schedule;

"(2) the head, or his designee, of each of the 4 Executive agencies (other than the Civil Service Commission), and military departments designated by the Chairman of the Civil Service Commission from time to time as having the largest of prevailing rate employees;

"(3) an employee of the Civil Service Commission, appointed by the Chairman of the Civil Service Commission; and

"(4) 5 representatives, appointed by the Chairman of the Civil Service Commission, from among the employee organizations representing, under exclusive recognition of the United States, the largest numbers of prevailing rate employees in the service of the Government of the United States.

"(b) In making appointments of representatives of employee organizations under subsection (a) (4) of this section, the Chairman of the Civil Service Commission shall appoint, as nearly as practicable, a number of representatives from a particular employee organization in the same proportion as the number of prevailing rate employees represented by such organization is to the total number of prevailing rate employees in the Government of the United States and the government of the District of Columbia. However, in any case there shall not be more than 2 representatives from any one employee organization nor more than 4 representatives from a single council, federation, alliance, association or affiliation of employee organizations.

"(c) Every second year the Chairman of the Civil Service Commission shall review employee organization representation to determine adequate or proportionaal representation under the guidelines of subsection (b) of this section.

"(d) The representatives from the employee organizations serve at the pleasure of the Chairman of the Civil Service Commission.

"(e) The Committee shall study the prevailing rate system and other matters pertinent to the establishment of prevailing rates under this subchapter and, from time to time, advise the Civil Service Commission thereon. Conclusions and recommendations of the Committee shall be formulated by majority vote. The Committee shall make an annual report to the Commission and the President for transmittal to Congress, including recommendations and other matters considered appropriate. Any member of the Committee may include in the annual report recommendations and other matters he considers appropriate.

"(f) The Committee shall meet at the call of its Chairman. However, a special meeting shall be called by the Chairman if a majority of the members makes a written request to consider matters within the purview of the Committee.

"(g) Members of the Committee (other than employee organization representatives and the Chairman) serve without additional

pay. Employee organization members are not entitled to pay from the Government of the United States for services rendered to the Committee.

"(h) The Civil Service Commission shall provide such clerical and professional personnel as the Committee considers appropriate and necessary to carry out its functions under this subchapter. Such personnel shall be responsible solely to the Committee.

"§ 5348. CREWS OF VESSELS

"(a) Except as provided by subsection (b) of this section, the pay of officers and members of crews of vessels excepted from chapter 51 of this title by section 5102(c)(8) of this title shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry.

"(b) Vessel employees of the Panama Canal Company may be paid in accordance with the wage practices of the maritime industry."

(b) The analysis of subchapter IV of chapter 53 of title 5, United States Code, is amended to read as follows:

SUBCHAPTER IV.—PREVAILING RATE SERVICES

"5341. Policy.
"5342. Definitions; application.
"5343. Prevailing rate determinations; wage schedules.
"5344. Effective date of wage increase; retroactive pay.
"5345. Retained rate of pay on reduction in grade.
"5346. Job grading system.
"5347. Federal Prevailing Rate Advisory Committee.
"5348. Crews of vessels.".

SEC. 2. Section 2105(c)(1) of title 5, United States Code, is amended by inserting "(other than subchapter IV of chapter 53 and section 7154 of this title)" immediately following "laws".

SEC. 3. Section 5337 of title 5, United States Code, is amended—

(1) by striking out the words "to which this section applies" wherever they appear in subsection (b) and inserting "to which that subsection applies" in place thereof; and

(2) by adding at the end thereof:

"(c) Under regulations prescribed by the Civil Service Commission consistent with the provisions of subsections (a) and (b) of this section, an employee who is reduced to a grade of the General Schedule from a position to which this subchapter does not apply is entitled to a retained rate of basic pay.".

SEC. 4. Section 5541(2)(xi) of title 5, United States Code, is amended to read as follows:

"(xi) an employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under subchapter IV of chapter 53 of this title, or by a wage board or similar administrative authority serving the same purpose, except as provided by section 5544 of this title;".

SEC. 5. The first sentence of section 5544 (a) of title 5, United States Code, is amended to read as follows: "An employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under section 5343 of this title, or by a wage board or similar administrative authority serving the same purpose, is entitled to overtime pay for overtime work in excess of 8 hours a day or 40 hours a week.".

SEC. 6. Section 6101(a)(1) of title 5, United States Code, is amended by inserting "other than an employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under section 5343 of this title or by a wage board or similar administrative authority serving the same purpose" immediately preceding the period at the end thereof.

SEC. 7. (a) Section 6102 of title 5, United States Code, is repealed.

(b) The analysis of chapter 61 of title 5, United States Code, is amended by striking out—

"6102. Eight-hour day; 40-hour workweek; wage-board employees.".

SEC. 8. Section 7154 (b) of title 5, United States Code, is amended by striking out "subchapter III of chapter 53" and inserting "subchapters III and IV of chapter 53" in place thereof.

SEC. 9. (a) An employee's initial rate of pay on conversion to a wage schedule established pursuant to the amendments made by this Act shall be determined under conversion rules prescribed by the Civil Service Commission. The amendments made by this Act shall not be construed to decrease the existing rate of basic pay of any present employee subject thereto.

(b) The amendments made by this Act shall not be construed to affect agreements presently in effect as a result of negotiations between departments and agencies of the Government of the United States, or subdivisions thereof, and organized employees. It is the intent of this Act that through negotiations between the Commission, the heads of those agencies referred to in clauses (i)–(viii) of section 5102(a)(1) of title 5, United States Code, and the organized employees, that, in due time, wherever feasible, all prevailing rate employees be covered by the amendments made by this Act.

SEC. 10. The provisions of section 1–9 of this Act are effective on the first day of the first pay period which begins on or after 90 days after the date of enactment of this Act except that, in the case of those employees referred to in section 5342(a)(2) (C) and (D) of title 5, United States Code (as amended by the first section of this Act), such provisions are effective on the first day of the first pay period which begins on or after one hundred and eighty days after such date of enactment or on such earlier date (not earlier than ninety days after such date of enactment) as the Civil Service Commission may prescribe.

The SPEAKER pro tempore (Mr. ALBERT). Is there obection to the request of the gentleman from New York?

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

POST OFFICE DEPARTMENT DECEIVES PUBLIC ON SPECIAL DELIVERY SERVICE

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

Mr. BIAGGI. Mr. Speaker, I feel obligated to inform this body of the great fraud and deception of the American public that is taking place every day in the post offices of the Nation. Under the guise of selling special delivery service for an extra special delivery fee of 45 cents the new Postal Service merely renders ordinary first-class delivery in return, purchasable at 6 cents.

The city of New York, for example, which accounts for over 13 percent of all special delivery letters, saw a massive cutback in its service earlier this month. This follows a similar cutback ordered by the Postmaster General a year ago. Now, mind you, all this under-the-counter maneuvering is accomplished very quietly. But despite this constant chipping away at the services offered the public, the Post Office Department was still able to justify a 50-percent increase in its special delivery rates in July 1969.

In light of this deplorable deception of the public, last week I asked the Comptroller General of the United States, Mr. Elmer Staats, to order a General Accounting Office investigation of the extent of this fraudulent practice.

It is interesting to note that if a private corporation were engaging in such activity, the Justice Department and the Federal Trade Commission would not hesitate to swoop down and intervene in the interest of the public. I do not believe we can demand any less honesty from our public corporations or Government departments.

I hope my colleagues will join with me in demanding that Postmaster General Winton Blount restore proper special delivery service, which is being bought but not received by the public, or eliminate it and the charge altogether. I will include copies of my correspondence to Mr. Staats and Mr. Blount at this point in the RECORD.

The material referred to follows:

SEPTEMBER 17, 1970.

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

DEAR MR. STAATS: I urgently request that you initiate an immediate investigation of the U.S. Postal Service special delivery mail service. I have reason to believe that the recently established policy of the post office constitutes a fraudulent practice.

The facts are these:

1. Special delivery mail service is being curtailed in numerous areas of the country. In four New York counties special delivery service runs were reduced from eight to four a day. In Manhattan, which receives 13 percent of all special delivery letters, the service was reduced from 13 to 8 a day in the business district.

2. Postal patrons pay 45 cents for special delivery service but in most instances are routinely provided with ordinary first class mail deliveries in spite of this extra charge.

I am enclosing copies of my recent public statement on this matter and a letter to Postmaster General Winton Blount for your information. Please advise me of your action as soon as possible.

With kindest regards, I am,
Sincerely,

MARIO BIAGGI.

SEPTEMBER 17, 1970.

HON. WINTON M. BLOUNT,
Postmaster General, Washington, D.C.

DEAR MR. BLOUNT: I must vigorously object to the recent order reducing special delivery mail service in New York City and previous orders curtailing special deliveries across the country. Such action amounts to a fraudulent denial of services to those postal patrons who pay for and believe they would receive something more than just regular mail delivery. I am asking the General Accounting Office to investigate this matter immediately. A copy of my letter to the Comptroller General is enclosed for your further information.

True special delivery service is urgently needed, especially in New York City and other large, urban areas. I therefore urge you to rescind the order and restore special delivery service to a level required to handle this demand, especially in high volume areas such as New York City.

Awaiting your early reply, I am,
Sincerely yours,

MARIO BIAGGI.

OPEN LETTER FROM J. EDGAR HOOVER ON CAMPUS PROTESTS

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

Mr. DEVINE. Mr. Speaker, on today's date, September 21, the very able and talented Director of the Federal Bureau of Investigation, J. Edgar Hoover, for the United Press International, has written an open letter to college students. In it he pinpoints eight ploys used by radical extremists in their efforts to steer justifiable campus protests into violent and destructive channels.

Mr. Speaker, I think it is important that all Members of Congress and all others who are interested should read this open letter, and I include it in the RECORD in its entirety:

OPEN LETTER TO COLLEGE STUDENTS

(By J. Edgar Hoover, Director, Federal Bureau of Investigation)

(NOTE.—In the following Open Letter To College Students, FBI Director J. Edgar Hoover pinpoints eight ploys used by radical extremists in their efforts to steer justifiable campus protest into violent and destructive channels.)

As a 1970 college student, you belong to the best educated, most sophisticated, most poised generation in our history.

The vast majority of you, I am convinced, sincerely love America and want to make it a better country.

You do have ideas of your own—and that's good. You see things wrong in our society which we adults perhaps have minimized or overlooked. You are outspoken and frank and hate hypocrisy. That is good too.

There's nothing wrong with student dissent or student demands for changes in society or the display of student unhappiness over aspects of our national policy. Student opinion is a legitimate aspect of public opinion in our society.

But there is real ground for concern about the extremism which led to violence, lawlessness, and disrespect for the rights of others on many college campuses during the past year.

The extremists are a small minority of students and faculty members who have lost faith in America. They ridicule the flag, poke fun at American institutions, seek to destroy our society. They are not interested in genuine reform. They take advantage of the tensions, strife, and often legitimate frustrations of students to promote campus chaos. They have no rational, intelligent plan of the future either for the university or the Nation.

The extremists are of wide variety: adherents of the Students for a Democratic Society (SDS) including the Weatherman; members of the Young Socialist Alliance (USA), the Trotskyist youth group; the Communist Party's Young Workers Liberation League (YWLL). Or they may be associated with the Student Mobilization Committee to End the War in Vietnam (SMC), a Trotskyist-dominated antiwar group.

Many are not associated with any national group. The key point is not so much the identification of extremists but learning to recognize and understand the mentality of extremism which believes in violence and destruction.

Based on our experience in the FBI, here are some of the ways in which extremists will try to lure you into their activities:

1. They'll encourage you to lose respect for your parents and the older generation. This will be one of their first attacks, trying to cut you off from home. You'll hear much about the "failures" and "hypocrisy" of your parents and their friends. The older generation has made mistakes but your parents and millions of other adults worked hard, built, sacrificed, and suffered to make America what it is today. It is their country too. You may disagree with them, but don't discredit their contributions.

2. They'll try to convert you to the idea that your college is "irrelevant" and a "tool of the Establishment." The attack against the college administration often is bitter, arrogant, and unreasoning. SDSers, for example, have sought to disrupt the colleges by demanding the right to select professors, determine the curriculum, and set grading standards.

3. They'll ask you to abandon your basic common sense. Campus extremism thrives on spacious generalizations, wild accusations, and unverified allegations. Complex issues of state are wrapped in slogans and cliches. Dogmatic statements are issued as if they were the final truth. You should carefully examine the facts. Don't blindly follow courses of action suggested by extremists. Don't get involved in a cause just because it seems "fashionable" or the "thing to do." Rational discussion and rational analysis are needed more than ever before.

4. They'll try to envelop you in a mood of negativism, pessimism, and alienation toward yourself, your school, your Nation. This is one of the most insidious of New Left poisons. SDS and its allies judge America exclusively from its flaws. They see nothing good, positive, and constructive. This leads to a philosophy of bitterness, defeatism, and rancor. I would like you to know your country more intimately. I would want you to look for the deeper unifying forces in America, the moods of national character, determination, and sacrifice which are working to correct these flaws. The real strength of our Nation is the power of morality, decency, and conscience which rights the wrong, corrects error, and works for equal opportunity under the law.

5. They'll encourage you to disrespect the law and hate the law enforcement officer. Most college students have good friends who are police officers. You know that when extremists call the police "pigs" they are wrong. The officer protects your rights, lives, and property. He is your friend and he needs your support.

6. They'll tell you that any action is honorable and right if it's "sincere" or "idealistic" in motivation. Here is one of the most seductive of New Left appeals—that is an arsonist's or anarchist's heart is in the right place, if he feels he is doing something for "humanity" or a "higher cause," then his act, even if illegal, is justifiable. Remember that acts have consequences. The alleged sincerity of the perpetrator does not absolve him from responsibility. His acts may affect the rights, lives, and property of others. Just being a student or being on campus does not automatically confer immunity or grant license to violate the law. Just because you don't like a law doesn't mean you can violate it with impunity.

7. They'll ask you to believe that you, as a student and citizen, are powerless by democratic means to effect change in our society. Remember the books on American history you have read. They tell the story of the creative self-renewal of this Nation through change. Public opinion time after time has brought new policies, goals, and methods. The individual is not helpless or caught in "bureaucracy" as these extremists claim.

8. They'll encourage you to hurl bricks and stones instead of logical argument at those who disagree with your views. I remember an old saying: "He who strikes the first blow has run out of ideas." Violence is as ancient as the cave man; as up-to-date as the Weatherman. Death and injury, fear, distrust, animosity, polarization, counter-violence—these arise from violence. The very use of violence shows the paucity of rational thought in the SDS, its inability to come up with any intelligent critique of our society.

Personally, I don't think the outlook for campus unrest this year is as bleak as some prophets of pessimism proclaim. The situation at some colleges is serious, but certainly not hopeless.

Along with millions of other adults, I'm betting on the vast majority of students who remain fair-minded, tolerant, inquisitive, but also firm about certain basic principles of human dignity, respect for the rights of others, and a willingness to learn. I am confident our faith has not been misplaced.

FEDERAL EMPLOYEES PROSELYTED BY INTERNATIONAL ORGANIZATIONS

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

Mr. RARICK. Mr. Speaker, I take this means to call to the attention of the House Executive Order 11552, signed by the President at the California White House on August 24, 1970.

The Executive order deals with details of transfers of Federal employees to international organizations.

Under the order, the Secretary of State is ordered to provide leadership and coordination for the Federal Government to increase and improve its participation in international organizations through transfers and details of well qualified Federal employees.

It further provides "each agency in the executive branch of the Federal Government shall to the maximum extent feasible—assist and encourage details and transfers of employees to international organizations" and then sets forth certain policies and procedures including leaves of absence for interviews, with full pay, and discretionary approval and pay of official travel within the United States for such an interview.

It thus appears that our Federal Government is no longer in competition with the international boys, but rather our Federal employees are being hand selected to staff the one-world supergovernment. And again, of course, all at the expense of the U.S. taxpayers.

Mr. Speaker, I include the full text of the Executive order, as it appeared in the weekly compilation of Presidential Documents for the week ending Saturday, August 29, 1970, at page 1110:

[Executive Order 11552, Aug. 24, 1970]

DETAILS AND TRANSFERS OF FEDERAL EMPLOYEES TO INTERNATIONAL ORGANIZATIONS

By virtue of the authority vested in me by section 301 of title 3 and section 3584 of title 5, United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Leadership and coordination.* The Secretary of State shall provide leadership and coordination for the effort of the Federal Government to increase and improve its participation in international organizations through transfers and details of well-qualified Federal employees, and shall develop policies, procedures, and programs consistent with this order to advance and encourage such participation.

SEC. 2. *Federal agency cooperation.* Each agency in the executive branch of the Fed-

eral Government shall to the maximum extent feasible and with due regard to its manpower requirements assist and encourage details and transfers of employees to international organizations by observing the following policies and procedures:

(1) Vacancies in international organizations shall be brought to the notice of well-qualified agency employees whose abilities and levels of responsibility in the Federal service are commensurate with those required to fill such vacancies.

(2) Subject to prior approval of his agency, no leave shall be charged an employee who is absent for a maximum of three days for interview for a proposed detail or transfer at the formal request of an international organization or a Federal official; an agency may approve official travel for necessary travel within the United States in connection with such an interview.

(3) An agency, upon request of an appropriate authority, shall provide international organizations with detailed assessments of the technical or professional qualifications of individual employees being formally considered for details and transfers to specific positions.

(4) Upon return of an employee to his agency, the agency shall give due consideration to the employee's overall qualifications, including those which may have been acquired during his service with the international organization, in determining the position and grade in which he is reemployed.

SEC. 3. *Delegations.* (a) Except as otherwise provided in this order, there is hereby delegated to the United States Civil Service Commission the authority vested in the President by sections 3582(b) and 3584 of title 5, United States Code.

(b) The following are hereby delegated to the Secretary of State:

(1) The authority vested in the President by sections 3343 and 3581 of title 5, United States Code, to determine whether it is in the national interest to extend a detail or transfer of an employee beyond five years.

(2) The authority vested in the President by section 3582(b) of title 5, United States Code, to define and specify "pay, allowances, post differential, and other monetary benefits" to be paid by the agency upon reemployment, disability, or death.

SEC. 4. *Revocation.* Exceutive Order No. 10804 of February 12, 1959, is hereby revoked.

RICHARD NIXON.

THE WHITE HOUSE, *August 24, 1970.*

[Filed with the Office of the Federal Register, 4:55 p.m., August 24, 1970].

GRAPE BOYCOTT ENDS

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

Mr. BURTON of California. Mr. Speaker, the long and valiant struggle of the farmworkers to obtain social justice for those who toil in the Nation's fields now seems destined for success. The grape boycott, long a symbol of that struggle, has come to an end.

The tireless effort of Cesar Chavez and the dedicated men and women of the United Farm Workers Organizing Committee, AFL–CIO has been culminated by victory in this struggle for union recognition in the California grape industry.

AFL–CIO President George Meany used the Labor Day weekend as the occasion to announce to his members the news of the victory and the end of the grape boycott.

All who joined in this historic struggle share his delight and I would like to take this opportunity to share his words with my colleagues:

STATEMENT OF GEORGE MEANY

AFL–CIO President George Meany today informed the 13.6 million members of the federation that the grape boycott was over.

Meany said the members of the United Farm Workers Organizing Committee, AFL–CIO, "have successfully concluded their historic struggle for union recognition in the California grape industry."

The consumer boycott of grapes "played a major role in winning that victory," Meany said.

Paying high tribute to the farm workers' five-year struggle, which he called "an historic demonstration of faith, courage and conviction," Meany added:

"Even so, that struggle could not have succeeded without the steadfast support of a united labor movement. We have demonstrated once again, the value of the boycott weapon in strike situations. It is not a weapon we will ever use lightly but this experience and the experience earlier this year in the GE boycott prove that American consumers will refuse to purchase articles made under substandard or strike-breaking conditions. So we will use the boycott weapon when it becomes necessary in order to win justice for workers."

He added: "Now that the grape boycott is over, all remaining stocks of leaflets, pamphlets, placards, bumper stickers or other materials relating to that boycott should be immediately destroyed."

The text of Meany's letter follows:

It gives me great pleasure to inform you that the members of the United Farm Workers Organizing Committee, AFL–CIO, have successfully concluded their historic struggle for union recognition in the California grape industry.

Therefore the grape boycott is officially ended.

It is quite clear that the consumer boycott of grapes in which millions of American trade unionists joined together, played a major role in winning that victory.

Director Cesar Chavez and the UFWOC Executive Board have asked me to convey the deep gratitude of their members for the financial contributions and the physical support they have received from individual volunteers, AFL–CIO affiliates and their locals and state and central labor bodies—from all who picketed supermarkets, handbilled shopping centers and personally urged store managers to stop selling table grapes.

The five-year struggle of the farm workers, against powerful opposition unrestrained by federal or state labor laws, has been an historic demonstration of faith, courage and determination.

Even so, that struggle could not have succeeded without the steadfast support of a united labor movement. We have demonstrated, once again, the value of the boycott weapon in strike situations. It is not a weapon we will ever use lightly but this experience and the experience earlier this year in the GE boycott proved that American consumers will refuse to purchase articles made under substandard of strike-breaking conditions. So we will use the boycott weapon when it becomes necessary in order to win justice for workers.

All of those who shared in the farm workers' struggle have a full share in the victory, as well. Because of their efforts, the trade union movement is stronger than before.

Now that the grape boycott is over, all remaining stocks of leaflets, pamphlets, placards, bumper stickers or other materials relating to that boycott should be immediately destroyed.

With personal thanks to all who contributed to this victory.

H.R. 19313

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

Mr. ROTH. Mr. Speaker, on Thursday I introduced a bill (H.R. 19313) to make it a Federal crime to kill or injure State or local policemen, firemen, or judges because of their official position.

In recent months we have experienced a series of unprovoked attacks, some of them fatal, on State and local policemen and judges. The seriousness of the situation is demonstrated by the recently released figures of the FBI which showed 86 killings of law enforcement officers by felonious criminal action in 1969, a 34 percent increase over 1968, and 35,202 assaults of police officers during 1969. More currently we have all been shocked by the kidnaping and shooting of a California judge and a widespread rash of senseless shootings of policemen. I believe the situation is so serious as to make it necessary to bring to bear the weight of Federal law and provide the benefit of the assistance of our Federal law enforcement agencies.

As a recent New York Times editorial noted:

In the last analysis the enemies of the police are the enemies of all organized society, and of the personal security which is society's first obligation toward all its members.

We must take fast action to deal effectively with this most critical problem. My bill is designed to apply to situations where an officer is singled out and attacked simply because of his official position. The law would apply to anyone who traveled in interstate commerce, or used any instrumentality or facility of interstate commerce, for the purpose of assaulting, injuring, or killing these public officials, as well as anyone who aided, abetted, or encouraged such activity. It would further apply to anyone who, in the course of such an attack, used a dangerous or deadly weapon which was transported or is customarily transported in interstate commerce, as well as anyone who aided and abetted in the transportation of such a weapon.

The penalties for these crimes will be the same as are currently provided for in the United States Code for like acts against Federal officials.

The question of whether an individual has intended to kill such a public official would be determined in court by a judge or jury in the same manner as other questions of intent are currently determined under criminal law. However, as soon as Federal officials have determined that there is probable cause to believe that a crime has been committed under the provisions of this legislation, Federal officers could immediately provide assistance to local authorities.

The adoption of this legislation would be a major addition to existing laws governing the killing of Federal officials, attacks on Federal, State and local officials during civil disorder situations, and Federal antiassassination laws.

No one can doubt the need for swift action in this area. I therefore urge my fellow Members of Congress to cosponsor this important legislation and press for its passage this year.

FREEDOM OF CHOICE OF SCHOOLS

The SPEAKER pro tempore (Mrs. SULLIVAN). Under previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 60 minutes.

Mr. MONTGOMERY. Madam Speaker, I rise today with a heavy burden on my shoulders and a deep concern for the quality of education for all the young people of by home State of Mississippi and other States of the South who have fallen victim to the unyielding and oppresive hand of the Federal courts.

The burden I carry is to gain for my constituents a rational and sane nationwide policy that will permit us to maintain public schools on a high level of educational standards and without causing undue hardship on the students and their parents. My concern is for the type of learning experience that will be provided these students in the midst of chaos and confusion.

In its September 11 report on school desegregation, the impartial Congressional Quarterly stated:

> Confusion generated by contradictory policy statements and conflicting court orders clouded the successful desegregation of more than 90 percent of the school districts in the states where it was once illegal for black and white children to attend school together. Parents, students and school officials waited anxiously for a Supreme Court decision answering these questions:
>
> Does a child have a constitutional right to attend a school in his own neighborhood?
>
> Does the Constitution require that there be a racially balanced student body in every school?
>
> Did Congress in 1964 forbid school boards to bus students to achieve racially balanced student bodies?
>
> Are all-Black or all-White schools unconstitutional?
>
> "On October 12, the first day for arguments in the 1970–71 term, the Court will hear arguments in six cases presenting these issues."

One of these six cases is the Swann against Charlotte-Mecklenburg Board of Education case in which our distinguished colleague from Florida, WILLIAM CRAMER, has filed a friend of the court brief. As of this morning, thanks largely to the efforts of Representatives WATSON and ABBITT, 80 of our colleagues have joined Congressman CRAMER. This most excellent brief strikes at the central issue of judicial and executive attempts to bring about a racial balance in the schools in direct violation of the directives of Congress as contained in title IV of the Civil Rights Act of 1964.

Let us look at the type of busing being imposed upon southern schools now. In many, many cases young children—children of all ages—are having to make a 30-, 40-, or 50-mile round trip each day just to attend school. I wonder how many of my colleagues would be willing to travel the same distance each day in order to conduct their legislative duties, especially on those days when the sessions are lengthy and late. Can you imagine what it is like for a first, second, or third grader to catch a school bus each morning at 6 o'clock in order to be at school by 8 a.m., knowing full well it will probably be 5 or 6 that afternoon before he returns home?

Does anyone really believe this is conductive to a quality education? Does anyone really believe a child—white or black—can do his or her best after spending 2 hours on a school bus? What are we trying to teach the youth of today? Reading, writing, and arithmetic or the discomforts of sitting on a hard bus seat for 2 hours?

Of course, there are other drawbacks to massive busing, such as the fact that extracurricular activities normally taking place after school must be curtailed. We must not forget those high school students who used to work after school to earn spending money for themselves or supplement their family's income can no longer work as long, if at all, on part-time jobs because they simply do not arrive home soon enough. This has worked a noticeable hardship on the children in white and black families of less fortunate financial means.

I really wonder who the courts are trying to please. They certainly are not pleasing the school administrators who must implement the unreasonable plans. They certainly are not pleasing the black and white parents of my State who are desirous of freedom of choice and the neighborhood school concept. Yes, I said black and white parents. Most blacks in Mississippi are no more in favor of busing than the whites are.

There have been many public meetings held throughout Mississippi well attended by black parents as well as white parents. The consensus of these meetings and the message that has been coming through loud and clear is "don't force my child to go to a school he or she does not wish to attend." They say, "Let us as parents decide which school we want our children to attend. Let us decide if we want our children to spend 2 hours or 20 minutes riding a bus to school each morning." In effect, they are asking for freedom of choice. Unfortunately, this message has fallen on deaf ears as far as the Federal courts and erstwhile educational planners in HEW are concerned.

Let us look at another deplorable situation that has arisen as a result of recent court orders for racial balance in the public schools—the loss of experienced and highly qualified professional teachers in the public school system. Many of these teachers have left the teaching profession because they realize the futility of trying to provide a meaningful learning situation in the midst of the chaotic conditions presently existing. As a result of the pairing of schools, many of the physical plants have become grossly overcrowded. While other physical plants have about half of the students for which they were built. This has resulted in a lack of classroom space, supplies, and needed educational equipment.

In case some people are not familiar with the term "pairing of schools." I would like to elaborate on this somewhat. Pairing is when the courts decide that the student bodies of two different schools, often separated by many miles, are to be brought together as one. There are two choices available in this pairing process. One choice is to completely close down one of the schools and send all the students to the other school. The other choice is to send half of the grades to one school building and send the other grades to the other school building. What makes pairing even more intolerable is that rather than choosing two schools of closest proximity to pair, the courts have thrown all logic out of the window and appear, in some cases, to take great delight in pairing those schools that are the farthest apart.

Madam Speaker, it is a situation like this—pairing of schools—that has caused teachers to leave their chosen profession.

These new school policies—pairing of schools and busing of students—is being done by the courts in the name of so-called racial balance. Do the courts have any legal right of precedent to formulate school plans based on racial balance. I say no. Nowhere in the U.S. Constitution is there mention of racial balance. There are guarantees of equal access to public places by people of all races, but the Constitution does not say there must be racial balance.

Another point I would like to make is that of the legislative history of the Civil Rights Act of 1964. It was pointed out quite strongly by the majority of the Members of the House and Senate, both liberals and conservatives, that the Civil Rights Act was in no way meant to overcome racial imbalance or bring about forced racial balance. The Civil Rights Act was passed to provide equal rights for all Americans as far as public places were concerned.

Congress has more recently spoken on this subject in passing the Whitten amendment to the fiscal 1971 Office of Education appropriation bill. This amendment, authored by my very able colleague from Mississippi, Representative JAMIE WHITTEN, specifically forbids the expenditure of Federal funds in busing of schoolchildren to overcome racial unbalance in the schools. The legislative history on this point makes it abundantly clear that the Congress of the United States is opposed to busing to overcome racial unbalance in the schools. The concept of racial balance is purely and simply a social philosophy of the U.S. Supreme Court—an organization of nine men who over the past few years have made a mockery of the American concept of three coequal branches of Government.

Madam Speaker, the matter of school policies now being forced upon the people of the South boils down to two questions. Has not the Supreme Court acted illegally in denying freedom of choice to school students in the South to attend any school they desire. And No. 2, is it not likewise illegal and certainly morally wrong to enforce such policies in only one section of the Nation with a very

crass attitude of sectionalism. I believe the answers to both questions are a loud and resounding "yes."

As I cover these points, if any of my colleagues would like to comment certainly I shall be glad to yield to them.

Mr. GRIFFIN. Madam Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Mississippi (Mr. GRIFFIN).

Mr. GRIFFIN. I thank the gentleman for yielding. I wish to commend him for bringing this subject to the floor today for discussion. I join him in his comments on the many court decisions which have disrupted the schools.

Despite all the disclaimers, HEW-drawn school districts approved by Federal judges require racial balance in Mississippi schools. Pupils have been assigned by race. The race of children are the sole criteria in many assignments.

All of these acts violate the law of the land.

When the 1964 civil rights bill was on the floor of the Senate, the manager of the bill, Senator Hubert Humphrey, made this positive assertion:

> The Constitution prohibits segregation, it does not require integration. The busing of children to achieve racial balance would be an act to effect the integration of schools.

That is the legislative history of the bill. The same record is in the debate in the House of Representatives.

Any 10th grade student, Madam Speaker, can understand simple language like that, but apparently Federal bureaucrats and Federal judges cannot.

The author of the language outlawing busing to integrate schools was Representative CRAMER of Florida. In explaining his intent, Mr. CRAMER stated:

> "The purpose is to prevent any semblance of congressional acceptance or approval . . . to include in the definition of 'desegregation' any balancing of school attendance by moving students across school district lines to level off percentages where one race outweighs another."

Despite this clear explanation of the intent of the language, it has been ignored by HEW, the Department of Justice, and Federal courts.

The U.S. Supreme Court will hear oral arguments October 12 on several suits seeking to prohibit further disobedience of the law. If we are to maintain respect for the law in this Nation, the Court has no alternative but to restrain HEW and District Federal judges from acting contrary to law.

Chaos prevails in many school systems. This chaos can be laid directly at the feet of Federal officials who have evidenced no respect for acts of Congress.

Every Member of this body is familiar with the history of school desegregation. Earl Warren, Republican nominee for Vice President in 1948 was named Chief Justice of the United States by Dwight Eisenhower in 1953. We all recall that Mr. Eisenhower was our first Republican President after Herbert Hoover.

Chief Justice Earl Warren rendered the Court decision on May 17, 1954, which overturned previous decisions.

Even under the Warren decision, Mississippi schoolchildren had freedom of choice until February 1970.

Freedom of choice ended when Chief Justice Warren Burger rendered his opinion last October which required busing of students in many Mississippi schools.

Racial quotas in Mississippi schools are today commonplace in violation of the law of the land.

A national policy on desegregation is urgently needed. If racial quotas are required in Mississippi, racial quotas should be required in Illinois.

Mississippians will abide by any policy which is equally applicable to New Yorkers.

However, there is a double standard today on school desegregation. One standard is enforced in the South and another is permitted in the North. Such discrimination is intolerable and should be abandoned.

President Nixon and the Supreme Court must reverse their positions and return our school systems to the principle of freedom of choice. Otherwise, the scales of justice will never be again balanced.

Mr. JONAS. Madam Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. I wish to thank my friend the distinguished gentleman from Mississippi for taking this special order and giving those who wish to do so an opportunity to make some comments on this subject.

I am of course especially interested in this case, because the principal case on appeal to the Supreme Court is the Charlotte case, and I have the honor of representing that community here, and have for 18 years.

I made a lengthy speech on the Charlotte case on the floor of the House on March 25, 1970, and outlined what was transpiring there. That speech was published in the CONGRESSIONAL RECORD for that day. And I invite the attention of all who are interested in the facts of that case and the legal proceedings that followed that speech.

May I take a minute to explain why the people in Charlotte are disturbed over this Court order. It is not a question of holding fast to segregation. The public schools in Mecklenburg County have been integrated for a number of years. All the schools have been zoned, and all the pupils who live within those zones, whether black or white, go to the same school. So all the schools are open to the students of all races, with an outright automatic right of transfer if a student wishes to transfer from one school to another, the only limitation on that being if the school to which transfer is sought is full.

So the people in Charlotte, in Mecklenburg County, accepted the order to integrate the schools. The fact is they accepted with good grace the provisions which integrated public facilities in the community. They have all been integrated for years now without any noticeable complaint and without any difficulty.

It was only when an order was entered requiring massive cross-busing of students, as the gentleman from Mississippi has said, to force students to ride for miles and miles from their neighborhood schools to schools far removed from their homes in order to bring about a racial balance. Then those same buses pick up students that would normally go there and bring them back to the schools from which the first ones had been bused. It is only this massive cross-busing of students from the inner city schools out to the suburban schools and vice versa that is causing the trouble. I had a lady come to see me when I was at home during the recent recess, a woman with three children. She said:

> We bought our home in a particular area because it was right across the road from a school. Now I have to see my children, students, refused permission to go to that school and instead they are put on a bus and hauled all the way across town, while students from that other part of town are hauled back to the school right across the street from my home.

It is that sort of thing that has caused the uproar at Charlotte and not any fear of or opposition to integrated schools.

Madam Speaker, may I say one other thing. The same judge who entered this order had stated in an order previously entered in the same case as follows with respect to the Charlotte-Mecklenburg Board of Education:

> They have achieved a degree and volume of desegregation of schools apparently unsurpassed in these parts and have exceeded the performance of any school board whose actions have been reviewed in appellate court decisions.

Despite that statement, the judge then proceeded to enter an order requiring this massive busing.

Now, so much for the Charlotte case.

May I inquire of my distinguished colleague from Mississippi is it not the position of our colleague from Florida, in his brief, on which a number of us are seeking to be associated, is it not his position and the position of all of us that what we are trying to do is to correct an erroneous impression that has become widespread as a result of a decision of a circuit court of appeals that the Cramer amendment and section 407 of title IV of the Civil Rights Act were intended to apply only in de facto segregation situations, whereas we think the legislative history clearly shows that the Congress intended to exclude or outlaw or forbid the compulsory busing of students out of their neighborhood schools for the purpose of achieving a racial balance whether it was a de facto situation or a de jure situation?

Mr. MONTGOMERY. The gentleman is absolutely right. This is the interpretation as I have it. The gentleman is certainly stating it in a very clear and concise manner.

Mr. JONAS. I was here throughout the debate on the Civil Rights Act of 1964. This brief goes into the background of the act within the committee and points out how the original act that was proposed was changed in the committee in order to strike out all references to racial balance or imbalance. Then the full

Committee on the Judiciary brought the bill to the floor, after it has specifically eliminated all reference to racial balance or imbalance.

Mr. MONTGOMERY. I think that the gentleman is absolutely correct. The gentleman was here, and it is my understanding that this was not only conservatives voting like this but the majority of the Members of the House, both so-called liberals and conservatives.

Mr. JONAS. That is true. I ask my colleague to confirm the fact that in the other body some of the most liberal Members indicated a clear understanding that the purpose of this amendment was for the Congress to express its opposition to compulsory busing for racial balance, and to have that intent made applicable to the entire United States; and that the legislative history should show that the Congress intended to outlaw the compulsory busing of students out of their neighborhood schools in order to achieve racial balance, whether there was a de facto or a de jure situation.

Madam Speaker, our purpose in undertaking to join in the brief is to try and explain how the intent of Congress has been misinterpreted and has not been followed by some lower court decisions and in an effort to have the Supreme Court follow the law of the land as laid down by the Congress in the Civil Rights Act and not as construed by some lower court.

Mr. MONTGOMERY. I thank the distinguished gentleman from North Carolina for his contribution.

Mr. DERWINSKI. Madam Speaker, will the gentleman yield?

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

Mr. DERWINSKI. Madam Speaker, in order to point out that the complications caused by forced busing is a national, not a regional problem, I relate the situation which now confronts School District 151, which serves parts of South Holland, Harvey, and Phoenix, Ill.

According to Superintendent of School District 151, Dr. Thomas E. Van Dam—

> The school board is working on a budget shaved to the bone. There is not enough money to paint a school room. Our financial condition is serious, and getting worse. We are indebted to the education fund, and we are $23,000 outstanding in the transportation fund. It looks like we will have to borrow next year's tax money to pay this year's bills.

This is the gloomy picture of the school district which was the Department of Justice's first desegregation suit in the North under title IV of the Civil Rights Act of 1964. This is the picture of a school district's financial plight since Court ordered forced busing, when on July 22, 1968, the Court ordered the school board to restructure its grade organization and to bus approximately 55 percent of its student enrollment involuntarily to achieve racial balance. Upon execution of this Court order the school district lost approximately 800 students who transferred to private schools or whose parents moved to other school districts. The implementation of this busing order quadrupled the busing expense of this school district.

Superintendent Van Dam stated that the judge, regardless of the affluence or cultural deprivation of certain sections assigned students to a specific school by just taking so many street blocks along a given road and assigning that area to a school. This method of assignment, consequently, has placed children with the greatest number of problems in one specific school and the more advantaged children in another school. This is an obvious disruption of our entire system of neighborhood schools.

Yet, title IV of the Civil Rights Act of 1964, in authorizing suits such as this by the Attorney General, states very explicitly:

> That nothing herein shall empower any official or Court of the United States to issue any order seeking to achieve racial balance in any school by requiring the transportation of pupils or students from one school to another.

Therefore, I have joined in filing a friend-of-the-court brief in the Charlotte-Mecklenburg school case in the hopes that the court will see that emphasis should be placed on the quality of education and the effectiveness of neighborhood schools as opposed to social manipulations by the courts without regard to school districts, and individual students. The obligation of our schools is to provide the finest possible education for the students under their jurisdiction. To give integration priority over sound educational administration creates more problems than it solves and is detrimental to the student, the teacher, and the taxpayer.

Mr. MONTGOMERY. I thank the gentleman from Illinois.

Mr. COLMER. Madam Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the chairman of the Rules Committee and the dean of the Mississippi delegation.

Mr. COLMER. Madam Speaker, I think the distinguished gentleman from North Carolina (Mr. JONAS) has rendered a yeoman's service in this field.

I would like to associate myself with the remarks of my colleague, the gentleman from Mississippi (Mr. MONTGOMERY), who is always most diligent in looking after the affairs of not only his people but the country at large, who has taken this time in order to air this situation.

Again, I do not know what effect these statements or this colloquy here will have upon the Court. I am glad, though, to see that the gentleman from Illinois has seen fit to make some observations here because it is not, and certainly should not be, a sectional matter.

Now, I certainly concur in the views expressed by the gentleman from North Carolina (Mr. JONAS) and as advocated by the gentleman from Florida (Mr. CRAMER), that this is not the intention of Congress that we should have this busing and cross busing. I do not think anyone really believes that that was the intention of the Congress unless it be the courts and, certainly, the Fifth Circuit.

Madam Speaker, I think the President of the United States, who certainly could not be called a segregationist, has made his position clear on this question of busing both publicly and privately. This whole thing goes back and stems from the fact that the courts of this land, particularly the Supreme Court, was stacked back there beginning back in the Roosevelt administration, and this continued during the succeeding administrations.

Lest someone think that I might be favoring my Republican friends too much, I would like to point out that it was the beloved President Eisenhower who really capped the climax and put the icing on the cake, as it were, by the appointment of the Chief Justice; and this has been followed down the line to where there has got to be a reevaluation and there has got to be some balance made in the courts. It is asinine and it is tragic to think that these small children, regardless of race or color, should be treated in this manner.

These courts and some of these bureaucrats apparently take the position that in our schools integration is the important matter, and seem to overlook the fact that schools are established for the purpose of education, and not for integration.

I am convinced in my mind that some day—and I hope it will not be too long or too late—we will get some semblance of a balance in the courts who have been the chief offenders in this matter.

I hope in spite of what I have said, and certainly I have not said anything to ingratiate myself with the courts, that maybe they will take a new look at the situation and use some reason.

I want to commend those who are responsible for this brief that is being filed amicus curiae, and hope that it will have some effect.

Madam Speaker, I thank the gentleman for yielding.

Mr. MONTGOMERY. Madam Speaker, I thank the gentleman very much for his remarks.

Mr. NICHOLS. Madam Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Alabama.

Mr. NICHOLS. Madam Speaker, I want to join the distinguished dean of the Mississippi delegation in complimenting the gentleman in the well of the House for his foresight in planning this special order. I also want to join my friend on the other side of the aisle who says that this entire issue cuts across all sections of the country. It does indeed, Madam Speaker, and Members of the House. It also cuts across party lines.

I would like to share with my colleagues a little story that I think points out in a dramatic way the point I wish to make:

About a year ago a Negro boy from St. Clair County in my district came to see me about the whole matter of busing and changing schools. He came to my home, and I received him and we talked at some length. He told me as president of the student body he had been sent over to discuss the matter with me, his Congressman.

I listened to him. He told me that his people had a good school. It was a new school, incidentally, Madam Speaker, and they were proud of it. They had the finest football team in the whole county.

They beat everybody. He told me that they had a fine glee club. He said he just did not want to be bused across town to the other school.

I told him to go home and have his board of trustees write me some letters about it, and he did, and I put them in the CONGRESSIONAL RECORD, and I did what I could. I made a special trip over to the White House to talk to Mr. Finch, and to Attorney General Mitchell. Of course, without avail.

Now that story has another chapter. The boy was transferred to the other school against his will. He was doing well, he was a senior at the time. A few months ago I talked to his principal and I told him this story. He said, "Yes, I know the young man you are talking about. It is tragic. He dropped out of school after 2 months here with us. He came to us and told us our ways were strange and he just could not learn. He went to Chicago and took a job."

That man will be crippled for life. The whole aspect of this thing is certainly tragic.

There is one other feature of the busing principle in my State that disturbs me greatly. Our President referred to this in a speech made last week in talking about college professors in general and campus activities and so forth.

He called attention to the Nation that we are in jeopardy—and I believe this with all my heart—we are in jeopardy of losing public support for education. Now this would be tragic if that were to come about.

I served on a school board for better than 15 years. All my children attend public schools. I believe in public education. But yesterday I attended the dedication of a private school just outside of my district in my colleague's district, the gentleman from Alabama (Mr. FLOWERS).

These people have, if I may use the expression, have had a belly full. They have banded together. They have raised in the most difficult way better than $60,000 to construct this school. They have hired teachers and they have done a good job. They are not going to be interested in voting additional taxes on themselves to support education. I can understand their feelings. It is a tragic situation.

So I again commend the gentleman for calling it to the attention of the Congress.

Madam Speaker, today I have come before my colleagues to address you on the urgent problem facing our schools throughout the South and in particular my congressional district. The time is here to stand up and speak out for my people and the daily tortures which are inflicting wounds in our culture and society. The Federal courts have acted on legislation passed by the Congress in a manner which has caused repeated hardships on school officials, parents, and children alike. All of our law making and all of its interpretations are worthless if the society regress—and that is exactly the way we are going.

My people work hard for their schools and pay hard-earned tax money to build school buildings which will give their children every advantage in learning about a world in which we all live. Many of us forget that indecision and trouble within the children's society is also creating attitudes and feelings of a lasting virtue. It may seem small to some Federal bureaucrats who sign the quota sheets requiring 6- and 7-year-olds to be awakened an hour earlier than usual in the morning to catch a bus which will take them 10 to 20 miles to an old building with insufficient sanitary facilities and crowded rooms. If it were their children I wonder if they would think twice about such hardship and inconvenience.

I would like to take a Federal court judge in Montgomery, Ala., for example, who is of course a member of our society and his family resides in the community. This judge is appointed by the President for a life term and unless impeachment occurs, which is very unlikely, his jurisdiction will directly affect the lives of each and every Alabamian in the area. This judge makes $40,000 annually, compared with the per capita income in Montgomery of $2,548, according to Sales Management magazine. How can this judge who has no children in the public schools, who has an income of over $37,000 annually more than the average individual justify making such outrageous decisions which have such a detrimental effect on the people he is supposed to protect?

Madam Speaker, I respectfully acknowledge that this jurist is a very learned and qualified man of capable means but evidently he has neglected the people whom his unqualified decisions are affecting.

I would like to ask, what students are expected to be helped by this judge's decisions? Is it the children of Sgt. Harry L. Brown, who is a Negro and a fine native of Sylacauga, Ala.? Madam Speaker, at this point I would like to insert into the RECORD a letter from Sergeant Brown expressing his concern over the decision which has interrupted his family's routine.

I ask again could it be a child from Talladega, Ala., whose mother wrote the local newspaper expressing concern over the change and the effect this decision is having on her daughter's life? Madam Speaker, please allow me to add these comments for our colleague's information.

Mrs. Elaine Wright of East Birmingham brought to my attention her sentiments in the following statement:

> We don't have any choice but to obey these unpopular rulings of the court, but where will it end?

Madam Speaker, the text of Mrs. Wright's letter acknowledges the feeling of many teachers who are put in schools against their wishes, which unfortunately results in apathy on the part of many teachers.

My office has not received one single letter praising the courts decision and the busing of students. I believe, however, that it is clear that a human tragedy is taking place in Alabama.

I come before this body today to state that Alabamians have become victims of "the quota game"—the game, designed by the Justice Department and the Department of Health, Education, and Welfare, unfortunately has no winners and all too many losers. Madam Speaker, why not freedom of choice?

Give our people the human and individual rights they so justly deserve and urgently need to maintain their families and communities. It is no secret that basically Alabama can be classified conservative—but there is nothing wrong with wanting to protect our people from ways of indifference and undesirable methods of public welfare.

Madam Speaker, as a Congressman representing some 425,000 people from the Fourth District of Alabama I again come before you and our colleagues of the Congress to humbly bring to your attention the urgency of relief to our schools in Alabama. Hopefully all Members of Congress will lend a sympathetic ear to the thousands of law-abiding Americans who are victims of this human tragedy and who have come to me again with the question: Why not freedom of choice?

I include letters on this subject:

SYLACAUGA, ALA.,
August 28, 1970.

HON. WILLIAM NICHOLS,
Longworth Building,
Washington, D.C.

DEAR MR. NICHOLS: Again I seek your assistance in a matter which I'm confronted. In the midst of being reassigned for the purpose of attending a military service school for four months, I've had to relocate my family in Sylacauga. This time my two children have reached school age; my son his second year, and my daughter her first. The ridiculous fact is they must attend Main Avenue Elementary School which is 15 or 20 blocks away. I recently discovered that no bus service will be available. Mountainview Elementary School is 4 blocks away and the children are familiar with its location. I'll only have them in Sylacauga until February; but I do not plan to jeopardize their safety or lives for the sake of integration of the school system. My military assignment will base me at Keesler AFB, Biloxi, Miss. I'll need my one auto there 90% of the time which means my wife will be without transportation. How am I to get my children to Main Avenue? We are on a limited income. I don't plan to indebt myself for a second car or taxi charges for transportation to and from school. I will not give any consideration to them walking that unfamiliar distance for the perils are too many and too opportune.

For the sake of integration, this is too much for me to comprehend, and I do not intend to comply with the guidelines even at the risk of jail.

Your consideration and assistance will be greatly appreciated.

Sincerely,

HARRY L. BROWN.

It's just not fair! When Wendy was three years old she wanted to go to school. She even tried to get on the bus one day. She was finally six years old and in September, came the happiest day of all—Wendy went to school!

Her 6th grade teacher told her she was really smarter than she thought she was. In 7th grade she was invited to take accelerated math. Her junior year, she was surprised again by being tapped in the National Honor

Society. Here it is, her senior year at last. She has cried since Tuesday when she was told she would have afternoon sessions. Most of the seniors will be going in the morning and she wants to be with the kids she has gone to school with all these years. You see the courts have ordered West Side School closed and that made Talladega High School overcrowded so all 1200 will have half-day sessions.

Couldn't they have waited until another school could have been built? It just doesn't seem fair to me that one school is closed and the other one is so overcrowded. What can I do except watch her cry?

BIRMINGHAM, ALA.,
September 3, 1970.

Hon. WILLIAM NICHOLS,
House Office Building,
Washington, D.C.

MR. NICHOLS, DEAR SIR: Schools have opened here in Birmingham. Because of poorly drawn zone lines my children are sitting at tables without a teacher while down the street at the school they have always attended, half empty classes are being held. My one child can attend only half a day so that another class can come in for afternoon sessions. But, schools are open, and on the surface things appear calm. But if you look a little closer. . . .

You see: A black teacher, resentful over her last minute snatch out of her community, telling her class . . . my class . . . "don't come to this school . . . if I want you, I'll call for you." I can't really blame her for feeling resentful, but I wish it were not so evident to the class of little ones.

You see, a white mother who has taught at a local high school for eight years, and whose daughter finishes there this year. Her freshman son has been zoned to another school. Her elementary children are at yet another school, and now she must start dropping them off at 7 o'clock in order to meet the court demand that she teach across town in a black school.

Mr. Nichols, what is happening to our state? We don't have any choice but to obey these unpopular rulings of the court, but where will it end. If we can't teach at a job we have always held, and are qualified to keep . . . will the court next tell us where to live?

I honestly don't believe the issue is race. It is freedom . . . that elusive dream we once thought precious enough to grasp with every bit of our energies. But so many are apathetic . . . they just don't care, and those of us who do are so very frightened at the sight our leaders blindly accepting the communist plan for our own downfall. Can't they see what is happening? Our young people . . . fine young ones, no longer want the teaching profession with its insecurity, and indignity. Do you blame them? What kind of teachers are we going to have in five years, or ten?

Mr. Nichols, I believe there are concerned congressmen in other states who can see the trend downward . . . please get them to help. Continue to speak out, urge our people to speak out (maybe they'll listen to you). But don't give up trying, for we do so desperately need help, and soon.

Sincerely,

ELAINE WRIGHT.

Mr. MONTGOMERY. I thank the gentleman very much.

I would like at this time to yield to the gentleman from Florida (Mr. CRAMER) who has filed the friend-of-the-court brief.

Mr. CRAMER. I thank the gentleman.

Madam Speaker, I want to express my appreciation for the gentleman taking this time and giving the Members of the House an opportunity to express their views relating to the present development and affording what I would call an opportunity that presently exists with regard to the problem of busing for balancing in America.

I thank the gentleman in the well. I thank whoever have joined and requested to join in the brief filed on August 14 of this year before the Supreme Court in the Charlotte-Mecklenburg case.

I think I do so, at least so far as I am concerned, on behalf of the school children throughout America. This is not a sectional matter. It is not a regional matter. It is not basically a liberal or a conservative matter because this amendment in 1964, as the gentleman well stated, and as we have pointed out in our brief, and as I hope to have an opportunity to argue before the court, this amendment in 1964 to the then pending civil rights act, that is striking racial balance from the bill itself, was first accomplished by the Committee on the Judiciary itself unanimously by all Members. Partially on my insistence, it was stricken—every reference to racial balance or racial imbalance contained in the then pending legislation. This is set out in the brief.

In addition to that, when it came to the floor of the House, as the legislative history clearly shows, to make certain that every reference to racial balance was stricken from the legislation, the amendment was offered by myself on the floor of the House stating very simply and very succinctly, and it seemed to me, and obviously to the House, unmistakable—"desegregation shall not mean the assignment of students in order to overcome racial imbalance."

This unmistakable language, as I state in my brief and have stated before judges of other courts, Federal as well as State, is the law of the land. This is a basic definition of desegregation. This is a definition declared by the Congress, and this definition is the law of the land. The courts have a duty to abide by that definition and, in my opinion, the lower courts, the district courts and circuit courts of appeal, have not done so. So the appeal will be made.

Incidentally, as the gentleman knows, I became involved in this as the author of the amendment first because of my strong belief that Congress has an oversight function relating to legislation passed, and that is that once the Congress passes legislation and mandates the law, it has the duty to make certain the intent and purpose of Congress, as the representative of all the people of the country legislatively, is carried out by the executive, and now in this instance the judicial branch of the Government. That is the proper constitutional, essential, oversight function of the Congress of the United States.

I have been asked by the press on a number of occasions, What is the justification for not only myself but now some 80 Members of the House—hopefully more before the motion is filed—and some three U.S. Senators, I understand—hopefully more—for becoming involved in this particular effort before the Court? My answer is very simple; so far as this Member of the House is concerned, Congress has the duty to exercise its oversight function as the Congress has the duty to make sure the intent and purpose of Congress is carried out. Be it a matter before the judicial or the legislative branches, Congress has the duty to make certain that the Court as well as the executive knows what Congress intended.

I am the first to admit that this action is rather unprecedented. We did research precedents. There were none for Congressmen going before the Court, or a group of Congressmen who either authored or supported an amendment or legislation, explaining to the Court what Congress intended. So the question is: Why in this instance?

Because in this instance one of the most significant, one of the most monumental and important decisions to be made about the future of our children—and this is this speaker's opinion—in the history of this country is before the Court, and the decisions being made by the Court are in effect—the manner in which they are made and what the courts do—the courts are actually drawing school district lines; the courts are actually determining the plans for desegregation; the courts are actually ordering the specific busing; the courts are therefore taking over the function of the local-elected school board, and they are doing so supposedly as a result of what Congress did or did not do. Therefore, it seems to me, the Congress is fully justified, and any Member of it, when the Members believe that the Court is not following the mandate of the legislative branch of Government, in requesting to be heard, to indicate to that Court what was intended by those who supported the legislation, No. 1, the amendment and/or amendments, such subsequent action of Congress, and what Congress actually mandated.

I am proud of the fact that some 80 House Members and three Senators so far have joined in this effort, this oversight function, in this extremely important case, and it undoubtedly will be a landmark case on the subject of desegregation, knowing full well that as of today chaos exists in many of the school districts in many of the States, and knowing full well that the decisions being handed down—and many of them in themselves are discriminatory—compare one decision to another.

For instance, in Florida, in Orange County, they have said we can have an all-black school, but in a number of other counties they have said no, we cannot have all-black schools. It depends on what panel we get on the Circuit Court of Appeals. What kind of equality is that in justice in the United States?

It is not equality. Therefore, the Supreme Court has the duty to be consistent in their decisions and to make a decision consistent with what Congress says is the law of the land.

As the gentleman from North Carolina undoubtedly knows, the gentleman in whose district the Charlotte-Mecklenburg school district is located, I was asked to join in this case by the school board, as I also was in a number of other pending Florida cases asked by the school

boards involved. As a matter of fact, the first case in which I became involved in Dade County, Fla., was on the request of the school board, as author of the amendment, hoping to get the Court to listen and abide by it. Therefore, that is the reason and the method by which I became involved. The school boards asked me to become involved.

I say that to those who have become involved by joining in the brief, that the brief itself was filed on the request and approval of all the parties, and I trust the other parties will agree to the gentlemen joining in. I have today addressed a letter to all those other parties asking that they do so approve.

I close simply by stating this, that I do believe this is one of the most significant matters facing the Court today. I think the gentleman has performed a very valuable service in giving the Members an opportunity to discuss this on the floor of the House at this time. I trust the Court will give me an opportunity to address myself to these questions before the Court itself, and I trust the Court will abide by the mandate of the Congress.

This is the fundamental point. We should first have the same rule for the North and the South. If we can have an all-black school in an all-black neighborhood under the 14th amendment, with no action in the South involved causing it to be all-black, then that is a de facto or all-black neighborhood, and they should be able to continue to have an all-black school, as is the case with New York and Detroit and other places. The same rule should apply nationwide.

Also, the definition of segregation is a definition that goes to the heart of the decision to be made. The court will have to define desegregation. In defining desegregation, it is my belief the court will have to abide by what the Congress said the definition is: Not busing for balance. It is my hope that the court will do so.

Again I express my appreciation to all those who have joined in this effort, which is the continuing oversight function of the Congress of the United States. I thank the gentleman for yielding this time.

Mr. JONAS. Madam Speaker, will the gentleman yield so I may ask the gentleman from Florida a question?

Mr. MONTGOMERY. I yield to the gentleman from North Carolina.

Mr. JONAS. Madam Speaker, is it not implicit under the 14th amendment itself, section 5 specifically, that there is conferred upon the Congress the power to enforce the provisions of the 14th amendment?

Mr. CRAMER. If the gentleman will yield, the gentleman from North Carolina is absolutely correct. Under section 5 of the 14th amendment, there is specific provision for Congress to have that authority. Congress exercised the authority and Congress defined desegregation, and the court has the duty to live by that definition, and I trust that it will.

Mr. MONTGOMERY. Madam Speaker, I thank the gentleman from Florida again.

Madam Speaker, I yield at this time to the gentleman from North Carolina (Mr. MIZELL).

Mr. DAVIS of Georgia. Madam Speaker, will the gentleman yield for a brief question?

Mr. MIZELL. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. Madam Speaker, I simply want to associate myself with the remarks of the gentleman from Mississippi and say I think generally the real victims of a busing proposal are the students themselves, inasmuch as a sizeable portion of their day is taken up in the process of being transported, in many instances over great distances, during which they are subjected to traffic hazards among other things, and loss of sleep in the morning.

Furthermore, I believe the end result of an unnatural mixture of categories of students from different communities is that of destroying the teaching environment. In that sort of false environment a situation arises where the pupils simply cannot learn.

I commend the gentleman for having taken this special order.

Mr. BENNETT. Madam Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Madam Speaker, I should like to compliment the gentleman for his presentation and for making this opportunity available to us. I am here at the request of the school board that I be here, and I am here also because of personal conviction.

No issue in my memory has more greatly disturbed my constituents, or more properly done so, than the issue of compelling students to attend schools out of their home neighborhood for the purpose of securing racial ratios. This compulsion is being sought almost always in opposition to the wishes and judgment of parents and guardians. If I am any judge of the wishes of my constituents, and based on many contacts with them, both black and white vigorously opposed forced busing for racial ratios.

Recent decisions by the courts have caused great concern and difficulty in the Third Congressional District of Florida, which I represent. The public school system, which includes over 122,000 students in 135 schools in Duval County, is threatened by compulsory involuntary busing for racial ratios.

I have introduced several pieces of legislation which I believe would correct the injustice caused by these court decisions.

One, House Joint Resolution 1045, is a constitutional amendment to prohibit the involuntary busing of students from their own neighborhood school to another area. I believe this legislation would retain the neighborhood school system. I have heard from both white and black parents and students on this vital issue, almost unanimously opposing busing to achieve racial ratios.

Another bill, H.R. 15437, would relieve pressure for school integration in each school once the national average for a minority is reached in the school.

Madam Speaker, the Florida congressional delegation has had several meetings on the problem of forced busing, because it is a critical problem in our State. The delegation has requested a meeting with the President or Vice President AGNEW'S new school committee.

On January 14, 1970, I also asked the Supreme Court to allow me to intervene in cases to make a plea before the Court against involuntary busing for racial ratios.

I join with my colleagues today who are discussing this serious matter and have joined them as a friend of the court in the Swann against Charlotte-Mecklenburg Board of Education case now pending before the U.S. Supreme Court. Congress has said that the busing of pupils for the purpose of overcoming racial imbalance is illegal. The Charlotte case is one of the most important cases ever to come before the Supreme Court. On October 12, the Court will hear this case which will have a profound effect on the future of American education.

The Duval County, Florida Board of Public Instruction has requested that I enter into the pending Florida case and I have agreed to do this and a brief is now being prepared for presentation before the Supreme Court.

Mr. MONTGOMERY. I thank the gentleman from Florida.

Madam Speaker, I yield to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Madam Speaker, I thank the gentleman for yielding. I will take only a minute.

I should like to commend my colleague from Mississippi for securing this time to try to bring the attention of the House and of the Nation the impossible situation our schools are facing in many areas of the Nation. This is something which is of national concern.

When people have been polled, they have been overwhelmingly opposed to this idea of forced busing of students to achieve racial balance.

The President has repeatedly said he is opposed to the busing of children from their own geographical areas to other areas to achieve racial balance.

Congress is on record as opposing the idea of busing students to achieve racial balance, and the people are overwhelmingly opposed to it.

I shall seek permission to extend my remarks, and I will include in those remarks the almost impossible situation in the largest town in my district, which is Winston-Salem, N.C. The problem they face there is because of a decision handed down by the Federal District Court, which involves the clustering of eight elementary schools, which requires extensive busing and which has brought a tremendous hardship on our school system there.

Again I commend the gentleman for securing this time.

Madam Speaker, I am proud to stand here in the company of my distinguished colleagues and demonstrate my constant and firm support of any legitimate effort to remove a specter which now haunts this Nation's public education system.

That specter is the policy of forced busing of school children for the sole purpose of achieving racial balance.

In the Fifth District of North Carolina, which I represent, and especially in the city of Winston-Salem, the issue of forced busing has become a battle line

drawn between the private citizens of that city and the Federal judge who decreed that forced busing was to be implemented in the Winston-Salem school district.

That judge has ordered the "clustering" of three predominantly black schools with five predominantly white schools. This "clustering" program has proven to require a mammoth busing project involving more than 2,500 students.

The local school system has had to bear a very heavy financial burden to implement this order, with an additional $400,000 in local funds required to comply with this court's arbitrary order. Buses had to be borrowed from other sources in order to meet the sudden demands for massive transportation.

But beyond the inconvenience that thousands of schoolchildren were forced to bear, beyond the huge increase in expenses the school system was forced to shoulder, was the fact that the Federal judge had ordered this plan into effect solely for the purpose of establishing racial balance after acknowledging that such segregation as existed in that area was de facto segregation rather than de jure.

A complicated system of percentages has been imposed on desegregation efforts in Winston-Salem, and it takes no special gift of prophecy to foresee that the purely logistical problems now being experienced by the school system will be multiplied several times before someone's guideline is met.

And that argument is completely eclipsed by the greater issue involving the volatile emotions that come to the surface whenever cross busing is mentioned in my district and hundreds more just like it.

The people are pleading for a truly permanent solution to this crisis. More and more of the same will not allay their suspicions and anxieties. They are calling for reason, and their voices must be heard.

The Supreme Court will soon hear the case of James L. Swann aginst Charlotte-Mecklenburg County Board of Education. The High Court's decision promises to stand with Brown against Board of Education as a landmark in this Nation's judicial and social history.

Many of my distinguished colleagues and I are participating in an amicus curiae brief to be presented to the Supreme Court prior to its hearing of the Charlotte case. This brief forthrightly proclaims that it was the intent of the Congress that forced busing to achieve racial balance was forbidden in the United States.

How many times must we repeat that the U.S. Congress, as the representative voice of the Nation, has declared in the most unmistakable terms that forced busing shall not be imposed on this Nation's school systems?

How many times must we recite the antibusing amendment authored in 1964 by my distinguished colleague from Florida (Mr. CRAMER) and passed without a single dissenting vote by this House?

How many times must we remind ourselves that now, in 1970, this Congress has again made its intentions clear by declaring, in the education appropriation bill, that no Federal funds were to be used to forcibly bus schoolchildren away from their own neighborhoods, away from their families and friends, away from the familiar surroundings which make that first venture into the world alone a little easier for a little boy or a little girl?

The American people, in their several voices, have offered a constant and concerted plea that this policy be revoked.

But we in this Chamber are powerless to effect such a change. The President of the United States himself can do no more than express his opposition to this irresponsible course, as we have expressed ours, and the American people theirs.

The key to these shackles of inaction and uncertainty which bind us all is held by the U.S. Supreme Court. The power of that Court, as this issue graphically demonstrates, has far exceeded the boundaries placed upon it by the authors of the Constitution which created it.

Where lie the checks and balances of power in this issue? When two of the three "coequal" branches of Government have consistently and quite plainly renounced the policy of forced busing, how can the third "coequal" branch maintain its absolute sway over the issue, disregarding the people's will and its own limitation of justly derived power?

Shall this be the way that matters of justice be determined in this country? Shall nine all-powerful men supplant a Nation's democratic process? Shall our power to legislate be drained until our own sovereign duties constitute no more than a futile exercise in tradition? Shall the President's power to execute law be subordinated to the Supreme Court's power to interpret it?

These are not simply rhetorical questions. At issue here is the very foundation upon which we have built a free society and a Nation of law.

Law must always precede order, and a respect for law is the guide-on for them both. We cannot be led by law when its commands are given in voices of confusion. And if we cannot follow law, we cannot long survive as a free and independent people.

For law is that which fuses a multitude of people into a single Nation. Law is that tie which binds us together in freedom and by our mutual consent.

But if the consent of the governed does not stand behind a law, that law has no foundation whatsoever.

In this country, I see, as Lincoln saw, "the last best hope of earth," whose foundation is government "of the people, by the people, and for the people."

What hope shall we have, or shall the earth have, if this government fails its people, if the branches of our democracy cannot function in accord with one another, if law loses its sovereignty as it loses the people's faith?

I see but one clear course. Law must always be matched to the will of the people in order to truly be law. Anything less, or anything more, is unacceptable.

Man's noblest intentions, his highest ambitions, his most valued possessions, his most ancient traditions—all are reflected in the laws he wills to obey.

And it is in the safekeeping of these laws—those borne of the past and those destined for the future—that we can forever abide.

Mr. MONTGOMERY. I certainly thank the gentleman for his remarks and for waiting to appear on this special order.

Madam Speaker, I now yield to the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Madam Speaker, I thank my colleague for yielding. I should like to congratulate and to thank personally the gentleman from Florida for what I believe is a very fine brief which has been prepared. I am delighted and privileged to make the request that I be added as one of those joining in the brief. I appreciate also the gentleman from Mississippi taking this time.

I do not shy away from taking the action we are discussing today, because in my opinion a Member of Congress has some duties and responsibilities under our system in the interpretation of our Constitution. We are sworn to uphold this Constitution, which I believe is the greatest of all documents.

I believe this responsibility goes further, and goes to expressing ourselves on the issue of constitutionality and intent as to what is the law of this land of ours, of this great Nation of ours.

It has been said we may have come to the judicial crossroads, so to speak, where the Supreme Court will finally rule on the constitutionality of the neighborhood concept and whether or not massive compulsory busing is required to achieve racial balance. Some people say it is too late for the mistakes of the past interpretation to be corrected now, but I do not think so. What is at stake here, in my opinion, is the whole future of public education. We must continue our efforts to insist upon a national policy that emphasizes education for the sole purpose of education and not for the purpose of accomplishing some social goal set down by a few judges and bureaucrats in high places.

In closing, Madam Speaker, I hope that now perhaps the Court will at last face up to the question of the de facto and de jure situations and the interpretation of a law that will have equal application throughout these United States. In other words, what we need is a national policy on education.

Madam Speaker, I thank the gentleman from Mississippi for yielding this time to me.

Mr. MONTGOMERY. I thank the gentleman from Alabama for his statements.

I yield to the gentleman from Georgia (Mr. HAGAN).

Mr. HAGAN. Madam Speaker, I have joined with a number of my colleagues as "friends of the Court" in the case of James E. Swann, and others against Charlotte-Mecklenburg Board of Education, and others, which, as we all know, is a case that will no doubt result in a Supreme Court ruling on the legality of pupil assignment and busing to overcome racial balance.

This brief presents the legislative history of the antibusing amendment to the Civil Rights Act of 1964 and spells out precisely what Congress intended by its wording.

Sections 401 and 407 of the act forbid the assignment and transportation of pupils by school officials and by courts, for the purpose of overcoming racial imbalance in the schools.

The House and Senate have both passed the U.S. Office of Education bill for fiscal year 1971 over the Presidential veto and contained therein are the very positive Whitten amendments.

Based on what I know of our laws and Government, the Whitten amendments should now be the law of the land, and we should have no more worries about having to bus our children to schools out of the neighborhood in which they live.

The U.S. Constitution clearly spells out that the legislative branch of Government—the House and Senate, representatives of the people—shall make our laws, not the executive or judicial branches.

But, if we are to judge by events and developments of the past few years, the executive and judicial branches have apparently come to look upon the U.S. Constitution as just another piece of paper instead of the guiding light it has always been in the affairs of this great country.

I think it is generally agreed that the goal of education is to pass on the wisdom of the generations while helping our youngsters to acquire the ability to make use of that wisdom.

Our system of public education evolved as the freely expressed will of the people. But now we are witnessing a gradual sacrificing of education for social experimentation that is not the freely expressed will of the majority of the people. And that is clearly unconstitutional in anybody's law book.

The override of the Presidential veto by both Houses of Congress makes quite clear the intent of the Congress—the elected representatives of the people—with regard to the use of force in the areas covered by the Civil Rights Act of 1964 and now the Whitten amendments.

It appears that the will of the people may still be thwarted; the President says he may not spend the money in the education bill and the Department of Health, Education, and Welfare has said that the Whitten amendments neither change basic law nor affect the HEW regulations.

Madam Speaker, the busing of school children with more thought to integrating instead of educating is a disservice to the students and their parents.

The uprooting of young children from their neighborhoods where they can walk to school and putting them on long bus rides, some close to an hour long, is not logical, practical, or economical.

Our already overburdened taxpayers should not have to bear this extra expense. Any way you look at it, be it Federal subsidy or local money, the taxpayers are going to have to provide the money for additional buses, drivers, and so forth, not to mention the added worry about safety and the psychological impact of these changes.

I have had a great deal of mail on this busing situation and it is tragic to read of credits for activities that are lost to students who have worked for years for them and now, because of unwanted changes, cannot be obtained.

I have had parents, black and white, write of their distress at these changes and predicting much dropping out of school and telling of much difficulty in readjusting.

At some point, we have got to stop all this "experimentation" and give some consideration to what all of this is doing to those most affected—our children.

I, therefore, support this court action and fervently hope for a just decision, for on the outcome of this case hinges the future of American education.

Thank you.

Mr. MONTGOMERY. Madam Speaker, I now yield to the gentleman from Louisiana (Mr. RARICK).

Mr. RARICK. Madam Speaker, I thank the gentleman for yielding and I compliment the gentleman from Mississippi (Mr. MONTGOMERY) for reserving this special order to discuss the effects of massive busing to achieve racial balance in public schools. I, too, am a signer of the Cramer brief.

Being a Member of Congress from Louisiana—a State situated in the southern region of the United States—I can assure you that the nefarious efforts of our Federal Government to pursue as a bureaucratic goal a mathematical racial balance rather than quality education, has converted many peaceful areas of my district into a quagmire of frustration, anxiety, and fear—a bomb waiting to explode. In fact, at several places in my district it has already exploded to the detriment of peaceful race relations existent through the years. The school problem is the central topic of discussion by every person everywhere one goes.

The theory of achieving a mystical racial balance to satisfy some ambitious bureaucrat has been proven a failure and constitutes but further wasting of the taxpayers' money. In most instances, the public schools are far more segregated today than they were under the freedom of choice plan, due to many parents placing their children in private schools or the children just not attending school.

Can anyone imagine an educational system being run for the educational training of our children when it is necessary to have armed guards in the classrooms, corridors, and on the playgrounds? Where compensatory education means lowering the teaching standards to the least productive students in a class? Where the prime objective of the superintendent or educator is not whether the children are exposed to and learn reading, writing, and arithmetic, but rather whether they attend a class and are taught by teachers of another race, the percentage of which has been selected by some arbitrary bureaucrat not even from the community?

Freedom of choice is the law of the land. The Supreme Court has not declared the Civil Rights Act of 1964 nor the language of the HEW Appropriations Act unconstitutional. Yet, the judiciary, exploited by the race-mixing complex, has rejected freedom of choice because of their personal feelings that freedom of choice did not attain some promised and mythical percentage of race mixing in public schools in Southern States. A de facto usurpation by unelected people of a problem which has been answered to the contrary by de jure means.

Such undemocratic movements are now pursued, as busing of children, pairing of children, and arbitrary assignment mostly in the southern region of the United States under the guise of improving eductaion but with the intended result of satisfying some bureaucrat's statistics and to protect his job from the wrath of the human relations social experimenters.

Quite interestingly enough, the most vociferous pushers of slide-rule race mixing in our southern schools are those great voices of extreme liberalism from States and areas which either have the lowest or the highest Negro population.

The flannel mouth from Minnesota who projects himself as the champion of busing and race mixing in public education comes from the State which has 0.7 of 1 percent Negro population. Another mouthpiece for the egalitarian intellectual theorists comes from South Dakota with 0.2 of 1 percent, while Maine is a State with 0.3 of 1 percent Negro population. On the other hand, the District of Columbia, the seat of our Nation's Capitol, contains a Negro population of 53.9 percent. All percentages by 1960 census. 1970 figures are not yet available.

Those areas which have the highest and the lowest Negro population field the political aspirants who scream equality and racial imbalance, yet present a hypocritical picture in looking at the racial imbalance in their areas.

First let us take the State of Minnesota. According to Judge Albioun Summer, attorney general of Mississippi, 68,000 students attended 101 schools in Minneapolis. Of these, 5,500 or 8.1 percent were black. Yet, the overwhelming number of these black students in Minneapolis were concentrated at four elementary schools, two junior high schools, and two high schools, eight schools out of 101.

In fact, Morris Park and Lowell had no black students, while Minnehaha and Putnam had one black student each.

In neighboring St. Paul, Minn., Monroe Junior and Senior High School did not report a single black student—seven of the elementary schools only recorded one black child.

Yet, these grossly imbalanced public schools—these racially segregated facilities are tolerated while their elected representative demands destruction of public education in the South unless a rule of racial balance is complied with.

Then let us take Washington, D.C., our Nation's Capital, where all elected officials, the bureaucrats, and the judocrats work, even if they do not live here. Since

the figures for 1970 have not been made available, the October 1969 reports on District of Columbia schools show a total student enrollment of 149,050 attending 187 public schools. Of this total enrollment, less than 6 percent are white and whites are enrolled in only 135 schools leaving 52 schools in the District of Columbia with a 100 percent black segregated student body.

If assignment of schoolchildren on racial percentages is to be a solution to the racial tension and forced busing is regarded as an acceptable expedient for eliminating imbalance, then our antagonists who pronounce themselves so expert on solving the race problem in my State should in the national interest enthusiastically lead in any program to overcome national racial imbalance. This should include their showing of good faith by positive action to forcibly overcome racial imbalance in their own States and in the District of Columbia area where they live and work.

It must be noted that the national average of black population by the 1960 census is 10.5 percent. If it is morally right to transfer the children of my district from school to school—and distance and taxpayers' money cannot be considered a factor in morality—then it must be just as moral for the HEW bureaucrats to bus children or for that matter entire families from State to State to overcome racial imbalance nationwide. We have heard from our do-gooder friends that national problems do not stop with State boundaries and with such a social philosophy it would be immoral not to take such action.

I might add that in July 1969, I authored House Resolution 497, a bill to create a select committee to conduct a full and complete study of the demography of the United States with a view toward providing relief from racial tensions by a more equal distribution of the underprivileged racial groups throughout the several States and in the political subdivisions of each State—not just in schools but in neighborhoods, employment, and every endeavor.

Under the present thinking of the Federal bureaucrats, as to my district and in my area of the South, we must remember that any Negro child who goes to any school with less or more than 10.5 percent fellow students of the same race is being denied his or her so-called constitutional right to attend a racially balanced public school. Absurd? I think so, and I think that most American parents as well as the so-called self-appointed mouthpieces of the anti-South movement do likewise. For, I have not had one Member volunteer to coauthor my bill, H.R. 497. If no one wants busing applied on a nationwide scale to overcome racial imbalance, why has it become a national goal on a regional basis.

Perhaps someday our people will be blessed with leaders who will lead and understand that one of the greatest benefits of freedom is to let the people alone.

I feel that my people resent busing and all highhanded interference in their schools but even more, they abhor being treated as a separate class of citizens and having special laws imposed against them.

I include a table of Negro population by States from the 1960 U.S. Census:

Negro population by States, 1960

Rank and State:	
1 New York	1,417,511
2 Texas	1,187,125
3 Georgia	1,122,596
4 North Carolina	1,116,021
5 Louisiana	1,039,207
6 Illinois	1,037,470
7 Alabama	980,271
8 Mississippi	915,743
9 California	883,861
10 Florida	880,186
11 Pennsylvania	852,750
12 South Carolina	829,291
13 Virginia	816,258
14 Ohio	786,097
15 Michigan	717,581
16 Tennessee	586,876
17 Maryland	518,410
18 New Jersey	514,875
19 District of Columbia	411,737
20 Missouri	390,853
21 Arkansas	388,787
22 Indiana	269,275
23 Kentucky	215,949
24 Oklahoma	153,084
25 Massachusetts	111,842
26 Connecticut	107,449
27 Kansas	91,445
28 West Virginia	89,378
29 Wisconsin	74,546
30 Delaware	60,688
31 Washington	48,738
32 Arizona	43,403
33 Colorado	39,992
34 Nebraska	29,262
35 Iowa	25,354
36 Minnesota	22,263
37 Rhode Island	18,332
38 Oregon	18,133
39 New Mexico	17,063
40 Nevada	13,484
41 Alaska	6,771
42 Hawaii	4,943
43 Utah	4,148
44 Maine	3,318
45 Wyoming	2,183
46 New Hampshire	1,903
47 Idaho	1,502
48 Montana	1,467
49 South Dakota	1,114
50 North Dakota	777
51 Vermont	519
National total	18,871,831

Source: 1960 U.S. Census.

Percentage of Negro population by States, 1960

Rank and State:	
1 District of Columbia	53.9
2 Mississippi	42.0
3 South Carolina	34.8
4 Louisiana	31.9
5 Alabama	30.0
6 Georgia	28.5
7 North Carolina	24.5
8 Arkansas	21.8
9 Virginia	20.6
10 Florida	17.8
11 Maryland	16.7
12 Tennessee	16.5
13 Delaware	13.6
14 Texas	12.4
15 Illinois	10.3
16 Michigan	9.2
17 Missouri	9.0
18 New Jersey	8.5
19 New York	8.4
20 Ohio	8.1
21 Pennsylvania	7.5
22 Kentucky	7.1
23 Oklahoma	6.6
24 Indiana	5.8
25 California	5.6
Rank and State—Continued	
26 West Virginia	4.8
27 Nevada	4.7
28 Connecticut	4.2
29 Kansas	4.2
30 Arizona	3.3
31 Alaska	3.0
32 Colorado	2.3
33 Massachusetts	2.2
34 Nebraska	2.1
35 Rhode Island	2.1
36 Wisconsin	1.9
37 New Mexico	1.8
38 Washington	1.7
39 Oregon	1.0
40 Iowa	0.9
41 Hawaii	0.8
42 Minnesota	0.7
43 Wyoming	0.7
44 Utah	0.5
45 Maine	0.3
46 New Hampshire	0.3
47 Idaho	0.2
48 Montana	0.2
49 South Dakota	0.2
50 North Dakota	0.1
51 Vermont	0.1
Nation average	10.5

Source: 1960 U.S. Census.

Mr. ROGERS of Florida. Madam Speaker, I join with my colleages in expressing concern over the utilization of forced busing as a means of achieving racial balance in our public schools.

I personally favor the "freedom of choice" approach to school desegregation and I am hopeful that the forthcoming term of the U.S. Supreme Court will result in a more rational approach to the problem of desegregation.

I believe that the Court should have convened during the summer months to resolve many of the issues it has agreed to consider beginning October 12, but I remain hopeful that wisdom and understanding will prevail upon the Court as it considers these cases, and that a better approach can be found rather than continue the concept of forced busing.

Broward County, Fla., a part of which is in my congressional district, is presently experiencing a very difficult situation with its court-ordered school desegregation plan which involves the forced busing of students. This plan has disrupted family life, caused severe hardships on parents, students, and teachers, and has resulted in a significant loss of faith in and respect for our judicial system.

I commend my colleagues who have taken this opportunity to speak out on this critical issue, and I am hopeful that the U.S. Supreme Court will heed the voices of the many concerned citizens and parents throughout the Nation.

Mr. JONES of North Carolina. Madam Speaker, I welcome the opportunity to call to the attention of my colleagues some of the results of forced school busing to theoretically overcome racial imbalance. First, and extremely important, is the fact that this action by both HEW and the Federal courts has caused an almost complete loss of public support for the public schools of North Carolina. This is due to many parents of small children who simply cannot understand why these young pupils must be transported, in some cases many miles across town, when there already exists an integrated school within a block or so of their homes.

These questions have been directed to me by citizens of both races.

I am well aware of the argument of some that the children of the black race have for many years been hauled great distances to maintain segregated schools. I do not question the validity of this argument; but, Madam Speaker, today in North Carolina and particularly in my own First Congressional District, there are no completely segregated public schools, and I repeat, the children of the black race continue to be harassed by this forced busing.

If for one moment I was convinced that this busing and pairing of schools for racial balance was increasing the quality of education one iota, then I would not lift my voice. But on the contrary, it is depriving many of our young students the privilege of participating in extracurricular activities, those that occur before and after the school hours, for the obvious reason that this time must be spent in the traveling from their homes to some faraway school.

I have specific cases in my files in which the assigning of students from one section of a school district 1 year, and then using the same students to achieve some mythical, mathematical balance as to race to a far-away school, when the fact is that the racial balance existed in the previous year.

As a Member of Congress I am frequently asked "Why?" Certainly I, nor anyone else, can give these parents any logical reason or answer.

In closing, I only wish that those who wear the black robes of the Federal judiciary would have the courage to visit and talk with students and parents of both races whose children are being used for sociological experimentation with an utter and complete disregard for the quality of education which they are receiving.

Finally, I think it is reasonable to assume that outside the church, nothing holds a neighborhood or community together in a common interest than that of the neighborhood school. Certainly this mass public busing has destroyed that, and I hope that the idealists of HEW and the Federal courts will realize the irreparable damage they are doing to families and communities who must suffer the consequences of this indefensible program of mass busing.

Mr. FUQUA. Madam Speaker, I thank the distinguished gentleman from Mississippi for yielding. It is with great discomfiture that I learn of the disruption of our public schools as a result of the cross-town busing of our young people to facilitate desegregation plans. In any discussion of our public schools in this country, I would hope that the overriding consideration is the well-being of our children. I fear that this consideration has been overlooked in the deliberations that have brought about these busing plans.

The very basis of our educational system in this country is dependent on the neighborhood concept of public instruction. As families have formed personal ties and pride in their neighborhoods, so have they a desire to participate in their public schools. Their neighborhood public schools, and not an institution that is far removed from the neighborhood unit.

We talk about the undesirable psychological effect on our urban dwellers as a result of their inability to identify with a small personal unit within the city as a whole. The neighborhood provides geographical boundaries within which people can achieve these close interpersonal relationships. By uprooting these children and sending them into an alien environment, we are removing them from this healthy influence.

Busing for the sake of busing is no wiser than taxation for the sake of taxation. Education is critically in need of additional funds for much needed programs and it seems a waste to be expending great sums of money just to bus these children. That is, to bus these children past a school to which they could have easily walked, and to a school far removed from their family and friends.

In the interests of better education in this country and for the well-being of our young, I hope that the inequities and injustice of these busing plans can be recognized before irreparable damage has been done.

Mr. PREYER of North Carolina. Madam Speaker, it was 16 years this May since the Supreme Court decreed in Brown against Board of Education that the races may not be segregated by law in the public schools, and 6 years in July since the doctrine of the Brown case was adopted as Federal legislative and executive policy in the Civil Rights Act of 1964. For 16 years now, one region—the South—and one institution—the school—have carried the burden of redeeming the American credo that all men are created equal and the American promise of one nation, indivisible. Other sections of the country have not been asked to make any significant contribution to this ideal.

Yet after this 16-year effort, only 23 percent of all Negro pupils go to integrated schools. This percentage in the South was 33 percent this spring and has increased substantially since then. There seems little chance of achieving a much greater degree of integration without massive busing, especially in the North, or in large cities in the rest of the country like Chicago which as a 30-square-mile all-Negro residential area. This seems to be true also in medium-sized Southern cities such as Charlotte and Greensboro.

What has gone wrong?

First, we must realize that the school desegregation effort has been both a success and a failure. Its success can be measured by the fact that just 16 years ago local law, not only in the 11 Southern States but in the border States, in parts of Kansas and Ohio and New Jersey, and in the District of Columbia, forbade the mixing of the races in the schools. This was legal, official segregation. Ten years ago, Southern communities were up in arms, often to the point or rioting or closing the schools altogether, over the first beginnings of desegregated schools. But today, this principle of official segregation has been effectively denied. The legal structure that embodied it has been destroyed, and the idea repudiated. Clearly, there is no question of the United States, or any section of it, condoning these old racial policies. For moral as well as historical reasons, all of the United States stand firmly for the principles of racial equality.

This legal, official segregation is known as de jure segregation. It has been used to draw a distinction between court treatment of the South and North—where segregation is based on housing patterns and known as de facto segregation. Former Secretary Finch acknowledged on a TV show that the old official segregation is dead and that this distinction is no longer valid. He said:

(The courts) still cling to the distinction between de jure (by law or formal regulation) and de facto segregation, which I happen to believe as a lawyer is no longer valid . . . I think segregation or racial isolation, wherever it appears, is one and the same.

To break down legal segregation has been a considerable achievement. The achievement is essentially Southern. The failure, on the other hand, is nationwide.

What is the failure? It is this: to dismantle the official, legal structure of segregation is not to create integrated schools. In pushing beyond the abolition of official segregation to increase integration in schools, it is becoming clear that we are doing severe damage to our educational system and creating disruptions in our society. As the Negro columnist for the Washington Post, William Raspberry, has written:

Racial segregation in public schools is both foolish and wrong, which has led a lot of us to suppose that school integration must, therefore, be wise and just. It ain't necessarily so.

Prof. Alexander Bickel, the constitutional law authority at Yale University Law School, says we now realize that—

The actual integration of schools on a significant scale is an enormously difficult undertaking, if a possible one at all. Certainly it creates as many problems as it purports to solve, and no one can be sure that even if accomplished, it would yield an educational return.

HEW and some lower Federal courts have read their mission to be that of bringing about a degree of integration such that no school could any longer be characterized as black or white. A member of HEW in the Burlington, N.C., school case said that his test of whether a school system was in compliance was whether he could drive by a school in his car and be unable to tell whether it was a white or black school. Can we any longer fail to acknowledge that the Federal Government is attempting to create in the rural and smaller towns of the South conditions that cannot possibly be attained in large or medium-sized cities in the South or the rest of the Nation?

The consequences of this have been perverse. Integration soon reaches a "tipping point." If whites are sent to constitute a minority in a school that is largely black, or if blacks are sent to constitute something near half the population of a school that was formerly nearly all-white, the whites flee and the school becomes nearly all-black. "Re-

segregation" sets in, blacks simply changing places with whites. The whites move, within a city or out of the large cities into the suburbs where they attend white schools because the schools reflect residential segregation. This is particularly true of the North. If a Southerner is adamant about attending an all-white school, he need only be able to afford a $20,000 house and move to the North. Or else they flee the public school system altogether, into private and parochial schools.

It is not helpful to ask why this is so. Some will say the whites behave as they do because they are racists or perhaps they leave because everybody seeks in the schools some sense of cultural, social, economic group identity; perhaps it is because of a feeling shared by blacks and whites alike that the schools should, after all, be an extension of the family, and that the family ought to have a sense of class and cultural identity with them.

Whatever the reason, whether noble or ignoble, the fact is it happens. Should the fleeing whites be pursued with busloads of inner-city Negro children, or even perhaps with trainloads or helicopter loads, as distances lengthen, to carry out a policy of integration? It would require very substantial resources from our cities. Should not these resources be better spent on trying to teach children to read rather than being spent on buses? To quote Raspberry again:

> It may be that one reason why the schools, particularly in Washington, are doing such a poor job in educating black children is that we have spent too much effort on integrating the schools and too little on improving them.

Furthermore, the leaders of black opinion are turning more and more toward the achievement of group identity, of black pride and control of their own community schools. Many areas are requesting all black teachers for their children. In New York recently, we saw the picture of white teachers being escorted through lines of jeering blacks to an all-black school to teach black children. This is an ironic contrast to the earlier image of black children being escorted through lines of jeering whites to be taught by white teachers. We may find that after all the efforts to achieve racial balance in the schools that the black people will say, "We do not want it." For example, even ADAM CLAYTON POWELL, speaking at A. & T. State University, was asked what he thought about the rumored merger of A. & T.—a predominantly black institution—and UNC–G—a predominantly white institution.

> I am not in favor of integrating black schools with white schools because when you do that, black people making up 10 percent of the population will be lost in the shuffle.

Quoting Sekon Toure, President of the Republic of Guinea, Africa, POWELL said:

> If you want to preserve your Negritude, you got to do it right here, baby.

Should we say that current trends of blacks toward separatism in the inner cities, local community control and the demand for a recognized identity should not be allowed because they are anti-integration? Blacks are beginning to talk about integration in the North as a mirage which must be replaced by real life goals which do not include mixing of the races by busing students over long distances or establishing quotas or goals by judicial edict. The black man wants—and should have—the freedom to choose where he wants to live, where he wants to work, and where he wants to send his child to school.

Large scale integration, then, appears to be both unattainable and unwanted.

I asked a Negro man recently what he wanted from schools for his children. He said:

> I would like my child to be able to go to a school where my wife could stand on the steps of her house and see the child enter it safely. If he gets sick I can go get him. But I know that school is not as good as the one that your child goes to in Irving Park (an upper-class residential suburb)—and I want it to be as good.

In the South we must admit that for years only the "separate" part of the separate-but-equal doctrine was enforced. Civil rights leaders finally became convinced that the only way to make sure that their children had equal education with white children was to make sure that they received the same education, in the same classrooms. White people, the thinking went, are going to make sure that their children receive a good education, and if our children are in the same classroom they will get one too. The aim was not so much integrated education but better education. Now they are finding that busing is being instituted—not to improve education but to integrate classrooms.

This is not the way the Supreme Court reasoned, it must be said. In Brown they said that segregated education is inherently unequal. Why it should be inherently more unequal for blacks than for whites was not made clear. When we read the Brown case today, we can see it is very patronizing—something that was easily skipped over in the day when it was announced—the days before black pride was developed.

Blacks now are finding that busing is good when it involves children whose parents want them bused across town for specific reasons. It works to this limited extent. But they find—like whites—that it accomplishes nothing useful when it has meant transporting large numbers of reluctant youngsters to schools they would rather not attend. As Raspberry says:

> Isn't it about time we started concentrating on educating children where they are?

The law is in transition from one principle to another. The result is serious instability. Political support for the goal of desegregation is in flux and is weakening. There may be a feeling on the part of some segregationists in the Deep South that they can win after all. The gains that have been made are in danger of being lost in the new uncertainty. On the other hand, efforts to be beyond desegregation and force integration through some form of racial balance requiring massive cross-busing are creating social tensions that seriously handicap the ability of whites and blacks to live together as equals. As Dr. Wilcox, the black educational consultant, has stated, "resistance to business is such that it prevents humanizing education. Busing results in training black and white kids to hate each other," rather than responding humanely to each other.

There is a real fear in our country that we are somehow coming apart—that we have come to problems that our system will not resolve.

Certainly this is true in our efforts to come to grips with the problems of integration. There is little question but that segregation is dead as a national or state policy anywhere in this country. Most of our people—black and white—have shown remarkable good will in adjusting to the change this means. Yet most of our people—in all parts of the country—are strongly opposed to such measures as mass busing to achieve racial balance. Most oppose the destruction of the neighborhood school concept and in this they are supported by most educators.

In short, we have come to the point in the desegregation of education where a continued emphasis on racial balance can only mean massive busing, a prospect not favored either by white or black and certainly not by educators.

This is a particularly agonizing thought for those who have a deep emotional commitment to desegregated schools and who had great expectations of the results of desegregation. The thought was that desegregating schools would work something like the desegregation of sports, of lunch counters, of motels and theaters. That is, that admission of blacks, even if a few, to formerly all-white schools, would lead to a natural process of an almost uniformly desegregated school system throughout the country. But unlike the segregation of motels, for example, the desegregation of schools involves the restructuring of educational institutions—and in a way that is doing great damage to educational values and pleases neither black nor white. Since the liberal has such a deep emotional commitment in this area, it is difficult for him to admit that it is not working, even when his mind tells him this.

As I stated earlier the law is in a position of transition. In a search for an answer to the problem some school boards have gone to the court. Others have expressed a desire for Congress to speak out on the issue. Believing it too important to stand mute, Senator SPONG, Congressman GALIFIANAKIS, and I have introduced legislation in both Houses which would start us down the road of once again giving our children the highest quality education possible, without regard to race or national origin. To that effort we invite the attention, contribution, and support of the Members of this House.

Finally, I would emphasize as strongly as I know how that the resistance of the public to the kind of forced integration that results in massive cross-busing is not a minor irritant caused by "lack of leadership" on this question. The kind of education that our children receive, and that circumstances under which they receive it, involves the deepest and most basic human emotions. We stir up these emotions at our peril.

Mr. MONTGOMERY. I thank the gentleman from Louisiana and also the other Members of the House who have participated in this most timely discussion.

GENERAL LEAVE TO EXTEND

Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on the subject of my special order.

The SPEAKER pro tempore (Mrs. SULLIVAN). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE 25TH ANNIVERSARY OF THE ALLENTOWN OSTEOPATHIC HOSPITAL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Madam Speaker, I would like to take this opportunity to share with my colleagues a celebration in Allentown, Pa., which affects the lives of all its residents. The 25th anniversary of the Allentown Osteopathic Hospital stands as a monument to a quarter of a century of tireless and inventive efforts of its original founders and an evergrowing staff.

The hospital was officially opened on September 10, 1945, with a total of 26 beds and six bassinets. It stood as the fulfillment of the first step of a goal which had originated years before in the plans of Dr. William H. Behringer, Jr., Dr. Michael Blackstone, Dr. Edwin R. Boughner, Dr. Robert C. Erwin, and Dr. Paul B. Miller. Since that time, it has burgeoned into a complex of buildings containing the most modern equipment and the most sophisticated techniques in the field of osteopathy. The hospital is staffed by doctors who are the best in their field. They have shared their training and experience with scores of interns and residents, with the result that patients, not only in Allentown, but throughout the Nation and the world, can be assured of continuous, progressive health services.

I had the pleasure of attending the 25th anniversary banquet of the Allentown Osteopathic Hospital on September 12, 1970. At that celebration, I met many of the persons who have made the hospital the fine example it has become. They and the hospital they serve are the pride of Allentown, as evidenced by the editorial from the Morning Call, "Worth Celebrating," reprinted here. I am also including part of the text of the program of the 25th anniversary banquet which mirrors the enormous steps taken since the hospital's founding, the great dedication of its staff, and the enthusiasm of Allentown's residents. These factors must certainly stand as a fine blueprint for all of us, as we all have a great deal to gain in supporting such community health facilities:

WORTH CELEBRATING

The 25th anniversary of the Allentown Osteopathic Hospital is something for all this community to share. It is more than an event in the life of an institution. It is a significant milepost in the expansion of the health services available to the public in the Lehigh Valley.

Initially, only five osteopathic physicians were active in the hospital that opened with 26 beds and a half dozen bassinets. Today more than 60 doctors are involved in the care of the more than 5,600 patients who move in and out of the 160 beds in a single year. During the years, some 70,000 have been admitted to the facilities in Allentown and Northampton.

The Northampton unit is one of many indications of the community responsibility shared by both the board and the staff. They took over when the Haff Hospital that had served the area for many years was closed and no one else was willing to assume the responsibilities of continuing operations.

The hospital also has been a teaching instrument, for the more than 100 interns and residents who have had some of their training there and for many thousands who have learned about its system of medicine. Here the osteopaths, who previously had no other hospital facilities in the area, have been able to demonstrate that their practice includes all the procedures other physicians and suregons use for the prevention, diagnosis and treatment of man's increasingly complex ailments.

It's worth a special anniversary cheer that the osteopathic doctors themselves have paid almost half the cost of providing these facilities in which to serve their patients. Their method is unique.

THE 25th ANNIVERSARY BANQUET

WELCOME

We are frequently reminded that more progress has been achieved during the last 25 years in this world of ours than in all the years since the beginning of man. It is that last quarter century in the life of Allentown Osteopathic Hospital that we celebrate tonight.

Little did the five physician-founders of our hospital conceive of the sophisticated health-treatment means and methods that are today employed by our staff and supporting personnel. Nor, perhaps, could they then anticipate the universal acceptance of osteopathy which now exists.

To many of you sharing the pleasure of this anniversary celebration, the hospital family expresses gratitude for moral and financial support. To all of you, we pledge our continuing dedication to providing the best in preventative medicine and medical treatment.

MORTON V. V. WHITE,
President of the Board of Trustees.
DOMENIC M. FALCO, D.D.,
Chairman of the Staff.

HISTORY

On August 26, 1943, the Lehigh Valley Osteopathic Hospital Association was founded and later changed its name to Allentown Osteopathic Hospital, Inc.

The five original founders were:
Dr. William H. Behringer, Jr.
Dr. Michael Blackstone.
Dr. Edwin R. Boughner.
Dr. Robert C. Erwin.
Dr. Paul B. Miller.

Each founder contributed substantially toward the purchase of the Harris home at 18th and Hamilton, which was to be the site of the first hospital.

In January-February, 1944, the first hospital drive was conducted and this netted $61,000 in cash and pledges.

The first Board of Trustees elected in March, 1944, by the members of the corporation, included Harry D. Sollenberger as president; Luther R. Bachman as vice president and William H. Stang as secretary and treasurer.

In October of 1944 ground-breaking ceremonies were held on the Harris property.

On September 10, 1945, the hospital was officially opened with 26 beds and 6 bassinets.

The first small addition to the hospital was completed in August, 1949.

Subsequent expansion was completed in 1955, at which time the Center Wing was opened.

In May, 1958, the Gomery property, directly across the street from the hospital on Hamilton Street, was purchased.

In January of 1962, the Haff Hospital in Northampton was acquired and renamed the Northampton Hospital. It was renovated and Open House was held in November of that year.

By February, 1964, the new 50-bed South Wing at AOH had been completed and was inspected by the general public.

During 1968, the hospital participated in the AHEAD program, which proved most successful. The hospital's anticipated portion of the monies raised amounted to $785,000.

To replace non-conforming beds in the original hospital building during the coming months of 1970–71, two additional floors will be added to the South Wing with $500,000 received from the federal government.

During its brief history, the hospital has trained 108 interns and residents, and a large number of this group has contributed to the hospital's expansion.

Nearly all of today's medical specialties are represented by the current staff of 60 doctors.

During the past 25 years, the hospital's staff has contributed over $750,000 to AOH. It has also contributed remarkably to the professional growth of osteopathy both at state and national levels.

AOH has served the community well in many areas of the health care field as more than 70,000 patients (totaling 630,000 patient days) have passed through its doors.

AOH's remarkable record of growth and service during its first quarter century portends an even greater and more exciting future during the next 25 years.

PROCLAMATION

Whereas, the Allentown Osteopathic Hospital has faithfully served the people of this Community, unselfishly administering to their health and welfare for the past 25 years . . .

Whereas, the enlightened responsibility of its physicians, nurses, technicians, attendants, and volunteers, with a real concern for human dignity, have made the Allentown Osteopathic Hospital a "home away from home" for those in need of hospitalization . . .

Whereas, the staff of the Allentown Osteopathic Hospital has willingly worked with area doctors, hospitals, health workers and associations in immunization and disaster programs . . .

Now, therefore, I, as Mayor of the City of Allentown, County of Lehigh, do hereby proclaim the Week of September 6 through 12, ALLENTOWN OSTEOPATHIC HOSPITAL WEEK.

CLIFFORD BARTHOLOMEW,
Mayor.

WETBACK SITUATION ON MEXICAN BORDER

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, recent statements have been made public relating to the wetback situation on our Mexican border.

I represent the southern district of Texas and I might say, somewhat unhappily though perhaps justifiably, that during the last few decades my district has been identified as the focal point of much of—maybe most of—the Nation's wetback traffic.

In connection with public statements

often made by well-intentioned persons who are not acquainted by long experience with the wetbacks, it may be well that we should define our terms. Certainly there seems to have been, on the part of men who should know better, a great deal of confusion relating to the identification of groups of people who come to this country from Mexico.

Let me point out that the relationship between the United States and Mexico has existed—geographically—for hundreds and hundreds of years. While the Rio Grande has always flowed between the two countries, closely knit families lived on either sides of those banks—and they traveled back and forth. In the days before this was the formal southern boundary of the Nation they swam the river, boated across the river—and in some places walked across the river to visit with families and friends.

That familiar relationship has existed over the centuries. Mothers, fathers, sisters, brothers are separated by the river. This is a unique relationship and it is one that has spawned a great deal of the existing situation. This is the primary group, the original settlers.

The second group, of course, in any consideration, is that of immigrants—lawful permanent residents—people who come to this country after various inspection processes relating to Consular limitations, Public Health and Immigration for the purpose of living here, working here, and becoming citizens of our country.

The third is that of the so-called "green carder" or commuter. These are the people who have obtained visas and met other requirements entitling them to lawful residence and employment in this country. But they have chosen to avail themselves of only part of that to which they are entitled under law—that is employment. They have met the requirements for living here and working here, but they have chosen only to work here. There are thousands of such people on both our Canadian and Mexican borders. They work here but they do not live here. They have residences in Mexico or Canada and work in this country, thus taking only a portion of that to which they are lawfully entitled by virtue of having complied with our immigration requirements.

There is a fourth class who have come to this country lawfully in the past under programs for the importation of Mexican labor pursuant to executive agreements between the United States and Mexico. These people popularly have been called braceros. They were inspected as to numbers, as to public health, and as to their capacity for doing the job in this country which they sought. The whole program was marked in the years gone by with an ideal agreement and relationship between two countries: Mexico and the United States. The program was marked by success in the achievement of the labor for which they came and the program was marked by success from a law enforcement standpoint inasmuch as only a minute fraction of them failed to return to their homes in Mexico when their jobs were completed in this country. Thus, they supplied a need. They filled a vacuum and took a great deal of the attraction out of coming to this country illegally.

Then we have the wetbacks as the fifth and final class under our consideration of people who come to our country from Mexico and they are the ones who, without inspection and in violation of law, either wade the Rio Grande or cross the border clandestinely or come through the established ports of entry under false pretenses.

It is unfair to these people, however, to assume that they are criminals. As my distinguished colleague, the chairman of the Subcommittee on Appropriations for the Immigration and Naturalization Service recently said in the hearings on that agency's request:

> These are perfectly harmless people who want to come up here and make a day's pay. That is all it is—part 1, page 861, of the hearings on appropriations, 1971.

They are guilty, of course, of a violation of our laws and good judgment and good government dictate that they should be apprehended and returned to Mexico according to law. However, an unbiased observation inevitably reveals that overwhelmingly these are honest people who simply come to this country to work and who intend, for the most part, to return to their families in Mexico when they have obtained in this rich land of ours a grubstake, let us say—when they have been able to participate in our employment and to participate in the high scale we fortunately are able to pay for labor in this country. I say this not in approbation, not in condonation, of illegal traffic across our borders but only that the situation be kept in proper perspective and emphasis. Lately there has been a change, not in the nature or identity of the wetback, but a change in his objectives as he comes to this country.

Thus it is, in the sense of their objectives, the so-called wetback problem as it existed in the 1940's and the 1950's has, to a great extent, passed. Whereas the wetback movement was formerly a Texas and California agricultural phenomenon, it is now marked by numbers employed in our cities rather than in agriculture.

The Commissioner of Immigration and Naturalization recently said:

> The Mexicans have discovered that they can find work in industry as well as on farms and ranches and they are gravitating toward our large cities, such as Chicago—part 1, page 857 of the hearings on appropriations, 1971.

My colleagues, the great agricultural demands in this country are hardly fitted to the hundreds of thousands of wetbacks who formerly came. There are no longer cotton field demands for a cotton picker on every row in order to get the crop out in a couple of days to meet a market situation or a problem of the weather. Cotton picking is now done by machines. Instead of vast hundreds of workers with hoes and hand implements only a couple of decades ago, weeding is done with chemicals. Planters space the planting of crops. There is a need for a relatively few tractor drivers, and for intelligent and skilled operators of other comparatively sophisticated farm machinery today.

The wetback movement, however, is again increasing. Ten years ago the Border Patrol was apprehending wetbacks in this country at the rate of nearly 200,000 per year.

Lately, the emphasis in illegal alien employment has been in factories, canneries, hotels, restaurants, and such employment. I understand that industrial employment of illegal aliens in California has increased sixfold between 1963 and 1969 and is still increasing at an accelerated rate. I understand that a similar situation prevails in other States along our Mexican border. The pay is better than it is in agriculture. Working conditions are better. Living conditions are better in the cities. Illegal aliens are finding out that the social agencies and the volunteer groups in the cities are willing and able to help them, even during their illegal stay in the United States. They quickly learn that an illegal alien is less conspicuous in a crowded barrio than in the open fields, the packing plants or on farms and ranches.

The question might arise as to how people can work in such employment as this in view of the need for social security cards. The truth is that the wetback now goes into our cities and immediately applies for a social security card—and gets it. Recently in one of our Southwestern States the Social Security Administration was accused by a three-judge panel of paving the way for illegal aliens to get work in this country. The Social Security Administration issues cards and account numbers to illegal aliens without a question as to their status.

Significantly, wetback income a few years ago reflected the cost of peon labor—slave labor if you would like to call it that—but today a wetback is paid the wage prevailing in the community and this is a prevailing wage in cities with a work force so large that the wetback numbers cannot affect that prevailing wage.

Our Immigration Border Patrol frequently apprehends great numbers of wetbacks who are earning $3 or $4 up to $10 an hour, according to the individual's job and merit. In this connection some serious questions might arise in the minds of some of my colleagues. As there are several million unemployed Americans in this country—and the record indicates that there are—why is it that the wetback who comes without recommendation and who must overcome a serious language barrier, often without experience and without contacts here—how is it that he is able to go to work immediately upon arrival? The record shows that ordinarily from the time of a wetback's entry into this country and the time he is apprehended by the Border Patrol is a period measured in days or sometimes even a few short weeks. During that time these wetbacks, eager for any employment but working at the prevailing wages in the large cities of our country, seem to suffer no unemployment.

The whole panorama of affairs with regard to the wetback is handled most amicably between Mexico and the United States. There is hardly any area of relationship between our two countries which reflects a greater understanding and a friendlier attitude of assistance. The primary aspect of this splendid relationship is the Mexican Government's

cooperation in the return of these thousands of people to their homeland after they are arrested in this country in violation of law. From the standpoint of law enforcement and from the standpoint of decency and humanity, the most effective and most humane way to handle these people is to move them quickly out of this country to places in Mexico nearest their families and their homes.

As a result, literally hundreds of thousands of them are moved to points in the interior of Mexico by airplanes, by trains, and by buses. The Mexican Government offers effective assistance to insure their return to their homes and to assist with their travel, feeding and other humanitarian obligations once they are expelled from the United States. Questions may arise in the minds of some as to why we are not more effective in the prevention of the wetback invasion of our country and why we are not more effective and more prompt in expelling them upon their arrival.

Bear in mind, there are many factors by which one is impelled to see the wetback with sympathy, and with understanding of his objectives and his plight. Nevertheless, he is here in this country in violation of law and in that sense something must be done to dispose of him and his problem according to law.

Bearing on the first problem, the Border Patrol of our Immigration and Naturalization Service, a branch of the Department of Justice, seems to be a neglected instrument of the Government, no matter what administration occupies the seats of authority in Washington. Going back three decades there were around 1,000 border patrolmen on our Mexican border. In the 1950's the numbers were increased slightly during a genuine effort to bring the border under control when, around the middle of that decade, a million wetbacks were returned to Mexico in 1 year. The number of border patrolmen we had last year—and I think this year—was a few more than 1,100. Surely if we intend to cope with a problem which is disturbing to many conscientious people because they see the impact of the illegal alien on the economy, something should be done to augment and to support the men who are charged under law with responsibility for the security of our border.

However, control on the border is not solely the product of a border police function. The problem will not respond to purely a police operation. It is a job which cannot be done without a blending of border police operations, employment concepts and adjustments in our country and, where possible, the achievement of economic balances between our country and Mexico.

The Border Patrol of the Immigration and Naturalization Service is our only uniformed, armed, civilian police organization between the established ports of entry and it is administratively and organizationally hidden from the public view. Within the structure of the Immigration and Naturalization Service, a non-law-enforcement body in the modern sense, the Border Patrol is bedded quietly under a substructure called domestic control—surely an appellation which must arouse curiosity among the nonbureaucratic majority of us as to organizational and functional intent.

The Border Patrol should be identified and structurally set apart in order that we may properly identify the funds appropriated for its purposes and support it where necessary to accomplish its mission on the border.

A few months ago a great emphasis was placed on control of our border as that control related to the illicit introduction of harmful drugs. Now all of us are in favor of preventing marihuana and harder drugs from coming into this country but from the quantities being found in this country and the quantities being used in this country, according to our daily press reports, one might conclude that the various excited efforts—almost hysterical in nature—which recently resulted in clogging our ports for brief periods to legitimate traffic and which have resulted in a great deal of local misunderstanding—these crash programs are not the way to do it.

Mark my words, contraband does not smuggle itself into this country. Contraband is smuggled by people and if we had control of the entry of people over our border, we would have control of the entry of contraband.

Thus, it is that these efforts to deal with things instead of people have been unsuccessful. They are inherently self-defeating. Mere prohibitions do not work in our country. We must take steps which will not interfere with lawful and friendly traffic across our borders. We must reexamine and reorganize the functions of our border agencies to insure that the legitimate objects of law-abiding people are not hindered. As sad as is the condition of drug use and as deplorable as the fact of its introduction into our country, it is still more important that friendly and legitimate international traffic be permitted to cross our border unhindered than that any vigorous, enthusiastic, but noneffective programs be introduced or continued.

In summation, therefore, I urge that those involved in the effort—and perhaps I should say the hopes—of establishing and maintaining order along our Mexican border should have first clearly in mind the identity of the people they are talking about—both as individuals and as groups. A rather full knowledge of the language, the customs and the natural purposes of the people most involved is necessary to a proper understanding.

Second, there must be an understanding of the economic factors which cause people to leave their own country for temporary periods and the economic factors which make it attractive for them to come to this beautiful and rich country of ours.

At the same time we just reevaluate and we must seriously give attention to the fact that although great unemployment problems are claimed for this country—and I do not deny that they exist—why is it that the wetback, when he comes here to work for the same pay that American citizens get, is never unemployed? He never returns to Mexico without having had a job—and he has no problem, either, with his social security. Just as we consider that the Government agencies involved in our border problems are scattered between a number of departments and often without coordination of effort—and rarely with coordination of responsibility—so should we consider perhaps that there has been no fundamental redefining of our concepts of employment for more than three decades—since the middle of the great depression. It might be interesting to require that an individual, in order to be identified as unemployed, be registered with an appropriate agency and that the word "unemployed" would be applied exclusively to those for whom it was not possible to find any kind of work. We deceive ourselves if we deny there are strong interlinking casual relationships between the wetbacks, employment, and welfare concepts and practices in the Southwest.

The instruments of Government in the 1970's must be reorganized and rededicated to meet—the challenges—of the times.

The Immigration Border Patrol, the U.S. Customs Service and the concepts of border control, both as to wetbacks and to contraband, are, for the most part today products of the 1920's and the 1930's. There have been no basic changes in four decades and the 1970's demand something better than that. This is not intended as any criticism, direct or implied of the men and women who work for these agencies. They do a great job under very difficult circumstances. It is the system that I complain of.

Surely we must learn to cope with these problems in the context of the 1970's and we must devise the instruments of Government which will be able to cope with them in the 1970's, looking forward to periods of greater and friendlier relationships with our sister republic on the south, and our friends to north.

I thank you, Mr. Speaker.

MILTON H. BERGERMAN

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on September 7, Milton H. Bergerman, chairman of the Citizens Union of New York, died at the age of 67.

Milton Bergerman supported good government and reform throughout his career. He was one of the initial supporters of Fiorello LaGuardia when he was a fusion candidate for mayor of New York City. He was a leading advocate of charter revision in the city.

For more than 20 years, as chairman of the Citizens Union, a nonprofit organization established in 1897, Mr. Bergerman strongly carried out its purpose by constantly fighting for a more responsive New York City.

In 1953 Mr. Bergerman brought his fight for good government to television viewers in the New York area by making the Citizens Union a weekly participant in the WNBC–TV program "Searchlight." Every Sunday morning Mr. Bergman would scrutinize issues affecting New Yorkers and the performance of government at various levels. He ques-

tioned administrative and legislative actions, prodded public officials, and criticized public decisions. No issue or person was too sacred for Mr. Bergerman to tackle.

Under his inspiration the Citizens Union "Searchlight" program became not only a valuable source of information for the viewers but also a strong force for good government.

In addition to his work as a conscience for the city of New York, Milton Bergerman was involved in many other activities. He practiced law, served as a trustee for the New York Shakespeare Festival, coauthored "New York Real Property Forms, Annotated," and belonged to various professional organizations.

Milton Bergerman's sincerity and dedication will be missed by all New Yorkers, whom he attemped to serve in his life.

I include in the CONGRESSIONAL RECORD an obituary by William M. Freeman which appeared in the September 9 edition of the New York Times:

MILTON H. BERGERMAN IS DEAD—CITIZENS UNION CHAIRMAN, 67—LAWYER ACTED AS CONSCIENCE OF NEW YORK—APPEARED ON TV "SEARCHLIGHT"

(By William M. Freeman)

A SPUR TO OFFICIALS

NORWALK, CONN., September 8.—Milton H. Bergerman, chairman of the Citizens Union of New York, died last evening at South Norwalk Hospital after a brief illness. He was 67 years old and lived at 27 Bluff Avenue, Rowayton.

Mr. Bergerman was John Q. Public or Mr. Average Citizen in person, with a quick mind, a sharp tongue and a resonant voice to duel, parry, feint and thrust in behalf of better government.

As chairman for more than 20 years of the Citizens Union, a nonprofit organization founded in 1897, he asked embarrassing questions of public officials, he probed for the reasons behind legislative decisions and he all but bullied public servants into doing their jobs as servants of the public.

Mr. Bergerman, a lawyer by profession, spent most of his time working to better New York City.

An authority on municipal government, he was one of the earliest supporters of Fiorello H. La Guardia, a Fusion Mayor. He advocated and supported the movement for charter revision and made the Citizens Union a participant on the "Searchlight" program over WNBC–TV.

A QUESTIONER ON ISSUES

He had appeared regularly each Sunday on the program since its inception in 1953, and each week he and members of a panel questioned a prominent official or other highly placed person who was in the news.

With Ben Grauer, the moderator, keeping tempers somewhere below the boiling point, Mr. Bergerman and the other panelists, who varied from time to time, dug out reasons, pressed for the truth and fought for improvements in operations of the city, its laws and its methods.

Mr. Bergerman used many approaches in fighting for better government. Once, referring to the Citizens Union's wide-ranging influence, he commented:

"We have a prophylactic effect, just by our being there and keeping an eye open. I'd say we supply moral leadership in blowing the whistle on some poor moves by city officials from time to time. That's very necessary, because sometimes you run into a bunch of smart alecks who can confuse the public on the difference between right and wrong."

OPPONENT OF MOSES

His words had a direct reference to Robert Moses, the city planner, bridge and tunnel authority, World's Fair impresario and holder of a score or more allied positions.

Mr. Bergerman had suggested to Mayor Wagner that Mr. Moses should be dropped from the city's slum clearance committee. That was the first time—in 1959—that a respected and responsible civic organization had said, in effect, that Mr. Moses could be replaced.

Mr. Bergerman disclosed that the Citizens Union had authorized him to speak or to keep silent, although some members of the organization had backed Mr. Moses.

Mr. Moses took a full week to assess the blow. Then he made a sharp reply in which he referred to "Citizens Union smart alecks," picking up Mr. Bergerman's colloqualism.

ENTERED GAMBLING INQUIRY

On another occasion, when Brooklyn's racket-investigating grand jury and District Attorney Miles F. McDonald asserted that they would not be "intimidated" by outside pressure in investigating a possible link between the police and gamblers, Mr. Bergerman wrote to Mayor William O'Dwyer to suggest that a prominent person "with a background and standing to inspire public confidence" be appointed to conduct the investigation.

"You owe it not only to the public, but to the department itself," he wrote, "since it goes without saying that the great majority of the police are decent men, carrying out their difficult and dangerous duty with skill and fidelity."

The letter then became sharply worded: "You have seized upon an individual tragedy and turned it into a theatrical demonstration of your disapproval of the District Attorney's activities." [The Mayor had attended the funeral of a police captain who killed himself while the investigation was going on.]

"That kind of display of sympathy, however well-intentioned, might have the effect of building up a backfire of hostility in the police force against the enforcement officials in Brooklyn. Yet, so far as can be judged, the District Attorney is simply doing what he is there for. He is making an investigation and he is getting somewhere."

MAYOR REFUSES COMMAND

Mr. O'Dwyer conceded that he had received the letter, but said he had not read it and therefore would not comment. The intended effect was accomplished: The gambling inquiry was on the front pages and Mr. Bergerman's letter was part of the day's big story, which meant that the public knew in detail the views of the Citizens Union.

Mr. Bergerman was not always the amicus curiae. He served as a member of the Special Legislative Committee on the Revision and Simplification of the Constitution, by appointment of Gov. W. Averell Harriman, and as a member of the Temporary State Commission on the Revision and Simplification, by appointment of Governor Rockefeller. He was named by Mayor Robert F. Wagner to the Mayor's Committee on Judicial Selection.

He served also as a member of a Lawyers Committee on Court Decorum and Allied Problems by appointment of Harold A. Stevens, Presiding Justice of the Appellate Division, First Department.

Mr. Bergerman was born in New York on May 20, 1903, and received his A.B. and LL.B. degrees from Columbia College and Columbia University in 1925 and 1927. The Class of 1925 of Columbia College presented him with its Distinguished Classmate Award.

He engaged in the practice of law in this city for the rest of his life, as a member of the firm of Bergerman & Hourwich.

He was a trustee of the New York Shakespeare Festival, a member and since 1965 president of the Lawyers Club as well as a member of the Association of the Bar of the City of New York and other professional organizations.

He was the co-author of "New York Real Property Forms, Annotated."

His home was at 863 Park Avenue and he had a summer home in Rowayton, Conn.

He leaves his wife, the former Ems Wyleman; two daughters, Mrs. Martin J. Usdan and Mrs. Gerald Demarest 3d, four brothers and a sister.

The funeral service will be private, with a memorial service to be held later.

NO CONGLOMERATE LEGISLATION

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, there are reports that a Member of the other body intends to attach the Ways and Means Committee version of the trade bill to the social security bill currently being considered in the Senate.

This type of legislative shenanigan would give the highly controversial trade bill a free legislative ride on the back of the social security bill which has a wide base of support.

A modern legislative body should not permit conglomerate bills on unrelated subjects. When sweet-and-sour legislation is tied in a single package, the legislator is unable to exercise a proper discretion.

If the conglomerate comes back to the House as a conference report, I hope that the House will insist on a separate vote on the trade bill.

MORE ON MERCURY

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the Refuse Act of 1899 must be utilized to protect our environment. It should be used to its fullest extent in prosecuting those polluting navigable waters of the United States.

The act directs the Justice Department "to vigorously prosecute" violators. The act is a practical and potentially useful measure in preventing and controlling pollution. Its use would facilitate fixing of responsibility on the culpable party or parties. It would place all persons on notice that the maintenance of a healthy environment and water are matters clearly in the public interest.

However, in the administration of the act the Department of Justice to a great extent has continually ignored its existence. In past and present years, the action of the Department of Justice in pollution control has been too late, too little, paper thin, and considerably far less than the Department's mandated responsibilities.

After the many years, the Department of Justice revealed in June 1970 through issued guidelines to the U.S. attorneys that it would use the 1899 Refuse Act against "accidental and infrequent" polluters but not against purposeful, continuing, and frequent polluters. I, and

other responsible voices urged the Justice Department to revoke the guidelines because they defeat the intent and strength of 1899 Refuse Act and ignore to nearly a total degree the Department's responsibility under the act. I urged the Department to utilize both the civil in junction and proceedings of the Refuse Act to prevent the dumping of mercury waste into our navigable waters thereby creating a serious and imminent hazard to public health. Justice, finally, announced that it planned to bring civil injunction suits under the Refuse Act against 10 mercury polluters of navigable waters. I was willing to believe that the Department was commencing to face up to its responsibility.

The Department's public announcement indicated positive action. In the following days the Department has taken steps which have negated its public announcement. From its initial announcement against mercury polluters Justice quietly passed the word to its U.S. attorneys that "some" mercury waste pollution was permissible. The next step was to authorize U.S. attorneys to bring Refuse Act suits except when the Federal Water Quality Agency or State commission has a proceeding concerning mercury pollution. Now the Department has expanded the exception so that it encompasses the basic premise. By letter dated August 27, 1970, the Department of Justice informed me—

> We do require that prior authorization to prosecute (under the Refuse Act) must be obtained in cases where the Federal Water Quality Administration in the Department of the Interior and the various State agencies and commissions dealing with water standards have approved plans for abatement of pollution occasioned by deposit of industrial wastes and the particular company or companies appear to be complying with the standards, and in certain other situtations presenting special problems . . . We are simply reserving the right to make the prospective determination at the Department level.

With such negative guidelines and expression, no U.S. attorney is encouraged to initiate or carry on criminal prosecutions and civil injunction actions for violations of the Refuse Act even though he has adequate evidence of such violations. If one would synthesize the Department's action it appears to be one step forward through public announcement and a step and a half backward to appease the polluter.

In the use of statutes, such as the Refuse Act of 1899, there must be a considered rational balancing of benefits and risks. The Justice Department is given the responsibility of representing the public interest. The courts are given the responsibility of determining the benefit and the risk to the public. We should not have to wait for numerous cases of documented lethal poisoning by contamination in order to take action against the causes of sublethal poisonings and infections that are occurring. For example even mild cases of mercury poisoning can cause irreversible central nervous system damage. The danger continues as a potential imminent hazard to human health when mercury continues to accumulate on lake and other navigable water bottoms, especially if it is difficult, if not impossible to remove the contaminant from the bottom.

The mercury contaminant forms water soluble methyl mercury or a water-soluble complex mercury compound which carries throughout the water and, in turn, enters the human food chain. The situation warrants responsible action rather than brinkmanship. New laws are not needed, but effective leadership is. Therefore, it is essential that adequate considerations for the enforcement and operation of the Refuse Act of 1899 exist. If adequate guidelines existed and necessary consideration and enforcement had been given the pollution problem by past and present administrations, much of our present water contamination problem would not now exist.

The Department of Justice should carry out its responsibility of enforcing the Refuse Act of 1899 as the agent of public interest. I urge the present Administration to set definitive guidelines so that the public as well as unintentional and actual polluters may know what they may and may not do. The Department should publicly state its position and then adhere to it. Emergency banning which restricts manufacture, sale, and use of established market products may cause economic, industrial, and agricultural disruptions. Such banning could close industrial units resulting in the loss of jobs and economic freedom. The Department of Justice therefore should not act politically or administratively in determining if a polluter is or is not violating the act, but should leave this responsibility, as intended, to the courts. I also urge the present administration promptly and constructively to aid governmental, industrial, and agricultural polluters to overcome the problem through technology, know-how, and financing rather than compound the pollution problems.

The pollution problem, as with mercury, just will not disappear. Recently the State health administrator of Idaho revealed that 75 percent of the game birds tested in Idaho had traces of mercury poisoning. He warned Idahoans not to eat more than one meal of pheasant a week, that pregnant women should avoid mercury-tainted food because of "sufficient evidence which demonstrates the brain of the unborn child may be more susceptible to mercury than that of an adult." Today, there is a good chance that to a large degree our water, fish, and wild fowl are mercury contaminated. Yet, we still do not know the full parameters of mercury contamination and its potential danger to public health and safety.

I am convinced that the administration—the Department of Justice, Department of the Interior, Federal Water Quality Administration, Department of Health, Education, and Welfare, National Air Pollution Administration, Food and Drug Administration, Department of Agriculture and other agencies are not moving as effectively as they might to determine the danger to the health of the public, the amount of contamination, the sources of pollution, and the necessary and correct legal abatement actions. Have we attempted to determine the number of deaths or illnesses due to mercury poisoning? We do not have the answers as we have failed to do the basic work. In some areas where some answers exist—sources of mercury pollution—the Administration refuses or is reluctant to disclose this information to the public.

Facts, education, rational justified steps, and constructive leadership are called for. I urge the administration to lead rather than play act in order to determine the scope of the problem and its resolution. We do not need new laws when excellent tools such as the 1899 Refuse Act exist. I, again, urge the administration to effectively utilize the Refuse Act and other such tools in carrying out its responsibility to the people of the United States.

TAX ON LEADED GASOLINE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I rise today to discuss the administration's proposed excise tax on leaded gasoline.

The existing automobile engine is probably the most serious source of air pollution in the United States today. Approximately 60 percent of all the air pollutants in this country today are created by the automobile engine. In metropolitan areas the automobile engine causes even greater air pollution and, in turn, a greater percentage of the pollution in the air.

The automobile engine spews reactive hydrocarbons, carbon monoxide, oxides of nitrogen, and lead particulates into the atmosphere. There is reason to believe that such pollutants not only dirty the area but when inhaled or taken into the human organism by any other means, they dirty or infect the organism. The reactive hydrocarbons, carbon monoxide, and the various oxides of nitrogen by far compose the greatest percentage of the air pollutants generated by the auto engine. Lead particulates appear in smaller amounts. Lead is poisonous to man if inhaled in certain concentrations. It can be dangerous to the human organism if ingested through the air, food chain, and/or water. Carbon monoxide as well as the oxides of nitrogen are poisonous to man if inhaled in certain concentrations. The various pollutants, all, are dangerous to the various forms of life.

Lead is spewed into the atmosphere in continuously increasing amounts through the automobile's utilization of leaded gas for power. The amount of lead and lead particulates in the air in the various areas of the country is not known to the degree it should be. The administration and the National Air Pollution Control Administration of the Department of Health, Education, and Welfare have not adequately carried out monitoring responsibilities to determine resulting consequences to plant, animal, and human life and, in turn, to take constructive and necessary steps to protect the public. We have little or no data to evaluate in determining the number of deaths or illnesses, if any, due to airborne,

lead-reactive hydrocarbon, oxides of nitrogen, and carbon monoxide contaminants.

Statutory authority exists in the National Air Pollution Control Administration to set standards for automobile emissions and to take other steps that would be helpful in protecting the public health and safety. However, the administration has no intention to promulgate lead emission standards before 1975. There is no doubt that we need to know the present parameters of lead contaminants in the air throughout the country. We must determine the approximate amount of lead particulates that can either affect or impair human health and, if warranted, take that action which is needed.

It is obvious we do not know the entire fact picture. We do know that the automobile engine creates these particular air pollutants. We use lead additive gas for power as it increases the combustability of gas. By removing the lead from gas, there is reason to believe it will increase the other dangerous pollutants such as reactive hydrocarbons, carbon monoxide, and oxides of nitrogen.

Without attempting to do the job, the administration first opted for a paper proposal which is a request for legislation authorizing the Secretary of Health, Education, and Welfare to regulate fuel compositions and additives. It appears obvious that the administration intent was for propaganda value rather than actual achievement. Fuel additive work, fuel composition know-how, and personnel exist in the Bureau of Standards, the Department of Commerce, and also within the Department of Defense to do the job required rather than in the Department of Health, Education, and Welfare. The request, because of its lack of meaning, has not progressed through the legislative cycle.

Now the administration proposes taxing leaded gasoline. Such an act would restrict the manufacture, sale, and use of established market products and would cause economic and industrial disruptions. It would result in the loss of jobs and economic freedom. The loss of viable industry and employment could well create a greater loss of tax revenue to the Government than any gain from this proposed excise tax. The Connecticut Commissioner of Transportation has expressed to me his opposition to such a tax on the ground that it would preempt ability to raise sufficient revenues at State level to provide basic services.

At present there is no date available to indicate that such a step would, in fact, be beneficial to human health and in fighting air pollution, as the increased air pollutants other than lead could well offset any gain. Further, the tax would be paid by the consumer who believes that leaded gas is necessary to maintain his auto engine and does not desire to purchase a new car containing a special auto engine. Thus if you pay the price you may continue to pollute. Proper, thoughtful and necessary consideration must be given to the problem by the Administration and the agencies with the responsibility. But in place of constructive leadership, the administration is seeking new and additional funds through taxation without determining whether the end result would, in fact, be beneficial.

Action should be taken to decrease air pollution especially that caused by lead particulates. The National Air Pollution Control Administration should act. We do not need new laws so much as we need effective leadership and facts so that we can act wisely and constructively. I am convinced that an excise tax on leaded gas creates a license to pollute, and the income may not even compensate for the damage to the health of public and corrosion to materials. I believe that under the circumstances such an excise tax is not an effective means of raising necessary tax revenues, restricts our present State revenue collections, and provides a false method of effectively reducing lead air pollution.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. There were over 13 million dairy cows in the United States in 1969 compared to approximately 10 million in France, the second-ranked nation.

NATIONAL SCHOOL LUNCH PROGRAM

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I take this time to address my colleagues on a matter of mutual and vital concern—the good nutrition and health of our schoolchildren. In recent years, we have given a great deal of attention to securing the kind of Federal legislation needed for a truly effective school lunch and child nutrition program to the end that no child in school will go hungry for lack of proper nutrition.

I said it was a matter of mutual and vital concern—it is also a matter of urgent concern for unless we take further action we will not reach that goal. Significant action was taken last year to authorize broader participation in the school lunch program, especially among children from low-income families. That legislation, Public Law 91-248, is universally recognized as an act which will have a far-reaching impact. The legislation itself is very clear. Its goal is the provision of a free or reduced-price lunch to every needy child.

But legislative authorities are only the beginning. I know that progress can only be made with more adequate funding and the cooperation of local school officials. That such officials are willing to cooperate, in fact, anxious to cooperate, is unquestionable. I base that judgment on three surveys the Committee on Education and Labor has recently undertaken. Those surveys which solicited information on school lunch and school breakfast programs from both State and local officials clearly illustrate that interest in and a commitment to better nutritional programs for school-age children has reached a new high. It is my intention today to discuss and share with my colleagues the results of one of our surveys.

During the summer months, we forwarded a detailed questionnaire to the food service directors in each of our States. We have responses now from every State, and I wish to discuss the findings, particularly because they are related to a matter mentioned just a moment ago—the inadequacy of funding.

Initially, just a few words about the questionnaire itself. Today, I will discuss findings for just the first part of the questionnaire which dealt with the school lunch program. The findings from the second portions of the questionnaire—those relating to the breakfast program and the equipment program—nonfood assistance—will be discussed at a later date.

The first part of the questionnaire consisted of 20 questions, five of which asked for comments on Public Law 91-248. The remaining questions requested statistical information relative to the operation of the school lunch program in past years and estimates of program participation and funding requirements in the future.

Question 18 asked:

What will the impact be of the new provisions respecting eligibility for free and reduced-price lunches? What problems do you anticipate in implementing these provisions?

I have mentioned question 18 first because the comments of State officials to this question clearly illustrate what the statistical information provided documents.

From Tennessee—

With higher family poverty and income levels than have been in use schools will be providing up to 33% of all meals free or at a reduced price rather than the nearly 20% provided during the past year.

The primary problem will be financing the increased number of free or reduced price meals that will be served. If money is available, children will be fed.

And from West Virginia—

In April, 1970, 42% of all meals served were served free or at reduced price meals. We anticipate that the new poverty standards to be used in 1970-71 will raise this figure to 80%. Average daily participation also will increase. * * *

Considering all the responses and viewing nationally the estimate of the total number of children who will be eligible for a free or reduced-price lunch, the results of the questionnaire indicate that 8,895,194 students will qualify. This compares with 5,214,507 students who received free or reduced-price lunches during the peak of operations in the last school year. In other words, Mr. Speaker, under the new law, we can anticipate a 70.58-percent increase in the number of children for whom a free lunch or a reduced-price lunch should be provided. I will point out also that the 8.9 million estimate exceeds substantially the estimate of the administration that there are 6.6 million needy children. Information from the States received just within the last month by the committee in-

dicates that there are 34.84 percent more needy children than has been estimated heretofore.

Mr. Speaker, I wish to make it clear that the 8.9 million figure is most conservative for it does not take into account the provision of free or reduced-price lunches to needy children in private schools in more than 25 States. Also because the questionnaire was circulated prior to the Department of Agriculture's promulgation of the $3,720 national income poverty guideline for free or reduced-price lunches, States were asked to base their estimates on what they anticipated the guidelines to be. The resulting estimate of 8.9 million children is based on an income poverty index in 35 of the States, which is less than the $3,720 figure finally promulgated. If the $3,720 figure were used consistently throughout the States, the total estimate of students qualifying for a free or reduced-price lunch would certainly surpass the 8.9 million figure we have been discussing.

What is the impact then of the new provisions respecting eligibility for free or reduced-price lunches? The answer is to increase substantially—in my judgment perhaps to double—the number of students who qualify for a free or reduced-price lunch. Equally clear is the response to the second part of question 18: What problems do you anticipate in implementing these provisions? The problem is one of financing. Naturally, there will be certain administrative problems in carrying out all of the new act, but for the most part State officials commented that such problems will be easily taken care of, as is evidenced by the response from Massachusetts:

If sufficient funds are available to assist school authorities in meeting the mandatory provisions of providing free or reduced price meals for certain needy children and the requirements governing the selection of children are flexible, we do not anticipate any serious difficulty.

Or from Alaska a response which indicated still a further and welcomed impact of Public Law 91–248—

Do not anticipate any unsurmountable problems. We feel the recent changes in the School Lunch and Child Nutrition Acts will aid considerably in securing State legislation, such as the attached bill, to further assist school districts reach additional needy children.

But almost in every instance responses that the new act can be implemented and will be implemented without serious problem were qualified—the qualification being that the goals of the new act could only be reached if adequate financing is provided.

Asked if any problems were anticipated, Oklahoma responded:

Another main problem is will Congress fully finance the needs?

From South Carolina—

If Federal funds are not forthcoming on national level to insure higher rates of reimbursement, local schools will have difficulty in implementing the program.

From Ohio—

We had no significant problem with the Free and RP Policy put into effect February 1, 1969, in schools that had NSL programs then. The problem now will be to initiate food service in large city elementary schools which have high concentrations of needy children. The Boards of Education do not have funds to provide Central Kitchens and pay the cost difference between our .37 reimbursement and the actual cost of the lunch.

And from certain States, we received what almost amounts to a warning. California commented:

Unless adequately funded, many districts will drop out of the NSLP.

Stated differently, Kansas added:

Problems anticipated. People are being informed of their rights while there are no funds to finance their demands.

And finally, from Iowa we learn that "no significant impact immediately unless adequately funded."

May I remind my colleagues that Public Law 91–248 was approved by an overwhelming vote, both here in the House and in the Senate. In my judgment that vote represented a commitment to the needy children of this Nation and the vote occurred with the full expectation that a significant impact would occur immediately. As the State official from Iowa has stated:

That impact will not occur unless the program is adequately funded.

Question: What will be required to adequately fund the program? That question was asked on our questionnaire. The first part of question 15 inquired as to the Federal level of funding during the last year to assist in financing the cost of free and reduced-price lunches. The second part of question 15 asked, what additional funds will be required to reach all needy children in fiscal year 1971? The total response from all returns indicates that an additional $310,407,984 will be necessary. I would point out again that this is a conservative estimate because it does not take into account the needs of children in private schools in more than 25 States and it is based on a poverty index which is for the most part more conservative than that promulgated by the Department of Agriculture.

For fiscal 1971 both the House and Senate versions of the appropriation bill propose only a $75,200,000 increase for free and reduced-price lunches, a 55.78-percent increase over last year's level. The questionnaire indicates that a 230.27-percent increase is necessary if we are to carry out the intent of Congress. I mentioned a moment ago that there is some urgency to this matter. As my colleagues know, the Appropriations Committee has anticipated the need for additional financing of the school lunch program.

Because the administration did not have estimates on which the committee could act prior to processing appropriations bill, the committee very wisely and very carefully authorized the administration of the program at a quarterly rate in excess of the annual amounts recommended in the regular 1971 bill. This would properly allow for the funding of programs at a realistic level initially and for the necessary adjustments in the amount through a supplemental appropriation.

The House committee report, which accompanied the Department of Agriculture and related agencies appropriations bill, House Report No. 91–1161, states:

The Committee recognizes their (provisions of Public Law 91–248) far-reaching effect and, where necessary, authorizes the administration of the program at a quarterly rate in excess of the annual amounts recommended in this bill until such time as the program estimates can be reviewed in connection with the first supplemental. (Parenthesis added.)

The Senate Appropriations Committee report also recognizes that additional funds will be required and anticipates needed action in a supplemental appropriation when accurate budget estimates can be obtained.

While the House and the Senate has very carefully provided for this type of spending, I find nothing in the administration of the program by the Department of Agriculture either in its revised guidelines or regulations which advises States and local school districts of the Congress' position. When I said that this was an urgent matter, it is of this to which I am referring. It seems to me that at this point and time States and local school districts should be advised of the Congress' intent to fund the program at the level anticipated by Public Law 91–248. It is time for the Department of Agriculture to so advise State and local agencies. We cannot allow the congressional intent to be thwarted by the failure of the Department to administer a program according to the wishes and mandates of the Congress.

Second, we must fulfill our commitment and I am hopeful that we will do so at the time of the supplemental appropriation bill. Mr. Speaker, there is much information in the survey which I have not discussed. So that the House will have an opportunity to study the findings in detail, I will insert at the conclusion of my remarks, a copy of the questionnaire—parts I and II—and tables indicating national responses to all questions and an analysis of the results, question by question.

The material follows:

U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON EDUCATION AND LABOR, SURVEY OF FINANCIAL NEEDS FOR SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS FISCAL YEAR 1970–71

State _____

Name of agency reporting_____

Does this report cover public schools only? _____

Public and private schools?_____

NATIONAL SCHOOL LUNCH PROGRAM

I. Background information

1. Total school attendance in State (elementary and secondary, school year 1969–70)_____

2. Total attendance in schools (attendance units) 1969–70 in which NSLP is available

(make appropriate adjustments in data if lunches are available only to a portion of the pupils in such schools.) _____

3. Number of children to whom the program is not available (Item 1 less Item 2) _____

4. Total participation in NSLP for peak month 1969–70 _____

5. Number of children receiving free or reduced price lunches for peak month 1969–70 _____

6. Number of children receiving lunches entirely free in peak month _____

7. (a) Estimated total number of children eligible for a free or reduced price lunch based on poverty standards for school year 1970–71 _____

(b) Enter here the family income level for family of four used as poverty standard _____

8. In your judgment, at what level of family income per annum should a child qualify for an entirely free lunch _____

9. (a) What is the range in the regular lunch price in elementary schools in urban areas: ____¢ to ____¢

What is the range in secondary schools in urban areas: ____¢ to ____¢

Indicate range in rural areas:

Elementary schools ____¢ to ____¢

Secondary schools ____¢ to ____¢

(b) Average price for State _____

10. What price level would be required to encourage an adequate level (from the standpoint of program nutritional objectives of participation among all children in schools that now have a lunch program:

In elementary school ____¢

In secondary schools ____¢

11. (a) Number of school attendance units that do not have food service facilities or which are not served from central kitchens _____

(b) Number of children attending such school _____

II. Funding required

12. Amount of Federal funds used in the fiscal year ending June 30, 1969, for general support of the NSLP (Section 4) _____

13. What level of Federal reimbursement from Section 4 funds would be required to hold lunch prices to a maxmum of 20 cents (assuming continuation of percent levels of State and local support and assistance in the form of donated foods) ____¢ per lunch.

14. What would such a level of Federal reimbursement cost in your State for the fiscal year ending June 30, 1970 (allowing for expected increase in participation) _____

15. (a) Amount of Federal funds used in the fiscal year ending June 30, 1970, to assist in financing the cost of free and reduced price lunches (Sections 11 and 32) _____

(b) Additional funds required to reach all needy children in fiscal year 1971 (see Item I, No. 6 above) _____

NATIONAL SCHOOL LUNCH SURVEY FOR FISCAL YEAR 1970–71—PT. 1

Questions	Total school attendance in State school (elementary and secondary) year 1969–70	Total attendance in schools in 1969–70 in which NSLP was available	Children to whom not available	Percentage that No. 3 is of No. 1	Total participation in NSLP for peak month 1969–70	Children receiving free or reduced price lunch in peak month	Children receiving entirely free lunch in peak month	Estimated total number eligible for free or reduced based on poverty standards for school year 1970–71	Family income level for a family of 4	At what level of family income should child qualify for free lunch
	1	2	3	3A	4	5	6	7A	7B	8
Alabama	786,218	723,332	53,395	6	578,496	162,530	112,240	310,123	$4,200	$3,000
Alaska	73,936	58,434	15,502	20	29,898	11,361	8,970	15,000	3,900	5,500
Arizona	397,579	304,800	92,779	23	189,239	47,223	46,080	73,100	3,300	3,800
Arkansas	414,780	399,111	15,669	3	[1] 284,672	75,384	75,384	54,612	2,000	3,000
California	5,000,000	2,262,000	2,738,000	55	855,000	196,000	883,690	800,000	3,600	3,600
Colorado	537,543	473,223	64,320	11	188,772	25,251	385,743	67,000	2,820	2,820
Connecticut	609,228	475,957	133,271	21	215,031	29,597	[2]	45,000	4,160	4,200
Delaware	130,471	130,358	103	[3]	63,000	65,000	[2]	[2]	[2]	3,000
District of Columbia	150,000	105,000	45,000	30	47,000	27,000	27,000	100,000	4,000	5,000
Florida	1,277,241	1,114,343	162,898	12	939,663	253,161	105,062	309,780	3,800	4,000
Georgia	1,114,599	1,055,584	59,015	5	824,095	187,438	[2]	350,000	[4]	3,720
Hawaii	178,000	178,000	0	[5]	130,000	10,500	6,000	12,000	4,000	4,000
Idaho	169,808	154,123	15,685	9	84,901	9,755	9,755	15,814	3,600	3,600
Illinois	2,777,872	1,922,848	855,024	30	723,964	197,461	182,349	259,000	3,432	[2]
Indiana	1,346,030	1,015,907	330,123	24	669,297	713,969	484,350	107,434	3,600	4,000
Iowa	660,409	597,398	63,011	9	376,805	36,820	22,092	90,000	3,540	3,000
Kansas	526,041	404,335	121,706	23	260,438	31,524	[2]	43,248	3,000	3,000
Kentucky	785,000	740,000	45,000	5	552,000	220,000	[2]	350,000	3,750	2,800
Louisiana	963,617	933,617	30,000	3	707,435	130,079	91,995	186,000	4,000	[2]
Maine	220,566	169,500	51,066	23	102,300	20,192	----------	50,000	3,650	[2]
Maryland	818,838	768,274	50,654	6	315,441	58,521	57,221	97,373	3,600	[2]
Massachusetts	1,381,166	826,453	554,713	40	543,173	75,801	55,196	171,138	3,800	3,800
Michigan	2,161,957	1,530,404	631,553	31	559,738	90,612	64,561	260,000	3,200	4,000
Minnesota	830,507	763,570	66,937	8	483,034	29,000	14,000	58,000	3,200	3,120
Mississippi	524,633	522,133	2,500	[3]	406,635	133,230	66,549	150,000	3,000	2,000
Missouri	1,021,870	894,484	127,386	12	576,050	67,731	52,169	82,796	3,240	3,800
Montana	160,912	109,216	51,696	12	60,675	7,511	[2]	18,000	3,500	4,000
Nebraska	315,239	268,813	46,426	14	183,721	21,821	[2]	[2]	3,600	6,000
Nevada	114,000	44,850	69,150	16	21,468	2,000	[2]	10,000	4,330	[2]
New Hampshire	174,161	142,654	31,507	18	71,361	6,455	[2]	19,351	3,600	4,000
New Jersey	1,367,209	703,940	663,269	48	315,248	51,829	352,058	130,000	3,000	4,760
New Mexico	275,784	252,258	18,829	6	132,123	55,054	55,054	65,500	3,000	3,800
New York	3,950,000	3,037,750	912,250	23	474,546	430,000	426,000	600,000	4,000	4,000
North Carolina	1,128,123	1,029,581	98,542	8	812,061	209,261	311,544	574,000	3,000	3,000
North Dakota	147,782	132,313	15,469	10	91,206	9,273	8,346	[2]	3,540	[2]
Ohio	2,425,086	1,830,846	594,240	24	819,634	92,922	92,922	136,150	[2]	3,600
Oklahoma	555,675	401,400	154,275	27	271,409	46,624	----------	100,000	3,710	3,000
Oregon	495,303	383,788	111,315	22	212,933	21,139	20,650	114,668	[2]	[2]
Pennsylvania	2,308,000	1,831,370	476,630	20	1,091,461	113,542	[2]	775,000	4,000	4,000
Rhode Island	222,661	154,254	68,407	30	45,229	11,077	7,474	74,000	$3,000	$4,000
South Carolina	605,600	603,900	1,700	[3]	481,532	196,275	[2]	206,648	3,000	3,000
South Dakota	184,401	85,000	100,000	54	90,594	17,304	16,304	25,000	3,500	3,600
Tennessee	825,612	728,565	97,047	11	549,449	124,548	112,093	228,000	2,000	3,000
Texas	2,432,158	2,319,709	112,449	4	885,248	194,548	[2]	500,000	3,720	[2]
Utah	287,275	262,550	24,725	8	171,406	27,860	[2]	30,646	3,800	3,700
Vermont	112,943	81,424	31,519	28	47,191	10,130	5,505	15,000	3,720	4,000
Virginia	967,259	925,316	41,943	4	596,437	143,259	85,955	250,000	3,500	3,500
Washington	758,733	714,398	44,335	6	296,790	45,694	8,844	150,000	3,492	3,492
West Virginia	380,361	318,076	62,285	16	200,285	78,391	28,053	270,000	3,000	2,000
Wisconsin	822,122	682,361	139,761	17	369,433	31,863	24,000	80,000	3,130	3,000
Wyoming	77,796	64,225	13,571	17	39,272	[6] 5,435	[2]	2,000	3,040	2,500
Canal Zone [7]										
Guam	27,237	24,471	2,766	10	13,720	[8]	1,349	3,813	3,000	2,600
Puerto Rico	672,299	423,169	249,130	5	355,552	355,552	355,552	460,000	3,800	3,800
Virgin Islands										
Totals	46,651,640	36,079,385	10,558,746	[9]	19,727,461	5,214,507	4,662,109	8,895,194		

[1] Figure not furnished by State department of education. Department of Agriculture 1968–69 figure inserted in place.
[2] No response.
[3] Less than 1.
[4] Varies.
[5] None.
[6] No breakdown between free and reduced price lunches.
[7] Does not participate in school lunch program.
[8] No resident.
[9] Percentage.

Note: See remarks for 9A, 9B, and 10.

NATIONAL SCHOOL LUNCH SURVEY FOR FISCAL YEAR 1970–71—PT. 2

Questions	Number of school attendance units without facilities or central kitchens 11A	Children attending such schools 11B	Amount of Federal funds used in sec. 4 support in fiscal year ending June 30, 1969 12	Required level of reimbursement to hold maximum prices at 20 cents 13 [1]	Cost of such a level in each State for fiscal year ending June 30, 1970 14	Amount of Federal funds used to assist in cost of free and reduced price 15A	Additional funds required to reach all needy children in fiscal year 1970 15B
Alabama	3	282	$5,029,827	12	$15,683,522	$6,986,890	$9,755,270
Alaska	101	16,570	168,912	35	180,000	143,083	23,000
Arizona	310	60,630	1,408,712	12	3,884	1,027,552	1,355,000
Arkansas	7	596	3,015,717	20	10,178,805	2,777,081	5,600,000
California	2,000	600,000	6,364,000	20	72,000,000	5,000,000	57,000,000
Colorado	122	17,268	1,696,845	20	7,000,000	1,034,905	4,000,000
Connecticut	345	133,271	1,482,306	40	21,600,000	544,805	1,620,000
Delaware	1	103	446,180	20	3,000,000	132,203	182,203
District of Columbia	13	6,500	260,564	8	700,000	1,129,468	700,000
Florida	13	6,200	6,547,725	20	21,000,000	8,339,517	13,820,004
Georgia	1	31	7,343,747	22	26,400,000	7,207,578	17,992,422
Hawaii	0	0	974,976	5	1,200,000	238,000	700,000
Idaho	59	15,685	727,111	16	1,582,867	182,436	[2]
Illinois	2,310	1,118,179	4,782,721	[2]	[2]	5,044,099	[2]
Indiana	332	330,123	3,849,615	25	23,980,194	1,318,067	[2]
Iowa	152	58,563	2,674,466	30	32,095,852	1,187,513	3,000,000
Kansas	622	121,706	1,931,593	20	10,000,000	578,967	600,000
Kentucky	193	45,000	4,860,000	25	20,000,000	4,500,000	7,000,000
Louisiana	100	30,000	6,533,444	55	7,250,000	2,903,683	1,746,317
Maine	265	48,000	786,142	40	6,908,400	717,044	2,343,000
Maryland	23	2,408	2,158,975	30	16,163,105	2,032,121	2,855,542
Massachusetts	1,305	554,713	3,807,380	31	29,681,435	803,697	10,643,383
Michigan	1,363	604,138	3,861,887	20	40,000,000	2,287,583	23,400,000
Minnesota	70	66,937	3,313,976	10	9,000,000	1,039,500	1,092,000
Mississippi	15	2,355	4,596,495	25	17,500,000	4,003,176	10,500,000
Missouri	60	62,000	4,164,863	12	11,400,000	1,928,356	472,785
Montana	498	51,696	479,078	25	2,552,109	316,207	200,009
Nebraska	1,125	46,426	1,158,593	25	8,300,000	690,252	330,698
Nevada	131	69,150	140,889	30	975,000	66,931	44,500
New Hampshire	188	58,100	517,283	20	2,078,866	169,928	483,775
New Jersey	1,185	663,269	2,067,211	20	10,500,000	1,398,193	5,850,000
New Mexico	85	18,829	1,196,000	25	6,065,895	1,232,762	516,088
New York	470	180,000	10,582,379	20	54,000,000	17,555,895	10,500,000
North Carolina	6	1,400	8,048,458	25	28,203,075	7,291,624	15,139,544
North Dakota	153	15,469	749,511	12	1,650,000	252,016	63,000
Ohio	379	227,500	6,149,970	20	31,000,000	2,748,955	6,095,313
Oklahoma	34	8,000	2,302,854	25	13,167,262	2,609,507	3,220,302
Oregon	261	40,863	1,488,037	25	13,816,386	538,434	2,841,877
Pennsylvania	1,000	445,775	1,463,897	25	9,600,000	2,820,688	4,500,000
Rhode Island	241	68,407	282,972	20	3,000,000	348,522	1,400,000
South Carolina	[2]	[2]	5,027,711	25	20,500,000	5,280,330	6,000,000
South Dakota	200	80,000	669,359	15	2,670,000	266,849	65,500
Tennessee	14	1,926	4,871,622	23	16,725,000	4,381,343	12,481,537
Texas	257	[2]	8,315,314	[3]	[2]	5,448,135	30,625,000
Utah	38	12,000	1,410,758	12	3,942,858	737,468	80,000
Vermont	218	31,519	289,723	20	1,395,745	205,533	189,372
Virginia	3	945	4,898,489	0	33,000,000	4,573,162	18,000,000
Washington	28	44,335	2,069,821	20	10,800,000	1,003,355	3,000,000
West Virginia	99	52,485	1,945,216	12	6,048,000	2,233,067	8,000,000
Wisconsin	449	153,282	2,607,160	20	12,600,000	944,517	2,655,483
Wyoming	151	13,571	275,822	20	850,000	----------	30,000
Canal Zone [3]	----------	----------	----------	----------	----------	----------	----------
Guam	6	2,766	159,355	27	29,925	30,395	64,050
Puerto Rico	12	2,041	4,449,834	30	----------	1,572,038	3,088,960
Virgin Islands	----------	----------	----------	----------	----------	----------	----------
Total	17,003	6,191,012	156,405,503	[4]	697,978,185	127,865,932	310,407,984

[1] Cents per lunch.
[2] No response.
[3] Does not participate in national school lunch.
[4] Estimates.

ANALYSIS OF RESULTS—PARTS I AND II QUESTIONNAIRE TO STATE SCHOOL FOOD SERVICE DIRECTORS ON SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS

Responses were received from 50 States and two territories, as well as the District of Columbia. 24 responses indicated that figures were for public schools only, and 25 indicated their reports covered both. Four did not reply.

Question 1. Based upon the 53 responses, the total number of children in attendance during the school year 1969–70 was 46,407,935.

Question 2. Of the total number of children attending school during the school year 1969–70, 36,079,385 children attended schools participating in the National School Lunch Program.

Question 3. The National School Lunch Program was not available to 10,558,746 children in the nation, due to lack of food preparation facilities and other reasons.

Question 4. Total participation in the National School Lunch Program (based on figures given for each state during its peak service month) nationwide was 19,727,461. This total represents fully paid, reduced price, and free lunches.

Question 5. There were 5,214,507 children receiving free or reduced price lunches (based upon figures given by each state for its peak month).

Question 6. Of the total of free and reduced price lunches made available to 5,214,507 children, the breakdown was 4,662,109 children receiving free lunches and 552,398 children receiving reduced price lunches.

Question 7a. Based on a 1970–71 poverty index suggested by each state (prior to the issuance of the national guideline figure of $3,720 for a family of four), there will be 8,895,194 children eligible in 1970–71 for a free or reduced price lunch.

Question 7b. Of the poverty indexes suggested by the states in answering question 7a, 63% of the states utilized an income level of less than $3,720 for a family of four. Arkansas and Tennessee utilized the lowest figure—$2,000. Alabama used the highest—$4,200. With the $3,720 Department of Agriculture guideline in use, an even greater number of children would appear to become eligible, and our figure of 8,895,194 eligible children must therefore be considered conservative.

Question 8. There was no uniformity among the states in their suggestions as to what the level of family income should be at which a child should become eligible for an entirely free lunch. 47% of the states reported a level at or below the $3,720 guideline. 30% of the estimates were above that amount, and 23% did not respond. Nebraska had the highest estimate with $6,000 income as the cut-off point. Mississippi and Wisconsin set the lowest level at $2,000.

Question 9. The ranges in cost for school lunch were as follows:

Urban elementary schools—15¢ to 60¢
Urban secondary schools—15¢ to 60¢
Rural elementary schools—15¢ to 50¢
Rural secondary schools—20¢ to 50¢

Question 9b. The average allover price for a school lunch was 35¢

Question 10. In elementary schools, 36% of the states recommended 20¢ per lunch as a sufficiently reasonable price level to encourage participation among all children in schools that now have a lunch program. 15% recommended 25¢ per lunch and 15% recommended 15¢ per lunch, 11% said 30¢, 5% said 10¢ and the remainder gave no reply.

In secondary schools, 61% of the states recommended prices ranging from 20¢ to 30¢ per lunch as a sufficiently reasonable price to attract the widest participation.

Question 11a. There are 17,003 school attendance units having neither food service facilities of their own nor available service from a central kitchen.

Question 11b. There are, as a result, 6,191,012 children attending schools which do not have such facilities.

Question 12. Total amount of Federal funds used in general support (Section 4) for the national School Lunch Program for

the fiscal year ending June 30, 1969, was $156,405,503.

Question 13. The answer from each State, on the level of Federal reimbursement which would be required from Section 4 funds to hold lunch prices to a maximum of 20¢ created a range of reimbursement from 5¢ (in Hawaii) to 55¢ (in Louisiana). Most states indicated that a reimbursement rate of between 20¢ and 30¢ would enable them to maintain the low price of 20¢ per lunch to the student.

Question 14. The total estimate on the cost of maintaining this price level in all states was placed at $697,978,185. California estimated its need to be $72,000,000, New York $54,000,000, Virginia, $33,000,000, Iowa $32,000,000, Ohio $31,000,000, Massachusetts $29,000,000, North Carolina, $28,000,000 and Georgia $26,000,000.

Question 15a. The estimate of funds used under Sections 11 and 32 to finance free and reduced price lunches was $127,865,932. Of this total New York estimated $17,555,895, and Nevada estimated $66,931. This was for 1969–70.

Question 15b. States estimated that a total of $310,407,984 would be needed in 1970–71 to finance the cost of free and reduced price lunches under sections 11 and 32, over and above what was needed and used in 1969–70.

Table of national totals

1. Total school attendance in States and territories which replied to questionnaire (53) 1969–70	46,407,935
2. Total attendance in schools in which NSLP is available	36,079,385
3. Number of children to whom the program is not available	10,558,746
4. Total participation in NSLP for peak month 1969–70	19,727,461
5. Number of children receiving free or reduced price lunches for peak month 1969–70	5,214,507
6. Number of children receiving lunches free in peak month	4,662,109
7. Estimated total number of children eligible for a free or reduced-price lunch based on poverty standards for school year 1970–71	8,895,194
8. (Question 11a). Number of school attendance units which do not have food service facilities or which are not served from central kitchens	17,003
9. (Question 11b). Number of children attending such schools	6,191,012
10. (Question 12). Amount of Federal funds (section 4) used in fiscal year ending June 30, 1969, for general support of national school lunch program	$156,405,503
11. (Question 15a). Amount of Federal funds used in fiscal year ending June 30, 1970 to assist in financing the cost of free and reduced-price lunches (sections 11 and 32)	$127,865,932
12. (Question 15b). Additional funds estimated to be needed during fiscal year 1971 from sections 11 and 32 to reach all needy children	$310,407,984

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. McKNEALLY (at the request of Mr. GERALD R. FORD), for September 22, on account of official business.

Mr. ADAMS, for September 24–29, on account of official business.

Mr. BLATNIK (at the request of Mr. ALBERT), for today, on account of official business.

Mr. WOLFF (at the request of Mr. BIAGGI), for September 21, 1970, on account of official business.

Mr. CHARLES H. WILSON (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NICHOLS), to revise and extend their remarks and to include extraneous matter:)

Mr. ROONEY of Pennsylvania, today, for 10 minutes.

Mr. PRYOR of Arkansas, on September 28, for 60 minutes.

Mr. ALBERT (at the request of Mr. NICHOLS), for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MILLER of California and to include extraneous matter.

Mr. TAYLOR prior to the passage of H.R. 19007.

Mr. WAMPLER preceding the passage of H.R. 18686.

Mr. TAYLOR to include extraneous matter in his remarks on the bill H.R. 19007.

Mr. DINGELL to revise and extend his remarks on S. 719.

Mr. DINGELL to revise and extend his remarks on H.R. 19007.

(The following Members (at the request of Mr. SEBELIUS) to include extraneous matter:)

Mr. SCHERLE in 10 instances.
Mr. WEICKER.
Mr. SPRINGER.
Mr. BURTON of Utah in five instances.
Mr. QUILLEN in four instances.
Mr. McCLOSKEY.
Mr. LANGEN.
Mr. CONABLE.
Mr. WOLD.
Mr. CARTER in two instances.
Mr. ASHBROOK.
Mr. EDWARDS of Alabama in five instances.
Mr. HOSMER in two instances.
Mr. WYMAN in two instances.
Mrs. MAY.
Mr. BRAY in two instances.
Mr. MICHEL.
Mr. SHRIVER.
Mr. ESHLEMAN.
Mr. FINDLEY.
Mr. SCHWENGEL.
Mr. HOGAN in two instances.
Mr. DERWINSKI in three instances.

(The following Members (at the request of Mr. NICHOLS) and to include extraneous matter:)

Mr. HARRINGTON.
Mr. EVINS of Tennessee.
Mr. DIGGS.
Mr. WILLIAM D. FORD in two instances.
Mr. FRASER in three instances.
Mr. RARICK in six instances.
Mr. TEAGUE of Texas in eight instances.
Mr. MARSH in two instances.
Mr. JONES of Tennessee in three instances.
Mr. FASCELL in three instances.
Mr. GALLAGHER in two instances.
Mr. HATHAWAY in two instances.
Mr. EVANS of Colorado.
Mr. BINGHAM in two instances.
Mr. O'HARA in four instances.
Mr. KLUCZYNSKI in two instances.
Mr. ANDERSON of California in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 732. An act for the relief of Mrs. Nimet Weiss, to the Committee on the Judiciary.

S. 876. An act for the relief of Marie M. Ridgely; to the Committee on the Judiciary.

S. 902. An act to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country; to the Committee on the Judiciary.

S. 3420. An act for the relief of Dr. Hassan Chaharsough Vakil; to the Committee on the Judiciary.

S. 3620. An act for the relief of Mrs. Anastasia Pertsovitch; to the Committee on the Judiciary.

S. 3771. An act for the relief of Dr. Jocelyn Tandoc-Juarez; to the Committee on the Judiciary.

S. 3805. An act for the relief of Richard W. Yantis; to the Committee on the Judiciary.

S. 3813. An act for the relief of Kim Julia and Park Tong Op; to the Committee on the Judiciary.

S. 3858. An act for the relief of Bruce M. Smith; to the Committee on the Judiciary.

S. 3867. An act to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

S. 3869. An act for the relief of Albina Lucio Z. Manlucu; to the Committee on the Judiciary.

S. 3956. An act for the relief of Mrs. Joan Lagois Hicks; to the Committee on the Judiciary.

S. 4073. An act for the relief of Hyun Joo Lee and Myung Joo Lee; to the Committee on the Judiciary.

S. 4247. An act to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges; to the Committee on the Judiciary.

S. 4316. An act to clarify and extend the authority of the Small Business Administration, and for other purposes; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the

following titles, which were thereupon signed by the Speaker:

H.R. 1747. An act for the relief of Jose Luis Calleja-Perez;

H.R. 10149. An act for the relief of Jack W. Herbstreit;

H.R. 16900. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 17613. An act to provide for the designation of the Veterans' Administration facility at Bonham, Tex.; and

H.R. 17734. An act for the relief of Sherman Webb and others.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on September 17, 1970 present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 11060. A bill for the relief of Victor L. Ashley.

H.J. Res. 1247. A House joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

ADJOURNMENT

Mr. NICHOLS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 49 minutes p.m.) the House adjourned until tomorrow, Tuesday, September 22, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2385. A letter from the chairman, Cabinet Committee on Opportunity for the Spanish Speaking, transmitting the annual report of the committee for fiscal year 1970, pursuant to section 11 of Public Law 91-181; to the Committee on Government Operations.

2386. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of accommodations, facilities, and services for the public within the Cinnamon Bay and Trunk Bay areas of the Virgin Islands National Park for a 20-year period ending May 31, 1990, pursuant to 67 Stat. 271 and 79 Stat. 543; to the Committee on Interior and Insular Affairs.

2387. A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting a report of negotiated sales contracts for disposal of materials during the period of January 1 through June 30, 1970, pursuant to 76 Stat. 587; to the Committee on Interior and Insular Affairs.

2388. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket Nos. 243, 244, and 245, *The Winnebago Tribe and Nation of Indians, the Winnebago Tribe of Nebraska and Frank Beaver, Moses Whitebear, John Little Wolf, James Smoke, and Joshua Sanford, ex rel Winnebago Tribe and Nation and the Winnebago Indians of Wisconsin, Minnesota, Nebraska, and the Winnebago Tribe of Nebraska, Plaintiffs* v. *The United States of America, Defendant*, pursuant to 60 Stat. 1055, 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

2389. A letter from the Director, U.S. Information Agency, transmitting a report on claims settled by the Agency during the year ended August 31, 1970, under section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964; to the Committee on the Judiciary.

2390. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2391. A letter from the Administrator of Veterans' Affairs, transmitting a report of Veterans' Administration activities under the programs for the sharing of medical facilities and the exchange of medical information during fiscal year 1970, pursuant to 38 U.S.C. 5057; to the Committee on Veterans' Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

2392. A letter from the Comptroller General of the United States, transmitting a report on better controls needed over assessment and collection of postage for second-class mail, a money loser to the Post Office Department; to the Committee on Government Operations.

2393. A letter from the Comptroller General of the United States, transmitting a report on the continued loss of revenue because of low rents charged for personnel quarters by the Veterans' Administration; 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. PATMAN: Committee on Banking and Currency. S. 3822. An act to provide insurance for member accounts in State and federally chartered credit unions and for other purposes (Rept. No. 91-1457). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 1216. Resolution for consideration of H.R. 18583, a bill to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse (Rept. No. 91-1458). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOMFIELD:

H.R. 19348. A bill to repeal section 7275 of the Internal Revenue Code of 1954, relating to amounts to be shown on airline tickets and advertising; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 19349. A bill to provide a penalty for the theft of certain explosives, to provide increased penalties for certain crimes relating to explosives, and for other purposes; to the Committee on the Judiciary.

By Mr. HUTCHINSON:

H.R. 19350. A bill to repeal section 7275 of the Internal Revenue Code of 1954 (as added by the Airport and Airway Revenue Act of 1970) providing a penalty for offenses relating to certain airline tickets and advertising; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 19351. A bill to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, to possession of explosives and the penalties with respect thereto, and for other purposes; to the Committee on the Judiciary.

H.R. 19352. A bill to regulate the importation, manufacture, distribution, storage, and possession of explosives, blasting agents, and detonators, and for other purposes; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 19353. A bill to amend the act entitled "An act granting land to the city of Albuquerque for public purposes," approved June 9, 1906; to the Committee on Interior and Insular Affairs.

H.R. 19354. A bill to amend the act of August 9, 1955, to authorize longer term leases of land in the Pueblo of Nambe; to the Committee on Interior and Insular Affairs.

By Mr. MIKVA (for himself and Mr. PEPPER):

H.R. 19355. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 19356. A bill to amend section 506 of title 23, United States Code, relating to replacement housing; to the Committee on Public Works.

H.R. 19357. A bill to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code and to provide for statewide public works planning, and for other purposes; to the Committee on Public Works.

By Mr. ROGERS of Florida:

H.R. 19358. A bill to amend title XI of the Federal Aviation Act of 1958 to suspend air transportation between the United States and any foreign country which wilfully prohibits or delays the prompt and safe return of United States aircraft held by force in such country or which grants asylum to, or aids, any person holding such aircraft by force; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida (for himself and Mr. DINGELL):

H.R. 19359. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine an wildlife ecology by requiring the designation of certain water and submerged land areas where the depositing of certain waste materials is prohibited, to require the establishment of standards with respect to such deposits in all other areas, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SKUBITZ:

H.R. 19360. A bill to authorize the Secretary of the Interior to conduct a program of demonstration parks, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TALCOTT:

H.R. 19361. A bill to amend the Internal Revenue Code of 1954 as amended; to the Committee on Ways and Means.

By Mr. BRADEMAS (for himself, Mr. AYRES, Mr. DENT, Mr. QUIE, Mr. DANIELS of New Jersey, Mr. BELL of California, Mr. CAREY, Mr. REID of New York, Mr. WILLIAM D. FORD, Mr. SCHERLE, Mr. HATHAWAY, Mr. DELLENBACK, Mrs. MINK, Mr. ESCH, Mr. SCHEUER, Mr. STEIGER of Wisconsin, Mr. MEEDS, Mr. HANSEN of Idaho, Mr. BURTON of California, and Mr. GAYDOS):

H.R. 19362. A bill to provide a comprehensive child development program in the

Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. PERKINS, Mr. AYRES, Mr. THOMPSON of New Jersey, Mr. QUIE, Mr. DENT, Mr. REID of New York, Mr. DANIELS of New Jersey, Mr. ERLENBORN, Mr. O'HARA, Mr. SCHERLE, Mr. CAREY, Mr. DELLENBACK, Mr. HAWKINS, Mr. ESCH, Mr. WILLIAM D. FORD, Mr. STEIGER of Wisconsin, Mr. HATHAWAY, Mr. COLLINS, Mrs. MINK, Mr. LANDGREBE, Mr. SCHEUER, Mr. HANSEN of Idaho, Mr. BURTON of California, and Mr. MEEDS):

H.R. 19363. A bill to amend the Library Services and Construction Act, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. GAYDOS, Mr. RUTH, Mr. STOKES, Mr. CLAY, Mr. POWELL, Mr. FRELINGHUYSEN, Mr. DAVIS of Georgia, Mrs. MAY, Mr. FRASER, Mr. LEGGETT, Mr. MELCHER, Mr. MILLS, Mr. OLSEN, and Mr. SIKES):

H.R. 19364. A bill to amend the Library Services and Construction Act, and for other purposes; to the Committee on Education and Labor.

By Mr. CRANE:

H.R. 19365. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 19366. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mr. BIAGGI, Mr. BROWN of California, Mrs. CHISHOLM, Mr. EDWARDS of California, Mr. FRIEDEL, Mr. FULTON of Pennsylvania, Mr. HELSTOSKI, Mr. HOGAN, Mr. LUJAN, Mr. MCKNEALLY, Mr. MATSUNAGA, Mr. MESKILL, Mr. OTTINGER, Mr. REES, Mr. PEPPER, Mr. PIKE, Mr. PODELL, Mr. POLLOCK, Mr. ROE, Mr. RYAN, Mr. SCHEUER, Mr. THOMPSON of New Jersey, and Mr. TUNNEY):

H.R. 19367. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. WILLIAM D. FORD, Mr. WOLFF, Mr. ROONEY of Pennsylvania, Mr. GUDE, Mr. ANDERSON of Tennessee, Mr. KOCH, Mr. FARBSTEIN, Mr. GALFIANAKIS, Mr. ECKHARDT, Mr. BRADEMAS, Mr. MCCARTHY, Mr. FRIEDEL, Mr. BRASCO, Mr. BURKE of Massachusetts, and Mr. FASCELL):

H.R. 19368. A bill to establish a Juvenile Research Institute and Training Center; to the Committee on the Judiciary.

By Mr. CONABLE:

H.R. 19369. A bill to amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities; to the Committee on Ways and Means.

By Mr. FASCELL (for himself, Mrs. CHISHOLM, Mr. HORTON, and Mr. REES):

H.R. 19370. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

By Mr. FASCELL (for himself, Mrs. CHISHOLM, Mr. HORTON, Mr. PIKE, and Mr. REES):

H.R. 19371. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge; to the Committee on Merchant Marine and Fisheries.

H.R. 19372. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

By Mr. PEPPER (for himself and Mr. WALDIE):

H.R. 19373. A bill to amend the Communications Act of 1934 in order to require licensees operating broadcasting stations under such act to broadcast information with respect to the dangers involved in the improper use of drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. DADDARIO:

H.J. Res. 1375. Joint resolution authorizing the President to declare 1 week each September as "national SS *Hope* Week"; to the Committee on the Judiciary.

By Mr. JACOBS:

H.J. Res. 1376. Joint resolution authorizing the President to proclaim the period October 25 through 31, 1970, as Law Officers Appreciation Week; to the Committee on the Judiciary.

By Mr. LANGEN:

H.J. Res. 1377. Joint resolution proposing an amendment to the Constitution of the United States with respect to the flag of the United States; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.J. Res. 1378. Joint resolution providing for a formal declaration of war against the Government of the Democratic Peoples Republic of Vietnam (North Vietnam) unless certain conditions are met, and for other purposes; to the Committee on Foreign Affairs.

By Mr. COLMER:

H. Con. Res. 740 Concurrent resolution authorizing the printing of additional copies of the hearings accompanying the Legislative Reorganization Act of 1970; to the Committee on House Administration.

By Mr. FASCELL (for himself, Mrs. CHISHOLM, Mr. HORTON, Mr. PIKE and Mr. REES):

H. Con. Res. 741. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

By Mr. CRAMER (for himself and Mr. WILLIAMS):

H. Res. 1217. Resolution expressing the sense of the House with respect to an early resolution by the Supreme Court of the problems involved in desegregating the Nation's public schools; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLLIER:

H.R. 19374. A bill for the relief of Mrs. Rose Scanio; to the Committee on the Judiciary.

By Mr. WOLD:

H.R. 19375. A bill to provide for the conveyance of certain public lands in Wyoming to the occupants of the land; to the Commitee on Interior and Insular Affairs.

By Mr. WRIGHT:

H.R. 19376. A bill for the relief of Milivoy Jankovic; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

440. By the SPEAKER: A memorial of the Legislature of the State of California, relative to the disposal of environmentally harmful pesticides; to the Committee on Agriculture.

441. Also, a memorial of the Legislature of the State of California, relative to geothermal power source; to the Committee on Interior and Insular Affairs.

442. Also, a memorial of the Legislature of the State of California, relative to poison prevention; to the Committee on Interstate and Foreign Commerce.

PETITIONS, ETC.

Under clause 1 of rule XXII,

592. The SPEAKER presented a petition of Bernardas Brizgys, et al., Detroit, Mich., relative to the 50th anniversary of Lithuania's Constitutional Congress; to the Committee on Foreign Affairs.

SENATE—*Monday, September 21, 1970*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

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

Eternal and ever-gracious God, who has watched over us in the days of the past and brought us to this new week, make this a moment of vision when we hear Thy word above our words and see Thy light illuminating the path before us. Sensitize our minds and spirits with Thy mind and spirit. Instruct us by the wisdom of history. Keep us close to the youth of the land that we may have young hearts and understand their dreams. Inspire us to use every ability and resource with which Thou hast endowed us to create new patterns and new programs which advance the common welfare.

O Thou "who maketh wars to cease unto the ends of the earth," bring peace to our troubled world. Guide by Thy spirit all whose role is mediator and peacemaker until the peace of Thy righteous kingdom is established among all the nations.

In the name of the Prince of Peace. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting