the factors of production. The trouble is that we do not know enough about them. As we enter the '70s we have in field after field more questions than answers. But this only adds to the urgency and determination with which we must intensify our intellectual attack.

This urgency in turn is related to my third point. I need not belabor it. It is simply that we cannot allow the fundamental task of developing the undeveloped nations of this planet to fail for lack of resources—both the resources needed for research and experiment, and the much larger resources needed to back the policies which we already feel to be successful.

Let us look for a moment at this question of resources. For the so-called security of an ever spiraling arms race, the world is spending $180 billion annually and the figure steadily goes up.

Four years ago in a speech in Montreal, I tried to point out that more and more military hardware does not provide more and more security. There is a point of diminishing returns beyond which further financial expenditure on military power does not yield increased returns and does not provide greater strength. I believed then, and I believe today, that most of the nations of both the developed and the developing world are beyond that point of diminishing returns.

If that is true, it is tragic that for the fundamental security of societies progressive enough not to explode into lethal revolution, the developed nations hesitate to maintain even the present $7 billion of public aid expenditure. That twenty times more should be spent on military power than on constructive progress appears to me to be the mark of an ultimate, and I sometimes fear, incurable folly. If there were only a 5% shift from arms to development we would be within sight of the Pearson target for official development assistance. And who among us, familiar with the methods and audits of arms planning, would not admit that such a margin could be provided from convertible waste alone?

This brings me to my last point. There are really no material obstacles to a sane, manageable, and progressive response to the world's development needs. The obstacles lie in the minds of men. We have simply not thought long enough and hard enough about the fundamental problems of the planet. Too many millennia of tribal suspicion and hostility are still at work in our subconscious minds. But what human society can ultimately survive without a sense of community? Today we are in fact an inescapable community, united by the forces of communication and interdependence in our new technological order. The conclusion is inevitable: we must apply at the world level that same moral responsibility, that same sharing of wealth, that same standard of justice and compassion, without which our own national societies would surely fall apart.

Thus the challenge of the scientific revolution is not a tremendous technological conundrum like putting a man on the moon. It is much more a straightforward moral obligation, like getting him out of a ghetto, out of a favella, out of illiteracy and hunger and despair. We can meet this challenge if we have the wisdom and moral energy to do so. But if we lack these qualities, then I fear, we lack the means of survival on this planet.

CLASSIFICATION OF DEVELOPING COUNTRIES IN RELATION TO GOVERNMENTAL POPULATION PLANNING POLICIES [1]

Population size (millions)	Governments with official population policy	Governments providing assistance to family planning but without an official population policy	Governments with no population planning policy and no assistance to family planning
400 and more	India (27), Mainland China (35).		
100–400	Pakistan (21), Indonesia (24).		
50–100		Nigeria (27)	Brazil (25).
25–50	Philippines (21), Thailand (21), Iran (24), UAR (25), Turkey (26), South Korea (28).		Mexico (21), Burma (31).
15–25	Morocco (21)	Colombia (21)	Sudan (22), Afghanistan (28), Congo (DR) (32), Ethiopa (33), North Vietnam (33), South Vietnam (33).
10–15	Kenya (23), Malaysia (25), Ceylon (29), Republic of China (31), Nepal (32).	Venezuela (21)	Algeria (22), Peru (23), North Korea (25), Tanzania (27).
Less than 10	Dominican Republic (21), Ghana (24), Tunisia (24), Mauritius (28), Singapore (29), Jamaica (33).	Costa Rica (19), Ecuador (21), El Salvador (21), Hoduras (21), Panama (21), Nicaragua (24), Dahomey (27), Hong Kong (28), Chile (31), Botswana (32).	Kuwait (9), Iraq (21), Jordan (21), Paraguay (21), Syria (21), Libya (23), Cambodia (24), Guatemala (24), Guyana (24), Lebanon (24), Niger (24), Rwanda (24), Zambia (24), Saudi Arabia (25), Yemen (25), Madagascar (26), Togo (27), Uganda (27), Haiti (28), Laos (28), Malawi (28), Bolivia (29), Chad (29), Ivory Coast (29), Mali (29), Senegal (29), Somalia (29), Burundi (31), Guinea (31), Sierra Leone (31), Cameroon (32), CAR (32), Congo (B) (32), Mauritania (32), Upper Volta (33).

[1] Only developing countries with population growth rates in excess of 2.0 percent are listed on this table. The number of years in which their population will double, at current growth rates, is indicated in parentheses after each country. Since the growth rates for most of these countries are not known with great precision, the "doubling times" are necessarily approximations.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 2, 1970

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

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

How long?

HOUSE OF REPRESENTATIVES—*Monday, October 5, 1970*

The House met at 12 o'clock noon.

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

Where two or three are gathered together in My name, there am I in the midst of them.—Matthew 18: 20.

O merciful God, give to us quiet minds and loving hearts as we wait upon Thee in this our morning prayer. Grant us wisdom as we seek to solve the problems that confront us, courage to do what we believe to be right, and the faith to keep us faithful in the performance of our duties.

In these days when the souls of men are tried and tempted, when so much is demanded of those who would lead our Nation, grant us courage in serving this present age that we may prove worthy of the positions we hold and ready for the tasks committed to us.

Guide our Nation and all nations into the ways of justice and truth, and establish among us all that peace which is the fruit of righteousness: To the glory of Thy holy name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, October 1, 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 a bill of the House of the following title:

H.R. 18104. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1933) entitled "An act to provide for Federal railroad safety, hazardous materials control, and for other purposes."

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 House to the bill (S. 2264) entitled "An act to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance."

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. 17123) entitled "An act to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles,

naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes."

The message also announced that the Secretary of the Senate be directed to notify the House of Representatives that Senate Resolution 433, disapproving Reorganization Plan Numbered 4, transmitted to Congress by the President on July 9, 1970, failed in passage.

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

S. 2453. An act to further promote equal employment opportunities for American workers;

S. 2867. An act to amend section 202(a) of the Federal Property and Administrative Services Act of 1949 to remove a preference accorded to the District of Columbia over State governments in the disposition of excess real property;

S. 3070. An act to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest; and

S. 4418. An act 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 for other purposes.

RELATING TO THE JURISDICTION OF THE DISTRICT COURT OF PUERTO RICO

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4235) relating to the jurisdiction of the District of Puerto Rico and ask for its immediate consideration.

Mr. Speaker, I take this action after receiving the consent of the majority and minority leaders and that of Mr. McCULLOCH, who is the ranking Republican member of the Committee on the Judiciary. Of course, I approve, also.

Mr. Speaker, I ask unanimous consent that we may be permitted to take that bill from the Speaker's table for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, are copies of this bill and the accompanying report available to Members of the House? Does the gentleman intend to take a minute or two to explain the bill?

Mr. CELLER. I will be glad to explain it. I will do it now.

Mr. GROSS. I would appreciate it.

Mr. CELLER. Mr. Speaker, an identical measure (H.R. 18761) has been approved by the Committee on the Judiciary.

The purpose of this bill is to enact a savings clause for certain cases pending in the U.S. District Court for the District of Puerto Rico on June 2, 1970.

The omnibus judgeship bill—Public Law 91-272—which was approved June 2, 1970, repealed a special jurisdictional grant for the U.S. District Court of Puerto Rico at the recommendation of the Judicial Conference. The jurisdiction involved suits between aliens where no Federal question is involved and where the amount in controversy is less than $10,000, but more than $3,000. The repeal was designed to bring the jurisdiction of that court into line with that of all other U.S. district courts.

However, apparently approximately 400 lawsuits were pending in the District Court of Puerto Rico on June 2, 1970, the date of the jurisdictional repeal. The Senate bill would enact a savings clause to permit the district court to hear and dispose of those pending cases.

The Department of Justice has indicated no objection to the bill.

Mr. GROSS. Well, then, this legislation in the mind of the gentleman is made necessary by virtue of a defect in the legislation previously passed by the House, is that correct?

Mr. CELLER. That is correct.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 4235

An act to continue the jurisdiction of the United States District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Act entitled "An Act to provide for the appointment of additional district judges, and for other purposes," approved June 2, 1970 (Public Law 91-272; 84 Stat. 294), is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; however, nothing in this section shall impair the jurisdiction of the United States District Court for the District of Puerto Rico to hear and determine any action or matter begun in the court on or before June 2, 1970."

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.

NATIONAL FIRE PREVENTION WEEK

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

Mr. DORN. Mr. Speaker, it was my great honor and pleasure yesterday to attend the dedication ceremonies of the new headquarters building for the Easley, S.C., Fire Department, and by doing so to help commemorate the beginning of National Fire Prevention Week. Mr. Speaker, the firemen, law officers, veterans, and local political leaders who made this great occasion possible are typical of the dedicated and devoted Americans at the grassroots of our country who make this Nation the greatest on earth.

Mr. Speaker, our firefighters and law officers and, yes, our Armed Forces, need our support, backing, and encouragement today as never before. The firefighter plays a sometimes unnoticed role in our effort to protect the environment from waste and destruction; he, too, is on the firing line to preserve freedom. In addition to the usual hazards of fighting accidental fires, today's fireman must contend with the arsonist, with violence, and anarchy. It is fitting and proper that we honor this week and throughout the year our brave and courageous firemen, their volunteer workers, and the local government people who support them.

Mr. Speaker, this is the age of the arsonist. He is daily at his deadly work. On the campus he seeks to burn buildings and books and to destroy education. In the urban areas he sets fires and then attacks the firemen who do their duty. In rural areas he despoils the environment; he creates air pollution and destroys wildlife.

The arsonist is the ally of the subversive and the saboteur. The arsonist is a murderer and a criminal. Over 12,000 deaths were caused by fire last year. Many thousands more were injured. Fires caused $2½ billion in property damage. A large percentage of this increasing toll of damage is due to carelessness, but entirely too much is caused by the arsonist.

Mr. Speaker, property rights and human rights are inseparable. We cannot preserve our personal rights if our property rights can be made the easy prey of the arsonist. The Federal Government has a responsibility in this field. We should pass legislation to tighten and strengthen Federal laws to curb the arsonist operating across State lines. Tougher legislation is urgently needed to meet the trained arsonist, firebomber, and criminal who is seeking to create anarchy and thus destroy our democratic form of government.

THE ECONOMY OF SOUTH VIETNAM

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

Mr. MONTGOMERY. Mr. Speaker, the major emphasis of the report of the House Select Committee on U.S. Involvement in Southeast Asia was on the economy of South Vietnam. The committee noted that inflation must be slowed down in Vietnam if that country ever expected to survive. It was also noted that inflation hits military personnel and civil employees hardest of all segments of the population. Since we had made identical recommendations to President Thieu and to U.S. officials, it was with a great deal of encouragement for the committee to learn last week that Mr. Thieu and his administration had devalued the piaster to a more realistic level of 275 piasters for each U.S. dollar. Also the servicemen and civil servants of South Vietnam have been given a 20-percent pay increase. The devaluation of the piaster will not solve all South Vietnam's economic problems, but it is a step in the right direction.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO FILE A REPORT ON H.R. 19519

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight tonight to file a report on the bill H.R. 19519, the comprehensive manpower bill.

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

There was no objection.

DEMOCRATS SIT ON LEGISLATION AND CRY

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

Mr. DEVINE. Mr. Speaker, as expected, many of our colleagues from across the aisle are chortling gleefully over an increase in the unemployment figure of 0.4 percent in September. These same Democrats are sitting on a host of Nixon administration bills that would help put America back to full employment. It is interesting that many of these same Members who are demogoging about unemployment today were strangely silent about the same level during the J. F. K. and L. B. J. eras.

When are they going to pass the environmental bills that would launch a massive cleanup of air and water, and create thousands of jobs in Government and private industry?

When are they going to pass revenue sharing that would enable State and local governments to start hundreds of projects now on the drawing boards but stymied by lack of local financing?

When are they going to pass the maritime bills to build ships. When are they going to pass the mass transit program that would provide thousands of jobs rebuilding our urban transportation system? When are they going to pass the SBA extension which would help our small businesses that employ thousands of people? When are they going to pass manpower training which would upgrade skills and enable some of today's jobless to get those thousands of jobs in the classified pages now going begging because of a shortage of skilled workers?

We can perhaps excuse the political cleverness of Members who cry out for a slash in defense spending and then say "look what they've done to your defense jobs"—some dislocation is to be expected when you wind down a war. But, we cannot excuse bemoaning of the job situation by those whose main contribution to this Congress has been to build roadblocks for legislation that would help solve the unemployment problem.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill 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 this resolution be passed over without prejudice.

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

There was no objection.

RELEASING CONDITIONS IN DEED WITH RESPECT TO CERTAIN LAND HERETOFORE CONVEYED BY UNITED STATES TO 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. GROSS. 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 Iowa?

There was no objection.

ACCOUNTING PROCEDURE FOR THE DISTRICT OF COLUMBIA

The Clerk called the bill (H.R. 13769) to amend the act entitled "An act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof," approved June 29, 1966, so as to include within its coverage the municipal government of the District of Columbia."

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

H.R. 13769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof," approved June 29, 1966 (80 Stat. 221; 31 U.S.C. 628a), is amended by adding thereto a section 4 to read as follows:

"SEC. 4. The word 'Government,' as used in this Act, shall be construed to include the municipal government of the District of Columbia."

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.

FEDERAL SHARE INSURANCE FOR CREDIT UNIONS

The Clerk called the bill (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 present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, this seems to be a meritorious bill, but it occurs to me that it entails some loans of about $100 million and, therefore, does not meet the criteria which was set up by the Committee of Objectors. I ask unanimous consent that the bill be passed over without prejudice.

Mr. PATMAN. Mr. Speaker, will the gentleman yield for a brief statement on the bill?

Mr. PELLY. I certainly yield to the gentleman.

Mr. PATMAN. Mr. Speaker, this bill was passed by the Senate unanimously. It was initiated in the Senate by Senator BENNETT.

It passed the committee unanimously. It passed the Senate unanimously.

The Committee on Banking and Currency of the House passed it unanimously and it has been carefully gone over for a long period of time.

Mr. PELLY. The Committee of Objectors have set up rules under which bills can be considered on the Consent Calendar.

This bill is listed under the suspension of the rules and will come up later. Therefore, I renew my request that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington (Mr. PELLY)?

There was no objection.

RENDERING THE ASSERTION OF LAND CLAIMS BY THE UNITED STATES BASED UPON ACCRETION OR AVULSION SUBJECT TO LEGAL AND EQUITABLE DEFENSES TO WHICH PRIVATE PERSONS ASSERTING SUCH CLAIMS WOULD BE SUBJECT

The Clerk called the bill (H.R. 15405) to render the assertion of land claims by the United States based upon accretion or avulsion subject to legal and equitable defenses to which private persons asserting such claims would be subject.

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

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, may I interrogate one of the handlers of this bill? I see that the gentleman from Arizona (Mr. UDALL) is present. Mr. UDALL, I notice that the bill would toll the statute of limitations as far as the Government is concerned and would deny the defense of laches, and would permit the assertion of adverse possession by the property owners. Is that not correct? Is that not what the bill really provides?

Mr. UDALL. The gentleman is correct, but it is much more limited. There are six stiff requirements before these people can get into court and succeed. One of them is that the facts on which Government bases its defenses to which the gentleman refers must go back at least 40 years.

Mr. JOHNSON of Pennsylvania. Does the gentleman feel that this would be the first time, should the bill be passed, that we would deny to the Federal Government the right to assert the defenses of statutes of limitations and laches? Does the bill not take those defenses away from the Government?

Mr. UDALL. I have not made a study of the question the gentleman has asked. I suspect that over the years the Con-

gress has intervened in a number of cases in which there were strong equities. In our committee the bill had bipartisan sponsorship, and the committee unanimously felt that the equities involved were such that the Government should not be allowed to assert those defenses.

Mr. JOHNSON of Pennsylvania. You think the equities in favor of the property owners are so great that this is a situation in which we should by statute take away the defenses of the Federal Government in this instance?

Mr. UDALL. I very strongly do. We are simply saying, "Let these people go to court with the Government and settle it as they would between private property owners." The Government waited 40 years and made no claim. We should let these people who occupied the land and built homes have this opportunity without the Government asserting those rigid technical defenses that a private party could not assert. The committee felt it was unconscionable for the Government to be able to have such an absolute technical defense.

Mr. JOHNSON of Pennsylvania. 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:

H.R. 15405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States shall be subject to all legal and equitable defenses which are available against a private party litigant under the laws of the State in which the subject real property is located on the date of enactment of this Act in any case wherein the United States seeks to establish title to land or seeks to obtain relief dependent on ownership of such lands and (1) such title or ownership is claimed on the basis of accretion or avulsion, (2) the lands to which the United States seeks title or ownership are not necessary to provide riparian frontage to other contiguous lands owned by the United States, (3) the facts upon which the United States bases its claim of accretion or avulsion occurred more than forty years prior to the effective date of this Act, (4) the defendant has paid real property taxes on the disputed lands on the same basis as other owners of free lands within the same taxing jurisdiction, (5) defendants claim title to the disputed lands or lands to which the disputed lands are claimed to have accreted by chains of title deriving from a conveyance from the State or Federal Government or a political agency or subdivision thereof, and (6) a reasonably prudent man would have believed that, when he acquired title to the real property in question, he had obtained title free of the likelihood of any claim by the United States Government, any State, or any private person.

SEC. 2. For purposes of determining the date of aquisition of title to the real property in question by a private party litigant, his date of acquisition of title shall be deemed that of the earliest date when he first acquired title to the real property and for purposes of determining said acquisition and ownership of stock or real property under this Act—

(A) ownership by any person related by blood or marriage to another shall be deemed ownership by the other;

(B) ownership by an estate or trustee shall be deemed ownership by the decedent or grantor of the trust, respectively;

(C) ownership by a corporation shall be deemed ownership by its transferor or transferors: *Provided,* That (1) at least 50 per centum of the stock of the corporation was owned by all transferors immediately after the transfer or (2) the corporation acquired the real property in question pursuant to a transaction where said real property was transferred solely in exchange for stock in such corporation and immediately after the transfer all corporations and persons transferring any property to the transferee corporation owned at least 80 per centum of the shares of the transferee corporation;

(D) ownership by a corporation shall be deemed ownership as tenants in common by each of its shareholders who own at least 10 per centum of the outstanding stock of the corporation; and

(E) property or stock acquired or held by tenants in common, joint tenants or persons associated together in business shall be deemed to be and have been entirely owned by either party so long as owned by any or all of them.

SEC. 3. The application of the attribution rules once shall not preclude any number of subsequent applications of the attribution rules set forth in section 2 of this Act.

SEC. 4. The provisions of this Act shall apply in any case with respect to which an action has been brought by the United States before the date of the enactment of this Act, only if such action has not been concluded by a final determination by the trial court or by such appellate courts as may review the action of the trial court in those actions wherein review by such courts is or has been timely sought.

With the following committee amendments:

Page 2, line 9, strike out "free" and insert "fee".

Page 2, line 18, strike out "person." and insert "person, but no event shall the provisions of this Act apply to any land other than that land situated in Riverside County, California, within three miles of any portion of the Colorado River between river points 13.00 and 13.17, as defined in the Interstate compact defining the Boundary Between the States of Arizona and California (80 Stat. 340)."

The committee amendments were agreed to.

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.

PAN AMERICAN RAILWAYS CONGRESS ASSOCIATION

The Clerk called the joint resolution (H.J. Res. 1077) to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association.

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

Mr. MONAGAN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Florida (Mr. FASCELL) if he would give us a brief description of the resolution.

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

Mr. MONAGAN. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, House Joint Resolution 1077 is based upon an executive communication request, and would merely increase the statutory ceiling on the U.S. annual contribution to the Pan American Railways Congress Association from $5,000 to $15,000.

Mr. MONAGAN. Mr. Speaker, during the discussion of this resolution in the committee, some reservations were expressed about its advisability, particularly the aspect of the desirability of contributions by private commercial interests, for example. I do believe on the whole that because of diplomatic considerations the joint resolution should be passed, but I would like to ask the gentleman one additional question.

As the gentleman from Florida will recall, there was some discussion about the representative character of the U.S. delegation to the commission as to whether it was broad enough and general enough in including people outside the industry. Would the gentleman feel that in the future, if the joint resolution is passed, there would be a probability that there would be a broadening of the people in our delegation to this commission?

Mr. FASCELL. If the gentleman will yield further, the gentleman is correct that the question was raised in the discussion of this matter. I doubt whether there is any possibility for this association to be broadened. The reason I have a reservation is that the Pan American Railways Congress—and, by the way, we have been in it since 1948—includes railroads which are government owned in Latin America and private railroads in the United States and the U.S. Government.

I do not think the organization lends itself to expansion for nonrailroad groups or interests.

Mr. MONAGAN. I was thinking of the U.S. delegation rather than those of other countries.

Mr. FASCELL. The gentleman means expansion on the make up of the U.S. delegation?

Mr. MONAGAN. Yes.

Mr. FASCELL. I suppose that is possible. A principal function is to be able to talk government to government. But private U.S. railroads are members and United States business sells a tremendous amount of equipment to Latin America. So I guess a reasonable case could be made for additional representation.

Mr. MONAGAN. I think if it were broadened so that it is more representative, there would be more justification on the part of our own Government for supporting it, rather than confining it to the representatives of the industries involved.

Mr. FASCELL. I am sure American industry will take due note of the gentleman's colloquy.

Mr. MONAGAN. Mr. Speaker, I withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, further reserving the right to object, even though this is not a substantial amount of money, it is pretty hard to tolerate the tripling of our contribution to another international organization on the grounds on which it is requested.

As far as making this contribution for diplomatic reasons, Mr. Speaker, I would

say we have made altogether too many contributions to international organizations in the past 25 years for purposes of buying our way diplomatically. That argument does not impress me at all; that we triple this contribution, this junket on the part of a few to Latin America.

Therefore, 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 Iowa?

There was no objection.

RAINY RIVER BRIDGE, BAUDETTE, MINN.

The Clerk called the bill (H.R. 6240) to amend the act entitled "An act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minn.", approved December 21, 1950.

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

H.R. 6240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act entitled "An Act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River, at or near Baudette, Minnesota", approved December 21, 1950 (64 Stat. 1115), as revised and re-enacted by the Act approved June 16, 1955 (69 Stat. 159), is hereby amended by deleting that portion of the first sentence which reads, "but within a period of not to exceed thirty years from the completion thereof" and by deleting the entire second sentence.

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.

ST. LAWRENCE RIVER BRIDGE, CAPE VINCENT, N.Y.

The Clerk called the bill (H.R. 15069) to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River at or near Cape Vincent, N.Y.

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

H.R. 15069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to facilitate the increased volume of international commerce, improve postal service, and strengthen the friendly relations between the United States of America and the Government of Canada and other purposes, the Thousand Islands Bridge Authority, its successors and assigns, the successor to the New York Development Association, Incorporated, which was authorized to construct, maintain, and operate toll bridges between the mainland of United States across the Saint Lawrence River to the mainland of Canada, pursuant to an Act entitled "An Act authorizing the New York Development Association, Incorporated, its successors and assigns, to construct, maintain, and operate a bridge across the Saint Lawrence River near Alexandria Bay, New York" approved March 4, 1929, be and is hereby authorized to construct, maintain, and operate an additional toll bridge and approaches thereto, across the easterly channel of the Saint Lawrence River, at or near Cape Vincent in the county of Jefferson, New York to some convenient point on Wolfe Island and also a bridge and approaches thereto, from the westerly side of Wolfe Island across the westerly or Canadian channel of the Saint Lawrence River to a point at or near Kingston, in the Province of Ontario, Canada, and to collect tolls for the use thereof, so far as the United States has jurisdiction over the waters of the Saint Lawrence River, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges across navigable waters," approved March 23, 1906, and subject to the approval of the proper authorities in Canada.

SEC. 2. The Thousand Islands Bridge Authority, its successor and assigns, is hereby authorized to enter into contracts and other agreements, with the appropriate governmental authorities in Canada, necessary or incidental to the construction, maintenance, and operation of its facilities.

SEC. 3. Notwithstanding the provisions of section 6 of the Act of March 23, 1906 (33 U.S.C. 496), this Act shall be null and void unless the Thousand Islands Bridge Authority, its successors, or assigns, shall commence construction of the bridge referred to in the first section of this Act within three years and shall complete the construction of said additional bridge within eight years from the date of enactment of this Act.

SEC. 4. The Thousand Islands Bridge Authority, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge and in accordance with any laws of the State of New York or the United States applicable thereto, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of Transportation under the authority contained in the Act of March 23, 1906.

SEC. 5. The enactment of this Act shall not be construed as repealing or amending the provisions of an Act entitled "An Act authorizing the New York Development Association, Incorporated, its successors and assigns, to construct, maintain, and operate a bridge across the Saint Lawrence River near Alexandria Bay, New York" approved March 4, 1929.

SEC. 6. The bonds or notes issued by the Thousand Islands Bridge Authority to finance the facilities authorized pursuant to this Act shall be deemed to be obligations issued by a political subdivision of the State of New York.

SEC. 7. The right to alter, amend, or repeal this Act is hereby expressly reserved.

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.

LEAD-BASED PAINT ELIMINATION ACT OF 1970

The Clerk called the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

AMENDING THE ACT AUTHORIZING THE USE OF JUDGMENT FUNDS OF THE NEZ PERCE TRIBE

The Clerk called the bill (H.R. 19000) to amend the act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe.

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

H.R. 19000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 1 of the Act entitled "An Act to authorize the use of funds arising from a judgment in favor of the Nez Perce Tribe of Indians, and for other purposes," approved April 24, 1961 (75 Stat. 45), is amended by inserting after "180–A," the following: "and the funds deposited in the Treasury of the United States to pay the final judgment entered by the Indian Claims Commission on April 29, 1970 in docket 179,".

SEC. 2. The last sentence of section 2 of the aforesaid Act is amended by inserting after "175" a comma and "179".

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

Mr. EDMONDSON. Mr. Speaker, the purpose of H.R. 19000 is to authorize a judgment of the Indian Claims Commission in Docket No. 179 to be divided between the Nez Perce Tribe of Idaho and the Confederated Tribes of the Colville Reservation, Wash., and to authorize the use of the money after it is divided.

The net amount of the judgment is $1,119,071, which has been appropriated and is invested in interest bearing securities.

The money may not be divided between the two groups of Indians and used by them until Congress has authorized the action.

The bill provides for a division of the money in the manner that was used in 1961 to divide an earlier judgment recovered by the same Indians. Under this formula 86.5854 percent will go to the Nez Perce Tribe of Idaho, and 13.4146 percent will go to the Colville Indians. Both groups have approved this division by the adoption of formal resolutions.

The Nez Perce Tribe plans to use its share of the judgment as follows: 17 percent for land acquisition, 8 percent for the revolving credit fund, 15 percent for scholarships, and 60 percent for per capitas. The bill permits the money to be used in this manner if approved by the Secretary of the Interior. The Department has not informed the committee whether it intends to approve.

The Colville Tribes plan to use their share of this judgment, together with other judgment funds when they become available, for per capita payments. The

Department has not informed the committee whether it intends to approve.

Normally, the committee would not recommend the enactment of legislation until plans for use of the money are a little more firm. Also, the committee places great emphasis on programing adequate funds for education if at all available. The committee, therefore, directed the Secretary of the Interior not to approve any plan for the use of the judgment in Docket No. 179 until the plan has been submitted to and approved by the committee. A similar procedure was recently followed in connection with a Ute judgment—see H.R. 16833, 91st Congress.

In my personal view, this action should not result in any serious delay in tribal access to the funds, and both the Department and committee should move speedily with consideration and approval of tribal plans once submitted.

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.

AUTHORIZING EACH OF THE FIVE CIVILIZED TRIBES OF OKLAHOMA TO POPULARLY ELECT THEIR PRINCIPAL OFFICER

The Clerk called the bill (S. 3116) to authorize each of the Five Civilized Tribes of Oklahoma to popularly elect their principal officer, and for other purposes.

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

S. 3116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the principal chiefs of the Cherokee, Choctaw, Creek, and Seminole Tribes of Oklahoma and the governor of the Chickasaw Tribe of Oklahoma shall be popularly elected by the respective tribes in accordance with procedures established by the officially recognized tribal spokesman and/or governing entity. Such established procedures shall be subject to approval by the Secretary of the Interior.

SEC. 2. The Secretary of the Interior or his representative is hereby authorized to assist, upon request, any of such officially recognized tribal spokesman and/or governing entity in the development and implementation of such procedures.

SEC. 3. A principal officer elected pursuant to section 1 of this Act shall be duly recognized as the principal chief, or in the case of the Chickasaw Tribe, the governor, of that tribe.

SEC. 4. Any principal officer currently holding office at the date of enactment of this Act shall continue to serve for a period not to exceed twelve months or until expiration of his most recent appointment, whichever is shorter, unless an earlier vacancy arises from resignation, disability, or death of the incumbent, in which case the office of principal chief or governor may be filled at the earliest possible date in accordance with section 1 of this Act.

SEC. 5. Nothing in this Act shall prevent any such incumbent referred to in section 4 of this Act from being elected as a principal chief or governor.

With the following committee amendments:

Page 1, line 6, strike out "elected" and insert "selected".

Page 2, line 5, strike out "elected" and insert "selected".

The committee amendments were agreed to.

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

Mr. EDMONDSON. Mr. Speaker, the purpose of S. 3116 is to permit the members of the Five Civilized Tribes of Oklahoma to select their own principal chiefs and governor. They are now appointed by the Secretary of the Interior.

The act of April 26, 1906 (34 Stat. 137), was intended to provide for a final disposition of the affairs of the Five Civilized Tribes. While the act severely limited the authorities of the principal officers, it recognized their continuing authority to dispose of tribal property. Section 6 of the act authorizes the President of the United States to remove these officers should they refuse to perform their duties under the act. The President is also authorized to fill any vacancy arising from removal, disability, or death by the appointment of a citizen by blood of the tribe. The President delegated his authority to the Secretary of the Interior in Executive Order 10250, dated June 5, 1951.

Changes in the circumstances surrounding the Five Civilized Tribes are not consistent with the continuation of the appointive process. The members of the Five Tribes are taking greater interest in the affairs of these tribes. Popular participation in the choice of the principal officers will encourage even greater involvement in tribal activities. The incumbent officers have announced their support of the bill.

The bill as introduced provided that the principal chiefs and governor must be popularly elected. The committee amended the bill to provide that they shall be selected by the tribes in accordance with procedures approved by the Secretary of the Interior. The committee felt that it would be unwise to impose on the tribes by statute a mandatory requirement that the principal officers must be popularly elected. The choice of the method of selecting the principal officers should be left to the tribes themselves. The fact that the Secretary of the Interior must approve the selection procedures should provide a safeguard against the adoption of undemocratic or inequitable regulations.

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

The title was amended so as to read: "To authorize each of the Five Civilized Tribes of Oklahoma to popularly select their principal officers, and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZING WOUNDED MEMBERS OF ARMED FORCES TO INFORM FAMILIES BY TELEPHONE AT GOVERNMENT EXPENSE OF INJURIES RECEIVED

The Clerk called the bill (H.R. 12650) to amend title 10 of the United States Code to allow wounded members of the Armed Forces to inform their families of such injuries by telephone at Government expense.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1041. Telephone calls to families by wounded members

"Under uniform regulations prescribed by the Secretaries concerned, any member of the armed forces who, while eligible for hostile fire pay under section 310 of title 37, is wounded in line of duty shall be permitted to make, at Government expense and as soon as practicable after the wound is incurred, a telephone call for the purpose of informing his family of his injury."

SEC. 2. The analysis of chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following:

"1041. Telephone calls to families by wounded members."

With the following committee amendment:

Delete lines 6 through 10, page 1 and lines 1 through 2, page 2 and insert in lieu thereof the following:

"Under uniform regulations prescribed by the Secretaries concerned, a member of an armed force, who is wounded in line of duty while eligible for hostile fire pay under section 310 of title 37, may make a telephone call at the expense of the United States to inform his family of the injury."

The committee amendment was agreed to.

(Mr. O'NEILL of Massachusetts asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. O'NEILL of Massachusetts. Mr. Speaker, I appreciate the consideration being given to my bill, H.R. 12650. This measure is a small one: It makes no major changes in law. But, if enacted, this bill would mean a great deal to families all over our Nation.

Millions of Americans have been tragically affected by the war in Vietnam. We have lost 50,000 of the cream of American youth, and for each of those many more have been wounded.

The shock, the fear and the tremendous anxiety of the families of these servicemen is known to all of us. Each one of us has seen this firsthand: Each one of us has tried to comfort and reassure these families, while trying to get information on the condition of the serviceman.

This process takes days, sometimes weeks, before the family has any word of reassurance. The soldier is often too hurt to write home, and we all know that the wheels of bureaucracy turn slowly. When someone's son or brother or husband is seriously wounded, days without word seem like years. We all understand that at times, not knowing is a million times worse than knowing, even when it is bad news.

My bill is simple. It would permit wounded members of the Armed Forces, eligible for hostile fire pay, to make at Government expense as soon as practicable after the wound is incurred, a telephone call for the purpose of informing their families of their injuries. As I said, the bill is simple, it is clear and it is undramatic. But it would bring im-

measurable relief to thousands of American families.

The people of America have given up much to pursue the war in Vietnam and our most precious resource is our children. The families of America have suffered much and they have anxiously awaited the safe return of their young men. All this bill asks is that they not be forced to suffer unduly. This measure calls for a simple method to prevent undue pain—a telephone call.

As I have said, it is not complex, but I believe it is fair, it is reasonable, and it would provide a good far beyond its cost and the effort required to administer it. I urge your favorable consideration.

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.

AUTHORIZING SHOWING OF DOCUMENTARY FILMS IN UNITED STATES DEPICTING CAREERS OF GENERALS OF U.S. ARMY

The Clerk called the bill (H.R. 18359) to authorize the showing in the United States of documentary films depicting the careers of General of the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, Gen. Lyman L. Lemnitzer, Gen. George S. Patton, Jr., Gen. Joseph Stilwell, Gen, Mark W. Clark, and Gen. James A. Van Fleet.

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

H.R. 18359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Defense may distribute and show to the public documentary motion picture films depicting the careers of General of the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, General Lyman L. Lemnitzer, General George S. Patton, Jr., General Joseph Stilwell, General Mark W. Clark, and General James A. Van Fleet.

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.

WESTERN INTERSTATE NUCLEAR COMPACT

The Clerk called the bill (S. 1628) granting the consent of Congress to the western interstate nuclear compact, and related 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 some Member who is knowledgeable concerning this legislation why it is called the western interstate nuclear compact, and whether there are other nuclear compacts representing other regional areas of the country?

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

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

Mr. KASTENMEIER. I am happy to answer the gentleman.

This compact involves the 13 member States of the Western Governors Conference. This legislation follows very closely a similar piece of legislation enacted into law in 1962 for the southern interstate nuclear compact. This is done regionally to permit the States to cooperatively involve themselves in the development of the peaceful use of nuclear energy in their respective areas.

Mr. GROSS. This is not designed to be the only interstate nuclear compact to be entered into, nor is it the only one?

Mr. KASTENMEIER. No; it is not. Indeed, there could be and possibly will be others.

Mr. GROSS. The gentleman has answered my question. I thank him.

Mr. Speaker, I withdraw my reservation.

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

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

S. 1628

An act granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the national policy to encourage and recognize the performance of functions by the States with respect to the peaceful use of nuclear energy in its several forms. The Federal Government recognizes that many programs in nuclear fields can benefit from cooperation among the States, as well as between the Federal Government and the States. The importance of the interstate compact as one means for promoting such cooperation is hereby declared as part of the intention of Congress, already expressed in part in Public Law 86-373 and 87-563, to facilitate the use of State jurisdiction in and over portions of the development and regulatory nuclear field.

SEC. 2. The Congress hereby consents to the Western Interstate Nuclear Compact, which compact is as follows:

"ARTICLE I. POLICY AND PURPOSE

"The party States recognize that the proper employment of scientific and technological discoveries and advances in nuclear and related fields and direct and collateral application and adaptation of processes and techniques developed in connection therewith, properly correlated with the other resources of the region, can assist substantially in the industrial progress of the West and the further development of the economy of the region. They also recognize that optimum benefit from nuclear and related scientific or technological resources, facilities, and skills requires systematic encouragement, guidance, assistance, and promotion from the party States on a cooperative basis. It is the policy of the party States to undertake such cooperation on a continuing basis. It is the purpose of this compact to provide the instruments and framework for such a cooperative effort in nuclear and related fields, to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

"ARTICLE II. THE BOARD

"(a) There is hereby created an agency of the party states to be known as the 'Western Interstate Nuclear Board' (hereinafter called the Board). The Board shall be composed of one member from each party state designated or appointed in accordance with the law of the state which he represents and serving and subject to removal in accordance with such law. Any member of the Board may provide for the discharge of his duties and the performance of his functions thereon (either for the duration of his membership or for any lesser period of time) by a deputy or assistant, if the laws of his state make specific provisions therefor. The federal government may be represented without vote if provision is made by federal law for such representation.

"(b) The Board members of the party states shall each be entitled to one vote on the Board. No action of the Board shall be binding unless taken at a meeting at which a majority of all members representing the party states are present and unless a majority of the total number of votes on the Board are cast in favor thereof.

"(c) The Board shall have a seal.

"(d) The Board shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The Board shall appoint and fix the compensation of an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the Treasurer, and such other personnel as the Board may direct, shall be bonded in such amounts as the Board may require.

"(e) The Executive Director, with the approval of the Board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Board's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

"(f) The Board may establish and maintain, independently or in conjunction with any one or more of the party states, or its institutions or subdivisions, a suitable retirement system for its full-time employees. Employees of the Board shall be eligible for social security coverage in respect of old age and survivors insurance provided that the Board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The Board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

"(g) The Board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

"(h) The Board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same. The nature, amount and conditions, if any, attendant upon any donation or grant accepted pursuant to this paragraph or upon any borrowing pursuant to paragraph (g) of this Article, together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the Board.

"(i) The Board may establish and maintain such facilities as may be necessary for the transacting of its business. The Board may acquire, hold, and convey real and personal property and any interest therein.

"(j) The Board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The Board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appro-

priate agency or officer in each of the party states.

"(k) The Board annually shall make to the governor of each party state, a report covering the activities of the Board for the preceding year, and embodying such recommendations as may have been adopted by the Board, which report shall be transmitted to the legislature of said state. The Board may issue such additional reports as it may deem desirable.

"ARTICLE III. FINANCES

"(a) The Board shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

"(b) Each of the Board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Each of the Board's requests for appropriations pursuant to a budget of estimated expenditures shall be apportioned equally among the party states. Subject to appropriation by their respective legislatures, the Board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Board.

"(c) The Board may meet any of its obligations in whole or in part with funds available to it under Article II(h) of this compact, provided that the Board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Board makes use of funds available to it under Article II(h) hereof, the Board shall not incur any obligation prior to the allotment of funds by the party jurisdictions adequate to the meet the same.

"(d) Any expenses and any other costs for each member of the Board in attending Board meetings shall be met by the Board.

"(e) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the Board.

"(f) The Accounts of the Board shall be open at any reasonable time for inspection to persons authorized by the Board, and duly designated representatives of governments contributing to the Board's support.

"ARTICLE IV. ADVISORY COMMITTEES

"The Board may establish such advisory and technical committees as it may deem necessary, membership on which may include but not be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, State and Federal Government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

"ARTICLE V. POWERS

"The Board shall have power to—

"(a) Encourage and promote cooperation among the party states in the development and utilization of nuclear and related technologies and their application to industry and other fields.

"(b) Ascertain and analyze on a continuing basis the position of the West with respect to the employment in industry of nuclear and related scientific findings and technologies.

"(c) Encourage the development and use of scientific advances and discoveries in nuclear facilities, energy, materials, products, by-products, and all other appropriate adaptations of scientific and technological advances and discoveries.

"(d) Collect, correlate, and disseminate information relating to the peaceful uses of nuclear energy, materials, and products, and other products and processes resulting from the application of related science and technology.

"(e) Encourage the development and use of nuclear energy, facilities, installations, and products as part of a balanced economy.

"(f) Conduct, or cooperate in conducting, programs of training for state and local personnel engaged in any aspects of:

"1. Nuclear industry, medicine, or education, or the promotion or regulation thereof.

"2. Applying nuclear scientific advances or discoveries, and any industrial commercial or other processes resulting therefrom.

"(3) The formulation or administration of measures designed to promote safety in any matter related to the development, use or disposal of nuclear energy, materials, products, by-products, installations, or wastes, or to safety in the production, use and disposal of any other substances peculiarly related thereto.

"(g) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations or research in any of the scientific technological or industrial fields to which this compact relates.

"(h) Undertake such nonregulatory functions with respect to non-nuclear sources of radiation as may promote the economic development and general welfare of the West.

"(i) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to nuclear fields.

"(j) Recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures and practices or local laws or ordinances of the party states of their subdivisions in nuclear and related fields, as in its judgment may be appropriate. Any such recommendations shall be made through the appropriate state agency, with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstances which may justify variations to mete local conditions.

"(k) Consider and make recommendations designed to facilitate the transportation of nuclear equipment, materials, products, by-products, wastes, and any other nuclear or related substances, in such manner and under such conditions as will make their availability or disposal practicable on an economic and efficient basis.

"(l) Consider and make recommendations with respect to the assumption of and protection against liability actually or potentially incurred in any phase of operations in nuclear and related fields.

"(m) Advise and consult with the federal government concerning the common position of the party states or assist party states with regard to individual problems where appropriate in respect to nuclear and related fields.

"(n) Cooperate with the Atomic Energy Commission, the National Aeronautics and Space Administration, the Office of Science and Technology, or any agencies successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interest.

"(o) Act as licensee, contractor or subcontractor of the United States Government or any party state with respect to the conduct of any research activity requiring such license or contract and operate such research facility or undertake any program pursuant thereto, provided that this power shall be exercised only in connection with the implementation of one or more other powers conferred upon the Board by this compact.

"(p) Prepare, publish and distribute (with or without charge) such reports, bulletins, newsletters or other materials as it deems appropriate.

"(q) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control of nuclear incidents in the area comprising the party states, to coordinate the nuclear incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with nuclear incidents.

"The Board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with nuclear incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

"Any nuclear incident plan in force pursuant to this paragraph shall designate the official or agency in each party state covered by the plan who shall coordinate requests for aid pursuant to Article VI of this compact and the furnishing of aid in response thereto.

"Unless the party states concerned expressly otherwise agree, the Board shall not administer the summoning and dispatching of aid, but this function shall be undertaken directly by the designated agencies and officers of the party states.

"However, the plan or plans of the Board in force pursuant to this paragraph shall provide for reports to the Board concerning the occurrence of nuclear incidents and the requests for aid on account thereof, together with summaries of the actual working and effectiveness of mutual aid in particular instances.

"From time to time, the Board shall analyze the information gathered from reports of aid pursuant to Article VI and such other instances of mutual aid as may have come to its attention, so that experience in the rendering of such aid may be available.

"(r) Prepare, maintain, and implement a regional plan or regional plans for carrying out the duties, powers, or functions conferred upon the Board by this compact.

"(s) Undertake responsibilities imposed or necessarily involved with regional participation pursuant to such cooperative programs of the federal government as are useful in connection with the fields covered by this compact.

"ARTICLE VI. MUTUAL AID

"(a) Whenever a party state, or any state or local governmental authorities therein, request aid from any other party state pursuant to this compact in coping with a nuclear incident, it shall be the duty of the requested state to render all possible aid to the requesting state which is consonant with the maintenance of protection of its own people.

"(b) Whenever the officers or employees of any party state are rendering outside aid pursuant to the request of another party state under this compact, the officers or employees of such state shall, under the direction of the authorities of the state to which they are rendering aid, have the same powers, duties, rights, privileges and immunities as comparable officers and employees of the state to which they are rendering aid.

"(c) No party state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on their part while so engaged, or on account of the maintenance or

use of any equipment or supplies in connection therewith.

"(d) All liability that may arise either under the laws of the requesting state or under the laws of the aiding states or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

"(e) Any party state rendering outside aid pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of officers, employees and equipment incurred in connection with such requests: provided that nothing herein contained shall prevent any assisting party state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving party state without charge or cost.

"(f) Each party state shall provide for the payment of compensation and death benefits to injured officers and employees and the representatives of deceased officers and employees in case officers or employees sustain injuries or death while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within the state by or in which the officer or employee was regularly employed.

"ARTICLE VII. SUPPLEMENTAL AGREEMENTS

"(a) To the extent that the Board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify the purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate.

"No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the Board. The Board shall give such approval unless it finds that the supplementary agreement or activity or project contemplated thereby is inconsistent with the provisions of this compact or a program or activity conducted by or participated in by the Board.

"(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the Board may administer or otherwise assist in the operation of any supplementary agreement.

"(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

"(d) The provisions to this Article shall apply to supplementary agreements and activities thereunder, but shall not be construed to repeal or impair any authority which officers or agencies of party states may have pursuant to other laws to undertake cooperative arrangements or projects.

"ARTICLE VIII. OTHER LAWS AND RELATIONS

"Nothing in this compact shall be construed to—

"(a) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

"(b) Limit, diminish, or otherwise impair jurisdiction exercised by the Atomic Energy Commission, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress; nor limit, diminish, affect, or otherwise impair jurisdiction exercised by any officer or agency of a party state, except to the extent that the provisions of this compact may provide therefor.

"(c) Alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

"(d) Permit or authorize the Board to own or operate any facility, reactor, or installation for industrial or commercial purposes.

"ARTICLE IX. ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL

"(a) Any or all of the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming shall be eligible to become party to this compact.

"(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law: *Provided*, That it shall not become initially effective until enacted into law by five states.

"(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until two years after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

"(d) Guam and American Samoa, or either of them may participate in the compact to such extent as may be mutually agreed by or chargeable to a party state prior to the time of such withdrawal.

"(d) Guam and American Samoa, or either of them may participate in the compact to such extent as may be mutually agreed by the Board and the duly constituted authorities of Guam or American Samoa, as the case may be. However, such participation shall not include the furnishing or receipt of mutual aid pursuant to Article VI, unless that Article has been enacted or otherwise adopted so as to have the full force and effect of law in the jurisdiction affected. Neither Guam nor American Samoa shall be entitled to voting participation on the Board, unless it has become a full party to the compact.

"ARTICLE X. SEVERABILITY AND CONSTRUCTION

"The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant thereto shall be liberally construed to effectuate the purposes thereof."

SEC. 3. Pursuant to Article II(a) of the Western Interstate Nuclear Compact, there shall be one representative of the Federal Government on the Western Interstate Nuclear Board. The representative shall be appointed by the President and he shall report to the President either directly or through such agency or official as the President may specify. His compensation shall be in such amount as the President shall specify: *Provided*, That if the representative be an employee of the United States, he shall serve without additional compensation. The compensation, travel expenses, office space, stenographic, and administrative services of the representatives shall be paid from any available appropriations selected by the head of such agency or agencies as may be designated by the President to provide such expenses.

SEC. 4. The Atomic Energy Commission; the National Aeronautics and Space Administration; the Secretary of Health, Education, and Welfare; the Secretary of Commerce; the Secretary of Labor; the Secretary of Agriculture; and the heads of other departments and agencies of the Federal Government are authorized, within available appropriations and pursuant to law, to cooperate with the Western Interstate Nuclear Board.

SEC. 5. Copies of the annual reports made by the Western Interstate Nuclear Board pursuant to article II(k) of the Western Interstate Nuclear Compact shall be transmitted to the President and to the Joint Committee on Atomic Energy of the Congress.

SEC. 6. The consent to the Western Nuclear Compact given by this Act shall extend to any and all supplementary agreements entered into pursuant to article VII of such Compact: *Provided*, That any such supplementary agreement is only for the exercise of one or more of the powers conferred upon the Western Interstate Nuclear Board by article V of such compact.

SEC. 7. The right to alter, amend, or repeal this Act is expressly reserved.

SEC. 8. The right is hereby reserved to the Congress or any of its standing committees to require the disclosure and furnishing of such information or data by the Western Interstate Nuclear Board as is deemed appropriate by the Congress or any such Committee.

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.

RESIDENTIAL COMMUNITY TREATMENT CENTERS

The Clerk called the bill (H.R. 2175) to amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, why are there no departmental reports? Do I have an incorrect copy of the report accompanying the bill?

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

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

Mr. KASTENMEIER. The Department of Justice testified, and the gentleman should have a copy of the hearings, at which time the Department testified at some length in support of this legislation, along with others, including the Judicial Conference. There was no testimony, incidentally, in opposition.

Mr. GROSS. I have a supplemental report in hand. Is there another report accompanying this bill?

Mr. KASTENMEIER. The gentleman should have in his hand the report No. 91–1520, and he might also have in his

hand the hearings on the residential community treatment centers, in which there was additional testimony.

Mr. GROSS. I do not have a copy of the hearings. Does the gentleman say that the departments directly affected by this bill are in favor of it? Is the gentleman saying this, as presented by the testimony in the hearings?

Mr. KASTENMEIER. Yes. The Department of Justice is in strong support of this bill. In fact, it originally came to the Congress at the request of the Justice Department.

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

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

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

H.R. 2175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3651 of title 18 of the United States Code is amended by inserting the following paragraphs before the last one:

"The court may require a person as conditions of probation to reside in or participate in the program of a residential community treatment center, or both, for all or part of the period of probation, provided the Attorney General certifies adequate facilities are available. The Attorney General may make application to the court for an order terminating the residence of a person who he considers has received the maximum benefits of residence and program or whose presence at the center he considers adversely affects the rehabilitation of other residents, and the court shall thereupon make such other provisions with respect to the person on probation as it deems appropriate.

"A person residing in a residential community treatment center may be required to pay such costs incident to residence as the Attorney General deems appropriate."

SEC. 2. Section (a) of section 4203 of such title is amended by inserting the following paragraphs between the second and third:

"The Board may require a parolee or a prisoner released pursuant to section 4164 of this title as conditions of parole or release to reside in or participate in the program of a residential community treatment center, or both, for all or part of the period of parole, provided the Attorney General certifies adequate facilities are available. The Attorney General may request that the Board of Parole terminate the residence of a person who he considers has received the maximum benefits of the program or whose presence at the center he considers adversely affects the rehabilitation of other residents, and the Board of Parole shall thereupon make such other provision with respect to the person as it deems appropriate.

"A person residing in a residential community treatment center may be required to pay such costs incident to residence as the Attorney General deems appropriate."

SEC. 3. Funds collected pursuant to section 3651 and section 4203 of title 18, as amended, shall be deposited in the Treasury of the United States as miscellaneous receipts.

With the following committee amendments:

Strike out the paragraph beginning on page 1, line 6 and ending on page 2, line 8 and insert in lieu thereof the following:

"The court may require a person as conditions of probation to reside in or participate in the program of a residential community treatment center, or both, for all or part of the period of probation, provided that the Attorney General certifies that adequate treatment facilities, personnel and programs are available. If the Attorney General determines that the person's residence in the center or participation in its program, or both, should be terminated, because the person can derive no further significant benefits from such residence or participation, or both, or because his such residence or participation adversely affects the rehabilitation of other residents or participants, he shall so notify the court, which shall thereupon, by order, make such other provision with respect to the person on probation as it deems appropriate."

Strike out the paragraph beginning on page 2, line 15 and ending on page 3, line 2 and insert in lieu thereof the following:

"The Board may require a parolee or a prisoner released pursuant to Section 4164 of this title as conditions of parole or release to reside in or participate in the program of a residential community treatment center, or both, for all or part of the period of parole, provided that the Attorney General certifies that adequate treatment facilities, personnel and programs are available. If the Attorney General determines that the person's residence in the center or participation in its program, or both, should be terminated, because the person can derive no further significant benefits from such residence or participation, or both, or because his such residence or participation adversely affects the rehabilitation of other residents or participants, he shall so notify the Board of Parole, which shall thereupon make such other provision with respect to the person as it deems appropriate."

The committee amendments were agreed to.

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.

AMENDING ORGANIC ACT OF VIRGIN ISLANDS RELATING TO VOTING AGE

The Clerk called the bill (S. 2314) to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age.

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

S. 2314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Revised Organic Act of the Virgin Islands (68 Stat. 497) is amended (1) by inserting "(a)" immediately after "SEC. 4."; and (2) by adding at the end thereof the following new subsection:

"(b) The legislature shall have authority to enact legislation establishing the voting age for residents of the Virgin Islands at an age not lower than eighteen years of age, if a majority of the qualified voters in the Virgin Islands approve in a referendum election held for that purpose."

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.

AUTHORIZING MILITARY SUPPORT TO BOY SCOUTS OF AMERICA FOR WORLD JAMBOREE OF BOY SCOUTS, JAPAN, 1971

The Clerk called the bill (H.R. 15216) to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes.

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

H.R. 15216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Defense is hereby authorized, under such regulations as he may prescribe, to lend to the Boy Scouts of America, for the use and accommodation of the approximately four thousand Scouts, Scouters, and officials who are to attend the World Jamboree, Boy Scouts, to be held in Japan in July and August 1971, such tents, cots, blankets, commissary equipment, flags, refrigerators, and other equipment and services as may be necessary or useful to the extent that items are in stock and available and their issue will not jeopardize the national defense program.

(b) Such equipment is authorized to be delivered at such time prior to the holding of such jamboree, and to be returned at such time after the close of such jamboree, as may be agreed upon by the Secretary of Defense and the Boy Scouts of America. No expense shall be incurred by the United States Government for the delivery, return, rehabilitation, or replacement of such equipment.

(c) The Secretary of Defense, before delivering such property, shall take from the Boy Scouts of America, good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

SEC. 2. (a) The Secretary of Defense is hereby authorized under such regulations as he may prescribe, to provide, without expense to the United States Government, transportation from the United States or military commands overseas, and return, on vessels of the Military Sea Transportation Service or aircraft of the Military Air Transportation Service for (1) those Boy Scouts, Scouters, and officials certified by the Boy Scouts of America, as representing the Boy Scouts of America, at the jamboree referred to in the first section of this Act, and (2) the equipment and property of such Boy Scouts, Scouters, and officials and the property loaned to the Boy Scouts of America, by the Secretary of Defense pursuant to this Act to the extent that such transporation will not interfere with the requirements of military operations.

(b) Before furnishing any transportation under this section, the Secretary of Defense shall take from the Boy Scouts of America, a good and sufficient bond for the reimbursement to the United States by the Boy Scouts of America, of the actual costs of transportation furnished under this section.

SEC. 3. Amounts paid to the United States to reimburse it for expenses incurred under the first section and for the actual cost of transportation furnished under section 2 shall be credited to the current applicable appropriations or funds to which such expenses and costs were charged and shall be available for the same purposes as such appropriations or funds.

SEC. 4. Under regulations prescribed by the Secretary of State, no fee shall be collected for the application for a passport by or the issuance of a passport to, any Boy Scout, Scouter, or official who is certified by the Boy Scouts of America, as representing the Boy Scouts of America, at the jamboree referred to in the first section of this Act.

With the following committee amendments:

On page 2, line 2, after the second word "and", insert "without reimbursement, furnish".

On page 2, line 2, after the word "services" insert "and expendable medical supplies,".

On page 2, line 3, after the word "and" insert "items or services are".

On page 2, line 3, after the word "available" insert a period.

On page 2, strike lines 4 and 5.

The committee amendments were agreed to.

Mr. RIVERS. Mr. Speaker, H.R. 15216 is a bill to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971.

It has become traditional for the Government to assist the Boy Scouts of America in conjunction with their national and international jamborees by lending equipment needed at the site of the encampment and by providing certain services. Similar acts have been passed for several previous national jamborees and the past two world jamborees.

The 13th World Jamboree will be held in Japan during August 2–10, 1971. It is the first world jamboree to be held in Asia and is expected to be the largest, single international Scouting event ever conducted. More than 20,000 Scouts and leaders of 132 countries are expected to attend. The U.S. contingent will consist of approximately 4,000 boys and their leaders.

The bill before you today is similar to those we have passed before.

Mr. Speaker, this is our opportunity to do something constructive for the constructive youth of our country, and the Boy Scouts are certainly the cream of the youth movement.

Mr. ARENDS. Mr. Speaker, H.R. 15216 is a bill to assist the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971.

The bill, as introduced, would authorize the "lending" of services and military equipment for the use of the Boy Scouts in the 1971 World Jamboree. The term "lending" is appropriate when applied to physical property which can be returned after use, such as cots and blankets. However, concern was expressed by Army medical and fiscal authorities as to the applicability of that term to medical services and to consumable medical supplies, such as medicines and bandages, which obviously cannot be returned after use. In the past, it has not been necessary to provide such services and supplies in any volume. Question has been raised as to the possibility, in the event of large-scale medical services being needed, that the General Accounting Office might require that reimbursement be sought from the Boy Scouts for such services and consumable supplies. To avoid any possibility that the Boy Scouts might have to be charged for these services, and to make it abundantly clear that reimbursement is not required, we amended the bill.

Most of the equipment will come from Department of Defense sources and will consist of camping gear such as cots and tents, commissary equipment, flags, vehicles, and so forth.

Services that may be authorized include health and safety, communications, engineering, protection, and logistical services.

All equipment and services will be provided at no expense to the Government, except medical supplies and equipment, subject to the following conditions:

First. Equipment will be on a loan basis.

Second. The Boy Scouts of America will pay for delivery and return, plus the cost of rehabilitation, replacement, or repair.

Third. The Boy Scouts of America will post a bond to insure the safe return of all Government property.

Although there is a provision for Government transportation in H.R. 15216, the 4,000 U.S. Scouts and their leaders will travel in commercial aircraft leased by the Boy Scouts of America. Provisions for Government air and surface transportation were included in the act as an emergency measure. All such travel by Government aircraft would be on a reimbursable basis.

Mr. Speaker, this is an important bill because it provides us an opportunity to assist a fine group of young men. I know every Member will want to support this bill.

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 FLYING OF AMERICAN FLAG OVER REMAINS OF U.S.S. "UTAH" AT PEARL HARBOR, HAWAII

The Clerk called the bill (S. 583) to provide for the flying of the American flag over the remains of the U.S.S. *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941.

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

S. 583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized and directed to take such action as may be necessary to provide for (1) the erection and maintenance of a flagpole on the remains of the battleship United States ship Utah, (2) the flying of the American flag over the remains of such battleship, and (3) the raising and lowering of such flag each day, such action having been authorized in honor of the heroic men who were entombed in her hull on December 7, 1941.

SEC. 2. There is hereby authorized to be appropriated to the Secretary of the Navy such sums as may be necessary for the cost of erection, maintenance, and operation of said flagpole.

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

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

FURTHER CONTINUING APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 1388) making further continuing appropriations for the fiscal year 1971, and for other purposes.

The Clerk read as follows:

H.J. RES. 1388

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1970 (Public Law 91–294), as amended by Public Law 91–370, is hereby further amended by striking out "October 15, 1970" and inserting in lieu thereof "the sine die adjournment of the second session of the Ninety-first Congress."

The advance appropriation under the heading "FOOD STAMP PROGRAM" in the Second Supplemental Appropriation Act, 1970 (Public Law 91–305), chargeable to the amount appropriated under this head in H.R. 17923 when enacted, is hereby increased from "$300,000,000" to "$600,000,000" and the period of availability thereof is hereby extended from "October 31, 1970" to "January 31, 1971".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks in the RECORD in connection with this joint resolution.

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

There was no objection.

Mr. MAHON. Mr. Speaker, this joint resolution extends the continuing resolution which we passed previously and which expires on October 15.

The pending resolution provides funds to continue operation of essential functions of Government on a minimum basis until the regular annual bills which are still pending in Congress are enacted, or at the very latest, until the sine die adjournment of this Congress.

We would hope and expect that this would be the final continuing resolution for the year.

Mr. Speaker, there is one special provision in the resolution which requires a word of explanation. It concerns the food stamp program. The food stamp program is being financed in the current fiscal year primarily under the terms of the second supplemental appropriation bill, but that authority and the funds under that authority are expiring at the end of this month. There is some very limited authority and funds under the terms of the continuing resolution itself, but the main source of funds in the interim, pending enactment of the regular bill, is the source I mentioned.

The second supplemental bill last July appropriated $300 million for the period July 1–October 31, with the general understanding that it would enable the program to continue at approximately the going rate permissible under the 1971 budget of $1.250 billion and the House version of the pending Agriculture appropriation bill, also $1.250 billion. The pending resolution adds another $300 million and extends the period 3 additional months. We understand that this is consistent with the current rate; it is

consistent with the overall budget total; and it is consistent with the House bill figure. The Senate bill figure is $1.750 billion, which is subject to conference negotiation at a later date this session.

In reality, the provision amounts to a continuing resolution for the program.

Like all other expenditures under the continuing resolution, whatever is expended for food stamps under this provision is chargeable to whatever is appropriated in the regular Agriculture appropriation bill when it is enacted.

Mr. Speaker, may I add that, as with continuing resolutions of the past, the general thrust is to provide for operation of essential Government programs on a minimum basis pending decisions by the Congress on funds for the various programs and activities for the full year in the regular annual bills. It is the standard practice in the interest of expedition and orderly legislative processes to try to avoid controversy in continuing resolutions. They are in the nature of interim provisions pending final disposition of the regular annual bills. They are not suited to acceleration or reduction of programs in advance of actions in the regular annual bills.

Seven of the 14 regular annual appropriation bills for fiscal 1971 have cleared conference. Four of the remaining seven are pending in the other body; one, the agricuture appropriation bill, has been awaiting conference action pending disposition of the general farm bill now in conference; and two—Defense and Independent Offices-HUD—are yet to be reported to the House. Some of these bills propose increases in certain very necessary programs—programs which need to be adequately funded, and which doubtless will be adequately funded when final action is taken. But until final action can be taken on these bills, it would be impractical to undertake to do other than provide for continuation of the programs under the ground rules and guidelines of the existing continuing resolution.

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

Mr. MAHON. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Now we are really issuing blank checks, are we not, insofar as this session of the Congress is concerned? Up to this time we have had firm dates for continuing resolutions. Now it can be any time until January 3, or conceivably until the convening of the next session. We might not even take time off for Christmas and New Year's. So we are really writing blank checks around here now insofar as this session of Congress is concerned. Would the gentleman agree?

Mr. MAHON. I would say to the gentleman from Iowa that it is true that under this resolution if the Congress does not adjourn before January 3, the resolution would remain in effect during that period of time, if necessary; that is, as each appropriation bill now pending is enacted into law, the continuing resolution ceases to apply to the agencies included therein. And it ceases altogether when the last bill is enacted into law, or in any event not later than the sine die adjournment date.

Mr. GROSS. Well, now, if the gentleman will yield further, the distinguished gentleman from Texas, I am sure, conferred with the leadership in the formulation of this resolution.

I wonder if the gentleman could give the Members of the House any possible information as to when we might expect sine die adjournment? Are we going to recess 2 weeks from now or are we going to continue in session right through and on election day?

Is there anything that the gentleman can give us by way of information as to what is going to transpire in this foot-dragging session of Congress?

Mr. MAHON. I am not authorized to speak for the leadership, but I can give the gentleman from Iowa my own horseback opinion, and that is that we will recess next week and then return after the election for the purpose of finishing up our work.

The Congress has not moved as fast as we would have preferred but we have done the best we could under all the circumstances. However, as to how long we may remain in session if and when we do come back after the November 3 election, no one knows at this time. I would hope it would not be too long a period of time.

Mr. GROSS. Mr. Speaker, if the gentleman would yield further, let nothing that the gentleman from Iowa has said be construed as in any way reflecting upon the appropriations subcommittees and the full Appropriations Committee of the House. I think the Appropriations Committee has done an excellent job in clearing its legislation this year. The foot-dragging has taken place elsewhere. However, I was in hopes the gentleman from Texas could give us some clue as to what we may look forward to in the future insofar as the continuing sessions of this House are concerned.

Mr. MAHON. I do appreciate the gentleman's complimentary reference to the work of the Committee on Appropriations, but I believe I have done the best I can with respect to that matter.

Mr. Speaker, I now yield 5 minutes to the distinguished gentleman from Mississippi, the No. 2 Democrat on the Appropriations Committee, Mr. WHITTEN.

Mr. WHITTEN. I thank the chairman very much for yielding this time to me.

Mr. Speaker, I am sure that I speak the view of most of the Members of the House and the members of the committee in expressing deep regret that circumstances make this continuing resolution necessary. Even with this resolution, we need help.

The Farmers Home Administration program for rural water and sewerage grants is presently operating at a level of $12 million a year, judging by approvals for the months of July, August, and September, the first quarter.

The FHA Administrator is doing a fine job and it is a fine agency. However, the budget limitations on personnel and restrictions on funds made available by Congress have prevented this program from reaching anywhere near the number of people the Congress intended.

For many months the Bureau of the Budget withheld $18 million of funds made available during the last fiscal year and never did release approximately $4 million appropriated by the Congress for this purpose. At the present time, although the earlier continuing resolution authorized $46 million, the amount made available for such grants was on the basis of $24 million for the year.

Mr. Speaker, in the appropriations bills for fiscal 1971 passed by the House and Senate, the smallest amount made available for this purpose was $100 million; yet as pointed out we continue at this low level. This is the situation, notwithstanding the fact that pending are some 2,100 applications for loans and 890 applications for grants.

This is one of the finest programs we have—not only to revitalize rural areas including cities of 5,000 or less—but to help meet the overcrowded conditions of our cities, which suffer so much from pollution.

It is to be hoped, therefore, Mr. Speaker, that the Bureau of the Budget will restudy this whole matter and within the limits of this continuing resolution will permit the enlargement of these programs in line with the basic law. Such action would be of real benefit to thousands and thousands of people and in the long run to the Nation, itself.

Mr. Speaker, there are other places where similar situations exist; but I know of none so desperate as this. In this instance we have been unable to get the bill to conference; and though I recognize the problems facing the leadership as we wait for a new farm bill, it is incumbent on all to act so far as the law permits if we are to meet the problems I have outlined. I feel sure the administrators of the Farmers Home Administration would make full and sound use of the funds released.

Mr. BOW. Mr. Speaker, I have no requests for time.

The SPEAKER. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the joint resolution (H.J. Res. 1388).

The question was taken.

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

The SPEAKER. Evidently a quorum is not present.

The 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 284, nays 9, not voting 136, as follows:

[Roll No. 326]

YEAS—284

Abernethy	Ayres	Brotzman
Adair	Barrett	Brown, Calif.
Adams	Beall, Md.	Broyhill, N.C.
Addabbo	Belcher	Broyhill, Va.
Albert	Bell, Calif.	Buchanan
Alexander	Bennett	Burke, Fla.
Anderson, Calif.	Bevill	Burke, Mass.
	Bingham	Burleson, Tex.
Anderson, Ill.	Blatnik	Burton, Calif.
Anderson, Tenn.	Boland	Byrnes, Wis.
	Bolling	Caffery
Andrews, Ala.	Bow	Camp
Andrews, N. Dak.	Brademas	Carey
	Brasco	Carter
Annunzio	Bray	Cederberg
Arends	Brinkley	Celler
Ashley	Broomfield	Clancy

Clark	Howard	Quillen
Clausen, Don H.	Hungate	Railsback
Clawson, Del	Hunt	Randall
Clay	Hutchinson	Rees
Cleveland	Jacobs	Reid, Ill.
Cohelan	Jarman	Reifel
Collier	Johnson, Calif.	Riegle
Collins	Johnson, Pa.	Rivers
Conable	Jonas	Roberts
Corman	Jones, Ala.	Robison
Coughlin	Jones, Tenn.	Rodino
Culver	Karth	Rogers, Colo.
Cunningham	Kastenmeier	Rogers, Fla.
Daniel, Va.	Kazen	Rooney, N.Y.
Davis, Ga.	Keith	Rooney, Pa.
Davis, Wis.	Kleppe	Rosenthal
Delaney	Kluczynski	Rostenkowski
Dellenback	Koch	Roth
Dent	Kyl	Roybal
Devine	Kyros	Ruppe
Dickinson	Langen	Ryan
Dingell	Latta	St Germain
Donohue	Lennon	Saylor
Downing	McCulloch	Schadeberg
Duncan	McDade	Scherle
Dwyer	McDonald, Mich.	Schneebeli
Eckhardt	McEwen	Schwengel
Edmondson	Macdonald, Mass.	Scott
Edwards, Calif.	Madden	Sebelius
Eilberg	Mahon	Shipley
Erlenborn	Mailliard	Shriver
Esch	Mann	Sikes
Eshleman	Marsh	Sisk
Evans, Colo.	Martin	Skubitz
Evins, Tenn.	Mathias	Slack
Fascell	Matsunaga	Smith, Calif.
Findley	May	Smith, Iowa
Fish	Meeds	Smith, N.Y.
Flood	Michel	Springer
Flowers	Mikva	Stafford
Flynt	Miller, Calif.	Staggers
Foley	Miller, Ohio	Stanton
Ford, Gerald R.	Mills	Stephens
Ford, William D.	Minish	Stokes
Fountain	Mize	Stubblefield
Fraser	Mizell	Sullivan
Frelinghuysen	Mollohan	Talcott
Fulton, Pa.	Monagan	Taylor
Fuqua	Moorhead	Teague, Tex.
Gallagher	Morgan	Thomson, Wis.
Garmatz	Mosher	Tiernan
Gaydos	Moss	Udall
Gibbons	Murphy, Ill.	Ullman
Gonzalez	Murphy, N.Y.	Vander Jagt
Goodling	Myers	Vanik
Gray	Natcher	Vigorito
Green, Oreg.	Nelsen	Waggonner
Green, Pa.	Nichols	Waldie
Grover	Nix	Wampler
Gude	Obey	Watts
Hagan	O'Hara	Whalen
Hamilton	Olsen	White
Hammer-schmidt	O'Neill, Mass.	Whitehurst
Hanley	Passman	Whitten
Hansen, Wash.	Patman	Widnall
Harrington	Patten	Wiggins
Harsha	Pelly	Williams
Harvey	Pepper	Wilson, Bob
Hathaway	Perkins	Wilson, Charles H.
Hawkins	Philbin	Winn
Hechler, W. Va.	Pickle	Wolff
Heckler, Mass.	Pike	Wyatt
Helstoski	Poage	Wylie
Hicks	Podell	Wyman
Hogan	Poff	Yatron
Holifield	Preyer, N.C.	Young
Horton	Price, Ill.	Zablocki
Hosmer	Pryor, Ark.	Zion
	Quie	Zwach

NAYS—9

Ashbrook	Montgomery	Rousselot
Crane	Price, Tex.	Schmitz
Gross	Rarick	Steiger, Ariz.

NOT VOTING—136

Abbitt	Button	Denney
Aspinall	Byrne, Pa.	Dennis
Baring	Cabell	Derwinski
Berry	Casey	Diggs
Betts	Chamberlain	Dorn
Biaggi	Chappell	Dowdy
Biester	Chisholm	Dulski
Blackburn	Colmer	Edwards, Ala.
Blanton	Conte	Edwards, La.
Boggs	Conyers	Fallon
Brock	Corbett	Farbstein
Brooks	Cowger	Feighan
Brown, Mich.	Cramer	Fisher
Brown, Ohio	Daddario	Foreman
Burlison, Mo.	Daniels, N.J.	Frey
Burton, Utah	Dawson	Friedel
Bush	de la Garza	Fulton, Tenn.
Galifianakis	Lowenstein	Reuss
Gettys	Lujan	Rhodes
Giaimo	Lukens	Roe
Gilbert	McCarthy	Roudebush
Goldwater	McClory	Ruth
Griffin	McCloskey	Sandman
Griffiths	McClure	Satterfield
Gubser	McFall	Scheuer
Haley	McKneally	Snyder
Hall	McMillan	Steed
Halpern	MacGregor	Steiger, Wis.
Hanna	Mayne	Stratton
Hansen, Idaho	Melcher	Stuckey
Hastings	Meskill	Symington
Hays	Mink	Taft
Hébert	Minshall	Teague, Calif.
Henderson	Morse	Thompson, Ga.
Hull	Morton	Thompson, N.J.
Ichord	Nedzi	Tunney
Jones, N.C.	O'Konski	Van Deerlin
Kee	O'Neal, Ga.	Watson
King	Ottinger	Weicker
Kuykendall	Pettis	Whalley
Landgrebe	Pirnie	Wold
Landrum	Pollock	Wright
Leggett	Powell	Wydler
Lloyd	Pucinski	Yates
Long, La.	Purcell	
Long, Md.	Reid, N.Y.	

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

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.
Mr. Aspinall with Mr. King.
Mr. Thompson of New Jersey with Mr. Goldwater.
Mr. Dorn with Mr. Hall.
Mr. Boggs with Mr. Wydler.
Mr. Edwards of California with Mr. Watson.
Mr. Stratton with Mr. Button.
Mr. Daddario with Mr. Meskill.
Mr. Brooks with Mr. Steiger of Wisconsin.
Mr. McFall with Mr. Teague of California.
Mr. Byrne of Pennsylvania with Mr. Corbett.
Mr. Nedzi with Mr. Conte.
Mr. Daniels of New Jersey with Mr. Hastings.
Mr. Pucinski with Mr. Biester.
Mr. Griffin with Mr. Frey.
Mr. Giaimo with Mr. Gubser.
Mr. Gettys with Mr. Berry.
Mr. Fisher with Mr. Blackburn.
Mr. Chappell with Mr. Cowger.
Mr. Casey with Mr. Cramer.
Mr. Biaggi with Mr. Halpern.
Mr. Hull with Mr. Betts.
Mr. Cabell with Mr. Chamberlain.
Mr. Olsen with Mr. Hansen of Idaho.
Mr. Purcell with Mr. Brock.
Mr. Fulton of Tennessee with Mr. Denney.
Mr. Galifianakis with Mr. Brown of Ohio.
Mr. Wright with Mr. Bush.
Mr. Leggett with Mr. Reid of New York.
Mr. Blanton with Mr. Brown of Michigan.
Mr. Henderson with Mr. Dennis.
Mr. Long of Louisiana with Mr. Derwinski.
Mr. Burlison of Missouri with Mr. Wold.
Mr. Colmer with Mr. Burton of Utah.
Mr. O'Neal of Georgia with Mr. Edwards of Alabama.
Mr. Satterfield with Mr. Foreman.
Mr. Melcher with Mr. Roth.
Mr. Ichord with Mr. Kuykendall.
Mr. Abbitt with Mr. Whalley.
Mr. Reuss with Mr. Sandman.
Mrs. Griffiths with Mr. Roudebush.
Mr. Farbstein with Mr. Diggs.
Mr. Conyers with Mr. Friedel.
Mr. Hays with Mr. Haley.
Mr. McMillan with Mr. Landgrebe.
Mr. McCarthy with Mr. Pirnie.
Mr. Hanna with Mr. Lloyd.
Mr. Roe with Mr. Weicker.
Mr. Fallon with Mr. Morton.
Mr. Lowenstein with Mr. Yates.
Mr. Baring with Mr. Pollock.
Mr. Ottinger with Mrs. Chisholm.
Mrs. Mink with Mr. Powell.
Mr. Gilbert with Mr. MacGregor.
Mr. Landrum with Mr. Snyder.
Mr. Feighan with Mr. Pettis.
Mr. de la Garza with Mr. Lujan.
Mr. Scheuer with Mr. Morse.
Mr. Dowdy with Mr. Lukens.
Mr. Kee with Mr. Taft.
Mr. Steed with Mr. McClure.
Mr. Stuckey with Mr. O'Konski.
Mr. Dulski with Mr. McKneally.
Mr. Van Deerlin with Mr. Thompson of Georgia.
Mr. Tunney with Mr. McCloskey.
Mr. Long of Maryland with Mr. Mayne.
Mr. Jones of North Carolina with Mr. McClory.
Mr. Symington with Mr. Minshall.

Mr. SCHADEBERG changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

DISASTER RELIEF ACT OF 1970

Mr. JONES of Alabama. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3619) to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes, as amended.

The Clerk read as follows:

S. 3619

An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes

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 "Disaster Relief Act of 1970".

SEC. 2. The Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950 (Public Law 875, Eighty-first Congress; 42 U.S.C. 1855–1855g), as amended, is amended as follows:

(1) The first section is amended by striking out "essential".

(2) Section 2(a) is amended (A) by striking out "disaster assistance under this Act" and inserting in lieu thereof "Federal disaster assistance", and (B) by striking out "(or the Board of Commissioners of the District of Columbia)".

(3) Section 2(c) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and the District of Columbia;".

(4) Section 2(e) is amended by striking out ", or the District of Columbia".

(5) Section 3(d) is amended to read as follows: "(d) by performing on public or private lands protective, emergency, and other work essential for the preservation of life and property; making repairs to and replacements of public facilities (including street, road, and highway facilities) of States and local governments damaged or destroyed in such major disaster, except that the Federal contributions therefor shall not exceed the net cost of restoring each such facility on the basis of the design of such facility as it existed immediately prior to the disaster in conformity with current codes, specifications, and standards; providing temporary housing or other emergency shelter, including, but not limited to, mobile homes or other readily fabricated dwellings for those who, as a result of such major disaster, require temporary housing or other emergency shelter, except that for the first twelve months of occupancy no rentals shall be established for any such accommodations, thereafter rentals shall be established, based upon fair market value of the accommodations being fur-

nished, adjusted to take into consideration the financial ability of the occupant; and making contributions to States and local governments for the purposes stated in this clause."

(6) Section 3(b) is amended by inserting immediately after "Red Cross" a comma and the following: "the Salvation Army,".

SEC. 3. The Disaster Relief Act of 1969 (Public Law 91-79; 83 Stat. 125) is amended as follows:

(1) Section 6 is amended to read as follows:

"SEC. 6. (a) In the administration of the disaster loan program under section 7(b)(1), (2), and (4) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of injury, loss, or damage resulting from a major disaster as determined by the President, a natural disaster as determined by the Secretary of Agriculture, and a disaster as determined by the Administrator of the Small Business Administration—

"(1) to the extent such injury, loss, or damage is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property injured, damaged, or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

"(2) may, in the case of the total destruction or substantial property damage of a home or business concern, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. This clause shall apply only to loans made to cover injury, losses, and damage resulting from major disasters as determined by the President.

"(3) to the extent that repayment of a loan made under this section would constitute a hardship upon the borrower, may, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500. This clause shall apply only to loans made to cover injury, losses, and damage resulting from major disasters as determined by the President.

"(4) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan, except that any such deferred payments shall bear interest at the rate determined under subsection (b) of this section.

"(b) Any loan made under this section shall not exceed the current cost of repairing or replacing the disaster injury, loss, or damage in conformity with current codes and specifications. Any such loan (including any refinancing under clause (2) and any deferred payment under clause (4) of subsection (a)) shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years reduced by not to exceed 1 per centum per annum. In no event shall any loan made under this section bear interest at a rate in excess of 6 per centum per annum.

"(c) A loan under this section shall not be denied on the basis of the age of the applicant."

(2) Section 7 is amended to read as follows:

"SEC. 7. (a) In the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–1967), and the rural housing loan program under section 502 of title V of the Housing Act of 1949, as amended (42 U.S.C. 1472), in the case of loss or damage resulting from a major disaster as determined by the President, or a natural disaster as determined by the Secretary of Agriculture, the Secretary of Agriculture—

"(1) to the extent such loss or damage is not compensated for by insurance or otherwise, may grant any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

"(2) may, in the case of the total destruction or substantial property damage of homes or farm service buildings and related structures and equipment, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. This clause shall apply only to loans made to cover losses and damage resulting from major disasters, as determined by the President.

"(3) to the extent that repayment of such loan made under this section would constitute a hardship upon the borrower, may, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500. This clause shall apply only to loans made to cover losses and damage resulting from major disasters, as determined by the President.

"(4) may defer interest payments or principal payments, or both, in whole or in part, on loans made under this section during the first three years of the term of the loan, except that any such deferred payments shall themselves bear interest at the rate determined under subsection (b) of this section.

"(b) Any loan made under this section shall not exceed the current cost of repairing or replacing the disaster loss or damage in conformity with current codes and specifications. Any such loan (including any refinancing under clause (2) and any deferred payment under clause (4) of subsection (a)) shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years reduced by not to exceed 1 per centum per annum. In no event shall any loan made under this section bear interest at a rate in excess of 6 per centum per annum.

"(c) A loan under this section shall not be denied on the basis of the age of the applicant."

(3)(A) Subsection (a) of section 8 of the Act is amended by inserting "and local governments" immediately after "individuals".

(B) Subsection (c) of section 8 of the Act is amended to read as follows:

"(c) Any State desiring assistance under this section shall designate or create an agency which is specifically qualified to plan and administer a disaster relief program, and shall, through such agency, submit a State plan to the President, which shall (1) set forth a comprehensive and detailed State program for assistance to individuals and to local governments suffering losses as a result of a major disaster and (2) include provisions for the appointment of a State coordinating officer."

(C) Section 8 of the Act is further amended by adding a new subparagraph (f) as follows:

"(f) The President is authorized to make grants not to exceed 50 per centum of the cost of improving, maintaining, and updating State disaster assistance plans, except that no such grant shall exceed $25,000 per annum to any State."

(4) Section 14 is amended to read as follows:

"SEC. 14. (a) The President, whenever he determines it to be in the public interest, is authorized—

"(1) through the use of Federal departments, agencies, and instrumentalities, to clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters.

"(2) to make grants to any State or local government for the purpose of removing debris or wreckage resulting from a major disaster from publicly or privately owned lands and waters.

"(b) No authority under this section shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris or wreckage from public and private property, and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the Federal Government against any claim arising from such removal."

(5)(A) Section 15(a) is amended by striking out ", and on or before December 31, 1970".

(B) Section 15(b) is amended to read as follows:

"(b) Sections 2, 4, and 10 of this Act shall not be in effect after December 31, 1970.".

(C) The amendments made by this paragraph shall take effect on the date of enactment of this Act.

SEC. 4. Notwithstanding any other provision of law or regulation promulgated thereunder no person otherwise eligible for relocation assistance payments authorized under section 114 of the Housing Act of 1949 shall be denied such eligibility as a result of a major disaster as determined by the President.

SEC. 5. The President is authorized to make grants to any local government which, as the result of a major disaster, has suffered a substantial loss of property tax revenue (both real and personal). Grants made under this section may be made for the tax year in which the disaster occurred and for each of the following two tax years. The grant for any tax year shall not exceed the difference between the annual average of all property tax revenues received by the local government during the three-tax-year period immediately preceding the tax year in which the major disaster occurred and the actual property tax revenue received by the local government for the tax year in which the disaster occurred and for each of the two tax years following the major disaster but only if there has been no reduction in the tax rates and the tax assessment valuation factors of the local government. If there has been a reduction in the tax rates or the tax assessment valuation factors then, for the purpose of determining the amount of a grant under this section for the year or years when such reduction is in effect, the President shall use the tax rates and tax assessment valuation factors of the local government in effect at the time of the disaster without reduction, in order to determine the property tax revenues which would have been received by the local government but for such reduction.

SEC. 6. If the President determines that a major disaster is imminent, he is authorized to use Federal departments, agencies, and instrumentalities, and all other resources of the Federal Government to avert or lessen the effects of such disaster before its actual occurrence.

SEC. 7. The Director of the Office of Emergency Preparedness is authorized and directed to make in cooperation with the heads of other affected Federal and State agencies, a full and complete investigation and study for the purpose of determining what additional or improved plans, procedures, and facilities are necessary to provide immediate effective action to prevent or minimize losses of publicly or privately owned property and personal injuries or deaths which could result from fires (forest and grass), earthquakes, tornadoes, freezes and frosts, tsun-

ami, storm surges and tides, and floods, which are or threaten to become major disasters. Not later than one year after the date of enactment of this Act the Director of the Office of Emergency Preparedness shall report to Congress the findings of this study and investigation together with his recommendations with respect thereto.

SEC. 8. (a) For the purposes of this Act, the Disaster Relief Act of 1969, and section 9 of the Disaster Relief Act of 1966, the terms "major disaster", "United States", "State", "Governor", "local government", and "Federal agency" shall have the same meanings as are given them in section 2 of the Act of September 30, 1950, as amended (42 U.S.C. 1855a).

(b) Section 7 of the Act of September 30, 1950, as amended (42 U.S.C. 1855f) is amended—

(1) by inserting in the first and second sentences thereof after "this Act," each place it appears the following: "and section 9 of the Disaster Relief Act of 1966, the Disaster Relief Act of 1969, and the Disaster Relief Act of 1970,",

(2) by striking out in the third sentence thereof "specified in section 8." and inserting in lieu thereof "available to carry out this Act, section 9 of the Disaster Relief Act of 1966, the Disaster Relief Act of 1969, and the Disaster Relief Act of 1970."

(3) by inserting in the last sentence thereof immediately following "section 3" the following: "of this Act, section 9 of the Disaster Relief Act of 1966, the Disaster Relief Act of 1969, and the Disaster Relief Act of 1970,".

SEC. 9. The President may exercise any authority granted him by this Act, the Act of September 30, 1950 (42 U.S.C. 1855–1855g) the Disaster Relief Act of 1966, and the Disaster Relief Act of 1969, directly or through such Federal department or agency as he may designate and his authority shall include directing Federal departments or agencies to provide assistance by utilizing their equipment, supplies, facilities, personnel, and other resources for any other program, with or without compensation therefor, and he may reimburse Federal departments and agencies for expenditures under this Act, such Act of September 30, 1950, and such Disaster Relief Acts as he deems appropriate from funds appropriated for the purposes of this Act or such other Acts. All such reimbursements shall be deposited to the credit of the appropriations currently available for such services or supplies.

SEC. 10. Notwithstanding any other provision of law, temporary housing (including, but not limited to, mobile homes or other readily fabricated dwellings) acquired by purchase under authority of the Act of September 30, 1950 (42 U.S.C. 1855–1855g), the Disaster Relief Act of 1969, or any other provision of law, for dwelling accommodations for individuals and families requiring such accommodations as the result of a major disaster, may be sold directly to individuals and families who are occupants thereof at prices that are fair and equitable.

SEC. 11. In the administration of the Act of September 30, 1950 (42 U.S.C. 1855–1855g) the Disaster Relief Act of 1966, the Disaster Relief Act of 1969, and this Act, the President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to the disaster. Such assistance shall be provided for a period of not to exceed one year or for the duration of the period of financial hardship, whichever is the lesser.

SEC. 12. This Act, and (except as otherwise provided in section 3(5)(C)) the amendments made by this Act, shall apply only to major disasters determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855–1855g), natural disasters determined by the Secretary of Agriculture, and disasters as determined by the Administrator of the Small Business Administration, which disasters occur on or after December 1, 1968, except that in the case of any such disaster, natural disaster, or disaster which occurs on or after December 1, 1968, and before the date of enactment of this Act, whoever is eligible for Federal disaster relief assistance as a result of such a disaster shall make an election to receive benefits either under this Act (including the amendments made by this Act) or under the law applicable to such disasters occurring prior to December 1, 1968.

The SPEAKER. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. JONES of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during my tenure of service on the Public Works Committee I do not know of any bill that has had as careful consideration as the proposal now pending before the House. We have held extensive hearings on this legislation, S. 3619, the bill we are considering today was reported out by the unanimous vote of the members of the Committee on Public Works.

Mr. Speaker, not only did we hold extensive hearings on this bill, but in every major recent catastrophe the Public Works Committee has been on the scene. We have visited the disaster areas. We have held meetings with the local people whose lives have been affected by disaster. We have met their State and local governmental representatives. The information and experience we have gained over the years through these meetings has helped give us the needed background for the bill we have before us today.

Let me explain. Each catastrophe that we encountered, was somewhat different from the last one. Thus the accumulated information on the very nature of the catastrophies we inspected over the years plus the administrative problems we met in each case led us to the conclusion that to arm the Federal Government properly with the necessary legislation to deal with future disasters permanent law should be developed. This is what S. 3619 would do. The present 1969 act expires in December of this year.

Mr. Speaker, this is not a new legislative field. From the very inception of the Republic the Congress has responded when we have found the humanitarian interests were sufficient to justify a Federal investment in the rebuilding and in the repairs that are necessary for the proper relief of people in the affected areas.

Mr. GROSS. Mr. Speaker, if the gentleman will yield, when did the gentleman from Alabama say this act expires?

Mr. JONES of Alabama. The 1969 act expires in December of this year. S. 3619 is permanent law.

Mr. GROSS. December of this year?

Mr. JONES of Alabama. That is right as regards the 1969 act.

Mr. GROSS. I might say to the gentleman from Alabama that I am not opposed to the renewal of this legislation, but if it were not before the House today the gentleman would be right here in December to renew the request from the way this foot-dragging session of the Congress is being conducted.

Mr. JONES of Alabama. The gentleman from Alabama cannot respond to the gentleman's statement because he is not in a position to make policy decisions with respect to scheduling legislation.

Mr. GROSS. I thank the gentleman for yielding.

Mr. JONES of Alabama. Mr. Speaker, the bill before us has one basic purpose: To provide more and better help to people at a time when, because of a sudden calamity beyond their control, they cannot sufficiently help themselves.

Disasters respect no jurisdictional boundaries, no party affiliations, no political philosophies. All of us agree on the wisdom, the propriety, the necessity of the Federal Government lending a helping hand to our States, our communities, our citizens themselves, in time of disaster.

The members of the Public Works Committee are unanimous in their support of Federal disaster assistance and of the specific improvements provided by this legislation before us. We have worked closely with the administration, especially with General Lincoln and his Office of Emergency Preparedness, in considering their proposals and others. In this area, their actions have shown them to be most responsive to human needs, most receptive to change, and most cooperative with the Congress. As a result, we have in this bill provisions which will be readily implemented by the executive branch supplementing the efforts of local and State governments and of private relief agencies.

No area of the vast land of ours is immune from disaster. The districts of many—perhaps most—of the Members of this House have at one time or another suffered severely at the hands of nature. Just this year, in March, tornadoes ravaged parts of my Eighth District—and Federal help was sought and provided. You all know of the consequences of last year's Hurricane Camille, not only in my State of Alabama, but in Mississippi, Louisiana, West Virginia, and Virginia. Texas has felt the force of tornado and hurricane this year. Flooding has been a recurring problem all over the country; Maine, New York, Kentucky, Florida, Minnesota, North Dakota, Colorado, Arizona, California—and Alabama—all have had flood disasters within the past 12 months. The papers recently have told of the terrible fires sweeping southern California.

As I stated previously I and members of the committee have personally toured many of these disaster areas and have seen the destruction, and talked with the

victims about their needs. And, believe me, when they want help, they want action, not promises.

In the legislation before us, by the simple expedient of amending existing law, we have the opportunity to provide that help more quickly, more abundantly, more effectively. There should be no requirement for special legislation after unusually severe catastrophes to provide additional benefits to a stricken area. This bill clarifies and updates programs and authorities now on the books. Moreover, it provides some new authority, breaks some new ground—as in tax revenue maintenance. And it looks ahead to insure that further improvements will be identified and considered.

Many of the amendments contained in this bill refine, broaden, or perfect the language in existing legislation, thereby making these measures more responsive to needs, but without opening the way to misuse of authorities or funds.

A year ago, the Congress, in the aftermath of Hurricane Camille, authorized a number of new assistance programs, such as grants for debris clearance from private property and for development of State disaster plans. Because some of these features were uncertain as to their efficacy, time limits were put on them. Now that they have been tested through several disasters, these provisions would be made permanent by the bill before us. Unemployment compensation, SBA and farm loans, food coupon allotments, and disaster planning aid are some examples. Let me thank all the members of the Flood Control Subcommittee for their fine work on this bill and in particular the ranking minority member, my friend from California, DON CLAUSEN. Let me also thank the gentleman from Mississippi (Mr. COLMER), the gentlemen from Texas (Mr. MAHON and Mr. YOUNG) each of whom have suffered major disasters in their areas in recent years for the benefit of their experiences so that we could present the legislation to the House.

SECTION 2

First. The limiting word "essential" has been stricken from section 1 of Public Law 81–875. This provides for greater latitude in the administration of the repair of public facilities; however, it is not intended to provide for repairs to facilities which are obsolete and not in use.

Second. The definition of "major disaster" has been changed by requiring the Governor of a State to certify the need for "Federal disaster assistance" instead of merely "disaster assistance under this act." The District of Columbia would also be listed as a State instead of a local government as is in the existing law.

Third. We have removed the authority for "clearing debris and wreckage" from section 3(d) of Public Law 81–875, and have extended the scope of Federal aid to permit making repairs and replacements of public facilities instead of only emergency repairs and temporary replacements. The Federal contribution would be limited to the net cost of restoring the facility using the basis of design of that facility as it existed immediately prior to the disaster, but in accordance with current codes, standards, and specifications. The intent here is to provide for Federal payment for a new facility that would provide the same capacity as the old facility if it were to be built today according to up-to-date standards. Two examples, first, if a 400-pupil school constructed in 1950 was designed on then existing criteria to provide a certain number square feet per student, a cafeteria and library, but no gymnasium or swimming pool, the Federal contribution would be available to the amount that would be required for a 400-pupil school with a cafeteria and library. It would not pay for a swimming pool and gymnasium even though such amenities would be required if the school were to be built now. Nor would the Federal Government pay for a 600-pupil school which would be called for if the school were to be designed new today. If, however, today's standards called for a greater number square feet per student, the Federal contribution would properly pay for space based on the new figure; similarly lighting levels, plumbing, and installed fixtures based on 1970 levels rather than 1950 criteria would be used in determining the Federal contribution. Example No. 2, an old bridge containing two 10-foot lanes without shoulders or sidewalks was washed out as a result of a disaster. Assuming that the average daily traffic would now justify a four-lane bridge, the Federal contribution would nevertheless be limited to 100 percent of the net cost of replacing two lanes. If current standards now require 12-foot lanes, shoulders, and sidewalks, the Federal contribution would properly include those costs. If the State or local government decided to build a four-lane bridge, is could do so but Federal contribution would be limited to the cost of a new two-lane bridge.

Further, if temporary housing or emergency shelter is provided, the first 12 months of occupancy would be rent-free. After that, rentals would be based on the fair market value of the accommodations furnished and would be comparable to those rentals charged locally for like facilities. Adjustment of the rentals charged to disaster victims occupying temporary housing may be made downward based upon the financial ability of the occupants to pay. There would be no limitation upon the type of acquisition available to the Federal Government in acquiring temporary housing or other emergency shelter, including but not limited to, mobile homes or other readily fabricated dwellings.

Fourth. The Salvation Army may act as a distribution organization in addition to the "Red Cross or otherwise." Nothing in this act should be construed as limiting the responsibilities of the Red Cross under the act appproved January 5, 1905 (33 Stat. 599) as amended.

Fifth. The Disaster Relief Act of 1969—Public Law 91–79, 83 Stat. 125—is amended by: First, amending section 6 to include as eligible for Small Business Act disaster relief loans losses, damage or economic injury resulting from a natural disaster as determined by the Secretary of Agriculture, a disaster as determined by the Administrator of the SBA as well as the now included major disaster as determined by the President. "Injury" is understood to be economic injury. "Loss or damage" is no longer property loss or damage.

The existing section 6(2) of Public Law 91–79 providing authority for the granting of any loan for repair, rehabilitation, or replacement of property damaged or destroyed is retained. However, the interest rate would be determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity of 10 to 12 years reduced by not to exceed 1 per centum per annum. However, the maximum allowable interest rate would be 6 percent. The existing statute requires the loan to bear an interest rate based upon all interest bearing obligations of the United States with maturities of 20 years or more.

Another change of note arises from the elimination of the requirement in section 6(2) of Public Law 91–79 to the effect that a loan may be granted without regard to whether the required financial assistance is otherwise available from private sources but would not be eligible for cancellation or deferral. The new section 6(a), subparagraphs (1), (3), and (4) would make such loans eligible for deferral or cancellation without regard to availability of financial assistance from private sources.

Existing section 6(1) provides that to the extent loss or damage is not compensated for by insurance or otherwise, the borrower of any loan in excess of $500 shall have the option to cancel the interest on the loan or the principal of the loan or any combination of interest or principal not to exceed $1,800 and the Small Business Administration may defer interest payments or principal payments or both during the first 3 years of the term of the loan without regard to the ability of the borrower to make such payments. The proposed bill eliminates the borrower's option—arising when and only when loss or damage is not compensated for by insurance or otherwise—but permits, in cases of hardship resulting from Presidentially determined disasters, the cancellation of the principal only of the loan in excess of $500 up to $2,500. This means that the borrower in such case would no longer be able to cancel the interest due but would have the advantage of canceling principal up to $2,500 rather than $1,800. Hardship as used herein is to be liberally interpreted.

The new section 6(4) retains provision for deferral of interest and principal payments during the first 3 years of the term of the loan but eliminates the existing language stating that the deferral shall be made "without regard to the ability of the borrower to make such payment." It further requires that the new interest rate based on 10- to 12-year obligations—but in no event to exceed 6 percent per annum—shall be used.

Sixth. The President is authorized to provide assistance to the States in developing disaster relief plans and programs to include assistance to "local governments," thus adding local govern-

ments into the Disaster Relief Act of 1969 which now refers only to individuals. Section 8 of the 1969 act is made permanent by eliminating the deadline date of December 31, 1970, by which the States were to submit their State plans to the President.

In addition the President is authorized to make grants not to exceed 50 percent of the cost of improving, maintaining, and updating State disaster assistance plans. This is limited to $25,000 per annum per State.

Seventh. Section 14 of the existing 1969 act pertaining to debris removal would be changed to permit removal of debris or wreckage from both publicly and privately owned lands and waters. It also authorizes the President to use Federal departments, agencies, and instrumentalities to clear the debris; however, this authority shall not be exercised unless the State or local government first arranges for an unconditional authorization for removal of the debris or wreckage from public and private property. The existing authority to make grants to States for the purpose of debris removal from privately owned lands and waters is expanded to permit grants to local governments and also to cover both publicly and privately owned lands and waters. The authority of the State to make payments to any person for reimbursement of expenses actually incurred by such person for the removal of debris would be removed.

In the case of debris removal from private property, the State or local government must first agree to indemnify the Federal Government against any claim arising from the removal. The final date of eligibility for disasters under the act is eliminated by striking out December 31, 1970.

Eighth. Sections 2, 4 and 10 of Public Law 91–79 dealing with highway repairs, public land entrymen, and temporary dwellings, respectively, are repealed after December 31, 1970. This is no change from the existing law. However, this continues in effect sections (3)—timber sales contracts; (6)—SBA disaster loans, as amended; (7)—emergency farm loans, as amended; (11)—food coupon allotments; (12)—unemployment assistance; and (14)—debris removal, as amended—all of which would have been terminated as of December 31, 1970. Sections 5, 8, 9 and 13 would have remained in effect in any case. These amendments to the dates are to go into effect upon the date of enactment of this act.

Ninth. The President is authorized to make grants to any local government, which, as a result of a major disaster has suffered a substantial loss of property tax revenue—both real and personal. The limitations placed upon these grants are: First, they may only be made for the tax year in which disaster occurred and for each of the following 2 tax years. Second, the grant shall not exceed the difference between the annual average of all property tax revenues received during the 3 tax year period immediately preceding the tax year in which the major disaster occurred and the actual property tax revenue received for the tax year in which the disaster occurred and for each of the 2 succeeding tax years. Third, there must be no reduction in tax rates and tax assessment evaluation factors of the local government. If, however, there has been such a reduction, a grant may still be made for the year or years when such reduction is in effect, but, the President shall use the tax rates and tax assessment factors in effect at the time of the disaster without reduction in order to determine revenues which would have been received. These revenues will then be used in calculating the difference as the basis of determining the grant instead of the actual revenues.

Tenth. The President, if he determines that a major disaster is imminent, is authorized to use Federal departments, agencies, and instrumentalities to divert or lessen the effects of a disaster before it actually occurs. Furthermore, the Director of the Office of Emergency Preparedness is directed to study and investigate what can be done to provide effective action to prevent or lessen losses of property and personal injury or deaths which could result from forest or grass fires, earthquakes, tornadoes, freezes and frosts, tsunami, storm surges and tides and floods which are or threaten to become major disasters. The report is due not later than 1 year after enactment and is required to contain recommendations.

Eleventh. The definitions of major disaster and other definitions as used in the act of September 30, 1950, as amended (42 U.S.C. 1855a) to the Disaster Relief Act of 1969 and section 9 of the Disaster Relief Act of 1966 are retained.

In addition, the act of September 30, 1950, as amended 42 U.S.C. 1855 (f), is amended to include the Disaster Relief Act of 1969 and section 9 of the Disaster Relief Act of 1966 within the provision authorizing Federal agencies to accept and utilize local services and facilities of consenting States or local governments. It would also extend that act's provision authorizing Federal agencies to employ temporary additional personnel without regard to the civil service laws. Section 9 of the Disaster Relief Act of 1966 authorizes sums necessary to reimburse not more than 50 percent of eligible costs incurred to repair, restore, or reconstruct any State, county, municipality, or local government agency project for flood control, navigation, irrigation, reclamation, public power, sewage treatment, water treatment, watershed development, or airport construction. The 1950 act would be further amended to provide that obligations may be incurred by an agency in the amount as may be made available out of funds specified to carry out this act or section 9 of the Disaster Relief Act of 1966 and the Disaster Relief Act of 1969 instead of only the funds specified under section 8 of the 1950 act. A further amendment to section 7 of the September 1950 act would again add section 9 of the Disaster Relief Act of 1969 to expenditures under section 3 of the 1950 act as eligible for reimbursement to a Federal agency. Section 3 authorizes Federal assistance by utilizing or lending to States or local governments equipment, supplies, facilities, personnel, and other resources. The President is granted broad authority through which he can use Federal departments or agencies to the best advantage under varying conditions to exercise the authorities granted him by this act, the act of September 30, 1950 (42 U.S.C. 1855–1855g), the Disaster Relief Act of 1966 and the Disaster Relief Act of 1969.

Twelfth. Mobile homes or other readily fabricated dwellings used as temporary housing in major disasters may be sold directly to the occupants thereof at fair and equitable prices. The intent of this provision is to provide primary housing to persons who have lost their dwelling place as the result of a major disaster, not to provide secondary or recreational housing. It is intended that the purchaser would have the responsibility to provide a location where the dwelling could be placed which met current requirements of State or local zoning ordinances or other laws respecting such dwelling units, and for movement of such dwelling to that location.

Thirteenth. Grants as temporary assistance in the form of mortgage or rental payments are authorized to individuals who have suffered severe financial hardship caused by a major disaster and who have received written notice of dispossession or eviction from their residence because of foreclosure of a mortgage or lien, cancellation of a contract of sale, or termination of a lease. This assistance could be furnished for not in excess of 1 year or until the individual's financial hardship ended, whichever was the lesser.

Fourteenth. As a general provision, the amendments made by this act, would apply to major disasters as determined by the President, to any natural disasters as determined by the Secretary of Agriculture and as determined by the Administrator of the Small Business Administration; which disasters occur on or after December 1, 1968. A declaration by the Administrator or Secretary would make available only the benefits of the sections of this act with each administer. It is also intended that whoever is eligible for Federal disaster relief assistance as a result of such a declaration in any of the above types of disaster declarations which occurred on or after December 1, 1968, and before the date of enactment of this act shall have the opportunity to make an election to receive benefits either under this act—including the amendments made by this act—or under the laws applicable to such disasters occurring prior to December 1, 1968.

Obviously, this bill is a very human expression of concern for the victims of disaster, not merely a series of technical amendments. We of the Committee on Public Works and especially those of us on its subcommittee regard it as a real contribution to the American tradition of concern for one's fellow man, of pooling our resources to help our neighbor in time of need. And we urge its enactment by this House.

Mr. DON H. CLAUSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe the distinguished chairman has generally explained the basic objectives and an outline of the legislation. This is, of course, the fourth time that we have considered disaster relief legislation, and in essence it tends to combine the 1950, 1966, and 1969 acts into the act of 1970, into permanent legislation.

Just consider the experience we have had in the State of California alone, where we have had some 14 presidentially declared disasters within the last 10 years, and the other experiences we have had where the Committee on Flood Control has had to visit numerous areas throughout the Nation to ascertain the damage in those areas, and then come back with special legislation.

It is our intent to equip the executive branch, which we believe is now hampered, with the kind of authority to move in the direction of a definite action program to give immediate relief to the people who need it at the most possibly important time in their life.

The bill before us today amends an existing law to clarify the scope and extent of Federal assistance that is authorized by Congress for the repair or restoration of facilities; for the provision of temporary housing to disaster victims; to require study and planning with the intention of ameliorating the effects of disasters by being prepared for them and by extending the provisions of certain disaster relief legislation to be broader in scope than existing law now provides.

On April 22, 1970, President Nixon, in the first special message to Congress on the subject of disaster assistance in 18 years, proposed far-reaching legislative and administrative changes to improve the Federal response to disaster emergencies. Our committee bill has many of the features of that proposal. Specifically, the following provisions of the administration bill, H.R. 17518, are included in the committee bill:

First. Liberalization of SBA and FHA disaster loans: The proposed legislation provides for forgiveness of up to $2,500 on losses or damage in excess of $500 on the principle of an SBA or FHA disaster loan.

Second. Tax revenue maintenance: This provision establishes a special fund in the Treasury to assist disaster-stricken communities suffering a substantial loss to the tax base.

Third. Public facility repairs or replacement: This relates to removal of the "Emergency Repair or Temporary Replacement" criteria of work on essential public facilities, with the proviso that the Federal cost of permanent repair or replacement not exceed the net worth of restoring the facility to its predisaster capacity.

Fourth. Coordination of relief organizations: It allows the President to contract or make agreements with private relief organizations in order that the activities of these organizations can be coordinated by appropriate officials.

Fifth. Predisaster assistance: In order to avert or diminish the impact of disasters in advance, the legislation authorizes the President to use Federal resources to assist any State or local government in circumstances which clearly indicate the imminent occurrence of a major disaster.

We anticipate that the bill before this House will provide for greater latitude in the administration for the repair of public facilities that is now available; would allow permanent repairs and replacement of public facilities to eliminate the practice of repeated temporary repairs resulting from inadequate facilities that are easily destroyed by subsequent disasters and serve very limited useful purpose during their life; would provide for rent-free occupancy of temporary housing or emergency shelter for a year; and permit the Federal Government to acquire this housing by any reasonable method, thus removing the limitation on leasing of facilities in existing law which has proven to be overly restrictive. In addition, provision is made for higher forgiveness features for Small Business Administration loans in cases of hardship. Hardship, of course, is to be interpreted liberally. In keeping with the higher cost of money to the United States, basic interest rate on such loan is made to be in conformance with current 10- to 12-year obligations of the United States. Local governments under the new law will be eligible for grants for debris removal. Another provision requires that no person otherwise eligible for relocation assistance payments authorized by the House act of 1949 shall be denied such eligibility as a result of a major disaster. Grants will be available to local governments that have suffered a substantial loss of tax revenue and the President would be authorized to use Federal resources to divert or lessen the effects of a disaster before it actually occurs.

I would like to address my final remarks to section 7 of the proposed bill. This section directs the Office of Emergency Preparedness to investigate and study what can be done to provide effective action to prevent or minimize property loss, deaths, and injuries which could result from forest or grass fires, earthquakes, tornadoes, freezes and frosts, tsunamis, storm surges and tides, and floods which are or threaten to become major disasters. This section requires that the Director, OEP, shall report to Congress, not later than 1 year after the date of enactment of this act, his findings together with his recommendations.

"An ounce of prevention is worth a pound of cure." It is an old adage but it makes a lot of sense. A year and a half ago, Operation Foresight proved the value of preparedness and preventive measures. For an expenditure of about $20 million for emergency dikes and levees, potential damages estimated at nearly $200 million were saved. I am sure that much more can be done in terms of prevention and preparedness. It will save funds in the long run and I want the OEP to study and identify the hazard reduction measures, the plans, procedures, and facilities, that will enhance disaster readiness and reduce disaster relief expenditures and requirements.

Mr. Speaker, I feel that this legislation is of great importance and is of necessity to prevent undue hardship to our citizens as a result of disasters. I, therefore, urge this body to adopt the Disaster Relief Act of 1970.

Mr. JOHNSON of California. Mr. Speaker, one of the strengths of this great Nation of ours has been the willingness of individuals to extend a helping hand to their neighbors in times of difficulty and emergency. In a complex 20th century such as we now live the need to help thy neighbor is no less than it was in the early days of this country. However, the means of achieving it are far more complex. The disaster relief legislation which has been on the books the last 20 years provides an opportunity to all the people of this Nation to assist their neighbors in all areas of the country to overcome and rebuild in the wake of natural disasters.

Since I have been a Member of Congress, we have had several major disasters—the Alaskan earthquake, the Christmas 1964 storms and floods in California and the Pacific Northwest, the Palm Sunday 1965 tornadoes which caused so much havoc in Illinois, Michigan, and Indiana, Hurricane Betsy, the California storms of January and February 1969, and the great grandmother of all hurricanes, Camille, which caused so much devastation throughout the Southern States and whose aftermath hit as far north as Virginia. And, as we meet here today, firefighters in California are cleaning up after one of the worst forest and brush fire disasters my State has ever experienced. In the past few days substantially more than 300,000 acres of land have been blackened, 500 homes have been burned to the ground, eight people have been killed, and more than 200 injured. Damage totals reach the hundreds of millions. Although accurate estimates of the loss cannot be made as yet, it is certain to exceed the 1969 storm totals which amounted to something more than $110 million.

The examples I have cited are the major storms and disasters which we have experienced, but there have been hundreds of other lesser disasters in which the resources of the Federal Government were required to help the people recover from brutal treatment on the part of nature. I should say these were lesser storms and disasters only in terms of scope and geography. For those people hurt or killed and for those whose homes and property were destroyed, there was no greater disaster than some of these. During the 20 years since Public Law 81–875, which is our basic disaster legislation, was enacted in 1950, the President has declared disaster emergencies and ordered mobilization of Federal relief agencies 280 times, an average of 14 times a year. During the last 5 years, there have been 100 of these disasters, an average of 20 a year. In 1969 we witnessed one of the worst years in history with 20 disasters including, of course, the storms of California which claimed some 100 lives and Hurricane Camille which cost us 262 lives and $1.5 billion in damage.

I would like to interject here, Mr. Speaker, a comment concerning the nature of disasters which I believe points

up the need for streamlining our legislative authority for Federal assistance in these hours of need. At the turn of the century, the Galveston flood caused about $30 million worth of damage; however, 6,000 lives were lost. Compare this with Hurricane Camille in which $1.5 billion in damage was caused, but the death toll stood at 262. While one disaster death is one too many, I think this shows we are making great progress in the disaster forecasting and early warning alerts to give people an opportunity to seek adequate protection for their lives. It also points up the fact that as we build our cities, with more and more homes, public buildings, schools and other structures crowded closer and closer together, storms will take an increasingly higher toll in property damage. As property damage mounts, the ability of individuals, local and State governments to cope with reconstruction costs is reduced. Federal disaster legislation must reflect this change.

The Public Works Committee under the distinguished leadership of the gentleman from Maryland, Representative GEORGE FALLON, and with the farsighted guidance of the Flood Control Subcommittee chairman, the gentleman from Alabama (ROBERT JONES), has performed a great and humanitarian role over the years in providing Federal disaster assistance tailored to fit individual disaster situations.

As you will recall, the Alaskan earthquake, the Pacific Northwest disaster of 1965, Hurricane Betsy, all required special legislation to meet the problems in those devastated areas. None was permanent legislation, but through the legislative history and the administration of these bills, we built a tremendous store of knowledge concerning the needs for disaster relief.

In the 1969 act, the scope of the legislation was made general, broadened and refined. We had a good bill. Operations in the California storms and Hurricane Camille and other disaster situations which we have experienced throughout 1969 and this year prove this. And the legislation, I am pleased to report, will be of tremendous value to the people of California in the wake of the fire disaster.

However, most provisions of the 1969 act will expire at the end of this calendar year. It is time that we make permanent those provisions which have proven valuable and at the same time strengthen and refine them. It is with this in mind that I introduce H.R. 18608, the Federal Disaster Assistance Act of 1970, which I believe reflects not only the best of the recommendations proposed by the administration, but also the experience the Congress has had in disaster relief. I am pleased that most of the provisions of my proposal are incorporated in S. 3619 which we have before us today. I must also say the Public Works Committee, drawing upon its great experience and knowledge of disaster situations, has refined and expanded my original proposal.

The result is, I am convinced, a fine bill which is worthy of approval today by the House of Representatives. A brief summary of the proposal follows:

Section 2 titles the proposal the Federal Disaster Assistance Act of 1970.

Section 2 strengthens and broadens Public Law 81–875, the basic disaster assistance program first enacted in 1950, to make it more responsive to the needs of the decade of the 1970's. Basically this is accomplished through a more realistic definition of "public facilities" which can be rehabilitated and repaired under the provisions of this act, making it possible for the Federal Government to assist in the restoration of all public facilities.

Second, this section provides for permanent restoration of facilities under the provisions of Public Law 81–875. You will recall that initially the 1950 Disaster Act permitted only temporary replacements, which proved inadequate. The 1969 Disaster Act broke new ground in this area by providing that permanent restoration could be achieved on streets, roads, and highways. This has worked very well and proved most beneficial. Therefore, this legislation as drafted would extend this to all programs covered under Public Law 81–875. Protections are incorporated to prevent local government from obtaining a windfall by which the Federal Government would be financing expansion of facilities.

Section 2 also provides for temporary emergency housing and shelter, including the leasing of mobile homes, the need for which has been demonstrated in past disasters. It goes one step further than the 1969 act did in that it provides for no rentals to be charged for these emergency accommodations during the first 12 months. This may sound extremely generous, but the experience has been that with the head of the family out of work because of the disaster, his income has stopped and he is trying to keep his family alive on food stamps. Second, the administrative cost of collecting rents far exceeds the rents collected and, therefore, the net return is negligible. We do include a provision which requires the institution of rental charges after the first year just so that the disaster-stricken individual will learn to get back on his own feet and not make a habit of living in rent-free accommodations. This is rehabilitation legislation—not welfare legislation.

Section 3 of H.R. 18608 refines, strengthens and makes permanent many of the provisions of the Disaster Relief Act of 1969.

Touching first of all on the disaster relief program of the Small Business Administration and the Farmers Home Administration, it has been discovered over the years that the 3-percent disaster loan authorized for the Small Business Administration has not been available to the extent that it should be. We tried to make this mandatory by legislation, but actually it was an executive decision. The language we have before us today is more realistic. It provides that loans will be made without regard to whether private sources are available for such loans and the interest rate shall be 1 percent less than the average which the Treasury is paying for its outstanding marketable obligations with periods of maturity to 10 to 12 years. In no event shall any loan be made in excess of 6 percent. At the present time this would mean that the emergency disaster loans in these two programs—SBA and FHA—would be made at something less than 6 percent, which I believe is a realistic figure. Along with the increased interest rate, we have also increased the forgiveness, which follows a pattern first established for Hurricane Betsy. We propose to increase the maximum forgiveness to $2,500. We also specify that a loan under this section shall not be denied on the basis of the age of the applicant.

Section 3 also deals with the problem of clearance of debris and wreckage from publicly and privately owned lands and waters. The 1969 act authorized the State and local governments to assist in removing this type of debris. S. 3619 provides that the Federal departments and agencies also may do this. We found that last year on many occasions it would be most expeditious for the Federal agencies on the scene to take care of this rather than waiting for the State or local government equipment and/or personnel, which often were overextended. In each instance, however, we have specified that the State or local governments affected must arrange for permission to remove the debris or wreckage from the public or private property involved and also shall indemnify the Federal Government against any claims arising from such removal.

Section 3 of this bill also would make permanent several provisions of the 1969 act which otherwise would expire on December 31, 1970. This includes: First, the Small Business and Farmers Home Administration programs which I mentioned above; second, authority to expedite timber sales in areas of heavy loss to salvage downed timber and also to rebuild the lumber-based economies; third, assistance in reconstruction of timber sale roads; fourth, special unemployment compensation to those individuals jobless as a result of the major disaster; fifth, extension of emergency food stamp provisions to those disaster victims. In other words, we are making permanent all the better provisions of the 1969 act, which I feel was an outstanding piece of legislation.

Section 4 provides that no person eligible for relocation assistance under urban renewal programs of the Department of Housing and Urban Development shall be denied this as a result of a disaster.

Section 5 is a new approach but is one that is needed desperately. This provides assistance to local governments where property tax revenues have decreased dramatically due to a disaster. When a man's house is wiped out, you obviously cannot tax it. Hurricane Camille experience was such that many local governmental agencies bordered on bankruptcy because of the substantial loss of tax base. It is proposed that Federal grants be made to help finance local government during the 2 years immediately after a disaster. The amount of the grant would be based on the average of

the property tax revenues received by the local government during the 3-tax-year periods preceding the disaster. The provisions state quite clearly that local government cannot reduce its rates in order to take advantage of this.

Section 6 provides the President with authority to mobilize Federal departments and agencies before a disaster strikes. This means that when a major disaster appears imminent, and we certainly are getting more and more advance warning due to our better weather forecasting provisions, the President may put to work the full resources of the Federal Government before the disaster strikes to avert or lessen the effects of such a disaster. This is the old philosophy that an ounce of prevention is worth far more than a pound of cure.

Section 7 directs the Office of Emergency Preparedness to conduct a 1-year study to determine additional ways to prevent or lessen property losses and personal injuries and deaths from forest fires, earthquakes, tornadoes, freezes and frosts, tsunami, storms, tides and floods which are or threaten to become major disasters.

Section 8 incorporates in the new legislation some of the definitions and provisions of the 20-year-old-Public Law 81–875, including such things as authorization for Federal agencies to accept and utilize local services and facilities of State and local governments, extension of liberalized Federal employment and contracting practices, and reimbursement from disaster funds of expenditures by Federal agencies.

Section 9 extends the earlier authority of the President to utilize resources of all Federal departments and agencies in a disaster.

Section 10 authorizes the sale to disaster victims at fair and equitable prices the mobile homes or other emergency housing they may be occupying.

Section 11 provides a program of mortgage assistance to families being evicted because of disaster caused financial hardships.

Section 12 makes the provisions of the act available to victims of any disaster which has occurred since December 1, 1968.

Mr. Speaker, this is an outline of the provisions of the legislation which I put before you. In conclusion, I do want to say it reflects the best of what Congress has done through past leadership in meeting the needs of our people in our local communities, including their State and local governments, in disaster situations. I think that it is a realistic bill and one which is truly in the American tradition of extending a helping hand to a neighbor in a time of trouble. May I again congratulate the Public Works Committee and its chairman for the work which they have done over the last 10 to 12 years in providing this type of assistance. Many a community would still be in ruins today if it had not been for the hard work, diligence, and wisdom of this committee and the Congress in providing the means whereby a stricken community could mop up, rebuild, and get back on its economic feet.

I urge my colleagues in the House of Representatives to continue this effort through enactment of S. 3619 today.

Mr. FALLON. Mr. Speaker, I rise in support of S. 3619, the Disaster Relief Act of 1970. At the outset may I commend the chairman of the Subcommittee on Flood Control, my good friend, the gentleman from Alabama (Mr. JONES), the ranking minority member of that subcommittee, the gentleman from California (Mr. DON CLAUSEN) and all the members of the subcommittee for the fine work they have done on this needed legislation.

The Committee on Public Works has moved expeditiously and rapidly through the years responding to disasters of all types which have stricken all sections of the country. On numerous occasions we have sent subcommittees to these areas to obtain first hand information on the disaster and to meet with our fellow citizens who have been afflicted by these disasters. In addition, we have enacted legislation over the years to help in these areas which can be seen from the acts of 1966 and 1969.

We have come to the conclusion in the committee that there is need for permanent legislation to embody into law those many sections of legislation we have passed in the past to help stricken areas which have proved so helpful in relieving the stricken area. The legislation before us makes permanent many of these needed sections so that immediately upon the declaration for Federal assistance under this legislation there will be available under the bill needed assistance provided at once. I think this bill is needed and I support it.

Mr. PICKLE. Mr. Speaker, since the beginning of this year, I have witnessed four major disasters in my own State, one of them—the floods at San Marcos—directly in my congressional district. Needless to say, we still have a long way to go to recover from these catastrophies, and many other States face similar situations.

As it is now proposed, S. 3619 not only improves our ability to recover from future natural disasters, but will greatly aid us in our continued efforts to recover from those disasters in our recent past. This legislation widens the aid offered to State and local governments to assist in their own recovery and to replace destroyed public facilities. It helps those who stand to lose their homes because their jobs were destroyed in the disaster.

And in a key provision, this bill takes into account our rising construction costs and property values by raising the amount of a disaster loan which may be canceled and by making this provision retroactive. This latter provision applies to loans administered in disasters declared by the President, by the Farmers Home Administration, or by the Small Business Administration. It will be a crucial factor in helping many homeowners and businessmen to recover. It is particularly the case where our low-income and middle-income homeowners and businessmen are concerned.

The previous law allowed loan cancellations of up to $1,800 on loans over $500 at 3 percent. This new legislation proposes upping the amount eligible for cancellation to $2,500 at no more than 6 percent and makes this provision retroactive to December 1, 1968. The borrower is allowed to choose between the old and new rates, depending on which will be best for his individual needs. Although the interest rate is raised, the overall benefit will still weigh heavily with the borrower. And although this provision will create some additional work for the agencies lending the money, I do not think the additional trouble will be nearly enough to offset the good of this provision.

My colleague from Texas, Senator YARBOROUGH, led the battle for initiating the retroactive character of this provision on the Senate side. The Senate version of the disaster bill makes the loan cancellation provision retroactive to April 1, 1970. I am pleased to see that the House has picked up the ball and increased the number of disaster areas that would be included in this retroactive provision.

In summary, I would say that this is not only an important bill, it is a sound and balanced bill. I urge your support of this excellent piece of legislation.

Mr. BELL of California. Mr. Speaker, I join my colleagues today in support of S. 3619, legislation which will revise and expand Federal programs to deal with disasters such as the recent tragic forest and brush fires in the State of California.

These most disastrous fires in the history of the State of California cost 14 lives and over $200 million in damage.

About 800 homes were destroyed. Over 1,200 other structures, including four houses of worship, were decimated. Fourteen people were killed, and over 350 were injured. Thousands were forced to leave their homes to escape the blazes.

The California Disaster Office estimated private property loss at over $154 million and public damage of at least $11 million.

The fires were fanned by violent winds, and they cut a path nearly 40 miles long from Newhall in the San Fernando Valley through Malibu and Topanga Canyons down to the sea.

The magniture of human suffering as a result of these disasters is unmeasurable.

Our firemen—over 2,000 of them—demonstrated magnificent courage. Working hour after hour with no sleep, firefighters battled the intense heat to save untold numbers of lives, homes, and valuable acreage.

The magnitude of these disasters calls for swift, efficient, and comprehensive action by the Federal Government to assist local and State efforts to remedy the effects of this holocaust. The legislation which I am supporting today would extend coverage offered by the Federal Government so that homes, businesses, highways, and other property damage and losses can be compensated.

This legislation provides for the temporary housing of disaster victims and authorizes the President to provide financial assistance in the form of mortgage or rental payments to individuals

or families who have suffered financial disaster caused by a major disaster.

It provides for relocation assistance payments and for the removal of debris from lands and waters with the aid of Federal agencies. Grants would be made to local governments to compensate for substantial loss of property tax revenues.

Finally, the act provides for studies by the Office of Emergency Preparedness to determine what plans, procedures, and facilities are needed to help prevent a recurrence of such a disaster.

Hopefully, the relief provided by this legislation will alleviate a portion of the enormity of suffering occasioned by the most disastrous fires in the history of the State of California.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of S. 3619, a bill to revise and expand Federal programs for relief from the effects on major disasters.

My home State of California has been particularly hard hit by natural disasters over the last 2 years. In January 1969, heavy rain storms brought flooding and mudslides in their wake. Roads, bridges, dikes, and levees were destroyed. Residents were forced to move from their homes. On January 26, 1969, 37 of California's 58 counties were declared disaster areas. More recently, fires have wreaked havoc on major portions of California.

I am particularly pleased to be a member of the Public Works Committee which has primary responsibility for initiating legislation to aid those who have suffered from natural disasters, and to attempt to reduce the impact of disasters in the future.

Last year, our committee initiated the National Disaster Relief Act of 1969 primarily to relieve those communities which were hit in California by floods and to aid the victims of Hurricane Camille.

Due to this legislation and other action, California was the recipient of over $111 million in the form of Federal disaster assistance.

Mr. Speaker, while one disaster death is one too many, I feel that our efforts over the years to protect lives have been successful and the legislation should be extended and broadened. For example, at the turn of the century, the Galveston flood caused about $30 million worth of damage; however, 6,000 lives were lost. Compare this with Hurricane Camille in which $1.5 billion in damage was caused, but the death toll stood at 258. In addition, experts have estimated that $3 in losses have been prevented for $1 invested in flood control structures.

Mr. Chairman, the act before us (S. 3619) is a progressive step. Section 2 extends the scope of Federal aid to permit making permanent repairs and replacements of public facilities. The Federal contribution would be limited to the cost of restoring the facility using the basis of design of that facility as it existed immediately prior to the disaster.

Section 5 is designed to aid those communities which have lost property tax revenue when a substantial portion of a community's property tax base is destroyed by a natural disaster. Under this section, the President is authorized to make grants to any local government which, as a result of a major disaster, has suffered a substantial loss of both real and personal property tax revenue.

Last year, I introduced H.R. 14781 which would provide earthquake and earthslide insurance under the Housing and Urban Development flood insurance program. In order to implement this program, the Department of Housing and Urban Development feels that more knowledge and experience is needed in order to establish an actuarial insurance rate for earthslides and earthquakes.

Under section 7 of the Disaster Relief Act of 1970, the Director of the Office of Emergency Preparedness is directed to study ways to provide effective action to prevent or lessen losses of property and personal injury or deaths which could result from earthquakes, tsunami, storm surges and tides, and floods. This report should aid the Federal Insurance Administrator in making determinations for extending the present flood insurance program to other areas.

Again, Mr. Speaker, I commend you for your action in this field, and heartily endorse S. 3619, the Disaster Relief Act of 1970.

The SPEAKER. The question is on the motion offered by the gentleman from Alabama (Mr. JONES) that the House suspend the rules and pass the bill S. 3619, 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.

GENERAL LEAVE TO EXTEND

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the bill just passed, S. 3619.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

VOYAGEURS NATIONAL PARK, MINN.

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10482) to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to preserve, for the inspiration and enjoyment of present and future generations, the outstanding scenery, geological conditions, and waterway system which constituted a part of the historic route of the Voyageurs who contributed significantly to the opening of the Northwestern United States.

ESTABLISHMENT

SEC. 101. In furtherance of the purpose of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Voyageurs National Park (hereinafter referred to as the "park") in the State of Minnesota, by publication of notice to that effect in the Federal Register at such time as the Secretary deems sufficient interests in lands or waters have been acquired for administration in accordance with the purposes of this Act: *Provided,* That the Secretary shall not establish the park until the lands owned by the State of Minnesota and any of its political subdivisions within the boundaries shall have been donated to the Secretary for the purposes of the park.

SEC. 102. The park shall include the lands and waters within the boundaries as generally depicted on the drawing entitled "A Proposed Voyageurs National Park, Minnesota," numbered LNPMW-VOYA-1001, dated February 1969, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Within one year after acquisition of the lands owned by the State of Minnesota and its political subdivisions within the boundaries of the park the Secretary shall affix to such drawing an exact legal description of said boundaries. The Secretary may revise the boundaries of the park from time to time by publishing in the Federal Register a revised drawing or other boundary description, but such revisions shall not increase the land acreage within the park by more than one thousand acres.

LAND ACQUISITION

SEC. 201. (a) The Secretary may acquire lands or interests therein within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the park boundaries may be exchanged by the Secretary for non-Federal lands within the park boundaries. Any portion of land acquired outside the park boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended. Any Federal property located within the boundaries of the park may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the park. Lands within the boundaries of the park owned by the State of Minnesota, or any political subdivision thereof, may be acquired only by donation.

(b) In exercising his authority to acquire property under this section, the Secretary shall give immediate and careful consideration to any offer made by any individual owning property within the park area to sell such property to the Secretary. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring his property.

SEC. 202. (a) Any owner or owners (hereinafter referred to as "owner") of improved property on the date of its acquisition by the Secretary may, if the Secretary determines that such improved property is not, at the time of its acquisition, required for the proper administration of the park, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, which ever is later. The owner shall elect the term to be retained. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) If the State of Minnesota donates to the United States any lands within the boundaries of the park subject to an outstanding lease on which the lessee began

construction of a noncommercial or recreational residential dwelling prior to January 1, 1969, the Secretary may grant to such lessee a right of use and occupancy for such period of time as the Secretary, in his discretion, shall determine: *Provided*, That no such right of use and occupancy shall be granted, extended, or continue after ten years from the date of the establishment of the park.

(c) Any right of use and occupancy retained or granted pursuant to this section shall be subject to termination by the Secretary upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this Act, or upon his determination that the property is required for the proper administration of the park. The Secretary shall tender to the holder of the right so terminated an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(d) The term "improved property," as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1969, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

SEC. 203. Notwithstanding any other provision of law, the Secretary is authorized to negotiate and enter into concession contracts with former owners of commercial, recreational, resort, or similar properties located within the park boundaries for the provision of such services at their former location as he may deem necessary for the accommodation of visitors.

SEC. 204. The Secretary is authorized to pay a differential in value, as hereinafter set forth, to any owner of commercial timberlands within the park with whom the State of Minnesota has negotiated, for the purpose of conveyance to the United States, an exchange of lands for State lands outside the park. Payment hereunder may be made when an exchange is based upon valuations for timber purposes only, and shall be the difference between the value of such lands for timber purposes, as agreeable to the State, the Secretary, and any owner, and the higher value, if any, of such lands for recreational purposes not attributable to establishment or authorization of the park: *Provided*, That any payment shall be made only at such time as fee title of lands so acquired within the boundaries is conveyed to the United States.

ADMINISTRATION

SEC. 301. (a) Except as hereinafter provided, the Secretary shall administer the lands acquired for the park, and after establishment shall administer the park, in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1–4).

(b) Within four years from the date of establishment, the Secretary of the Interior shall review the area within the Voyageurs National Park and shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendation as to the suitability or nonsuitability of any area within the lakeshore for preservation as wilderness, and any designation of any such area as a wilderness may be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 302. (a) The Secretary shall permit recreational fishing on lands and waters under his jurisdiction within the boundaries of the park in accordance with applicable laws of the United States and of the State of Minnesota, except that the Secretary may designate zones where and establish periods when no 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 agency of the State of Minnesota.

(b) The seining of fish at Shoepac Lake by the State of Minnesota to secure eggs for propagation purposes shall be continued in accordance with plans mutually acceptable to the State and the Secretary.

SEC. 303. The Secretary may, when planning for development of the park, include appropriate provisions for (1) winter sports, including the use of snowmobiles, (2) use by seaplanes, and (3) use by all types of watercraft, including houseboats, runabouts, canoes, sailboats, fishing boats, and cabin cruisers.

SEC. 304. Nothing in this Act shall be construed to affect the provision of any treaty now or hereafter in force between the United States and Great Britain relating to Canada or between the United States and Canada, or of any order or agreement made or entered into pursuant to any such treaty, which by its terms would be applicable to the lands and waters which may be acquired by the Secretary hereunder, including, without limitation on the generality of the foregoing, the Convention Between the United States and Canada on Emergency Regulation of Level and Rainy Lake and of Other Boundary Waters in the Rainy Lake Watershed, signed September 15, 1938, and any order issued pursuant thereto.

SEC. 305. The Secretary is authorized to make provision for such roads within the park as are, or will be, necessary to assure access from present and future State roads to public facilities within the park.

APPROPRIATIONS

SEC. 306. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $26,014,000 for the acquisition of property, and not to exceed $19,179,000 (June 1969 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the bill now before the House is H.R. 10482 by Representative BLATNIK and all of the Members of the House delegation from Minnesota. It provides for the creation of the Voyageurs National Park.

LEGISLATIVE BACKGROUND

Last year, several members of the Subcommittee on National Parks and Recreation had an opportunity to visit this beautiful part of the State of Minnesota. In the short time available to us, we viewed much of the area from the air, from the water, and on the ground. Needless to say, it is a magnificent part of the famous lake country of Minnesota.

During our visit in the area, we conducted a lengthy public hearing in the city of International Falls. At that time, we heard the views of opponents and proponents of the legislation and we were satisfied that every conceivable viewpoint was represented.

This summer, additional hearings were held in Washington. During the course of those hearings, three principal issues emerged:

First, should hunting be permitted in the area?

Second, should the State be compensated for lands which it owns within the park boundaries?

Third, should the Forest Service retain administrative jurisdiction over the so-called Crane Lake Addition?

On all of these questions, the committee decided in the negative. With respect to hunting, it was felt that no deviation from the usual prohibition should be permitted if the area is to become a national park. Almost everyone who recommended national recognition of the area indicated that national park status seemed most appropriate, though some witnesses did want to continue to permit hunting in the area.

As a general policy, of course, recreational hunting is not permitted in national parks and monuments. The members of the committee feel strongly that no exception should be made to this rule. While the annual deer harvest is substantial in this proposed park area, it is expected that the deer population will gradually adjust itself as parts of the area return to climax forest vegetation.

The State lands question became the most difficult one to resolve. At first, the Governor of the State seemed to insist that the State be compensated in dollars or land for the lands which it owned within the proposed park boundaries—even through the usual congressional policy has been to require the acquisition of State lands by donation only. In the weeks that followed our hearings, the Governor apparently reviewed this matter and determined that the State could make the lands available without cost to the Federal Government. With this understanding, the sponsor of the bill, the gentleman from Minnesota (Mr. BLATNIK) urged the committee to consider the proposed legislation in detail and suggested some of the revisions which the committee ultimately adopted.

PROVISIONS OF H.R. 10482, AS AMENDED

The most important elements of the bill recommended by the committee involve the issues which I have mentioned. First, the bill recognizes the value of this area as a potential national park. Few places in the country contain the attributes required to be designated as a national park, but those that do are best described in superlatives. The proposed Voyageurs National Park is worthy of national park status because it contains significant natural and geological features worthy of national recognition; because it possesses nationally significant scenic and recreation values; and because it offers an opportunity to interpret, for the edification of the public, the historic role of the Voyageurs in our cultural heritage.

The committee is recommending a national park comprising about 139,000 acres of land and 80,000 acres of water.

If approved by Congress, it will include the so-called Crane Lake Addition as proposed by every Member of the Minnesota delegation. Naturally, the Forest Service would rather retain this 35,000-acre area, but the committee felt that it should be managed in accordance with national park standards and it is the function of the Congress to determine how the public lands shall be used. While this area constitutes a substantial part of the proposed park, it is a relatively minor part of the existing 3-million acre Superior National Forest.

Because the committee believes that the area should be managed as a national park, the committee amendment makes it generally consistent with the usual standards applicable to national parks. It deleted provisions permitting hunting, trapping and commercial fishing, and all of the other provisions which would have deviated from standard national park policies.

To be sure that the State makes its lands available for the park without any cost of any kind, the bill explicitly requires the donation of all publicly owned lands prior to the establishment of the park—this includes the lands of the State and its political subdivisions. While a requirement such as this is not common it is not unprecedented. As at Guadalupe Mountains National Park, which the Congress authorized a few years ago, the State interests are essential to a viable national park. They are not now administered for park or recreation purposes as in some other cases; consequently, the members of the committee felt that some requirement should be incorporated into the bill which would assure the transfer of the publicly owned lands prior to the establishment of the park. On the basis of the interest expressed by all of the members of the Minnesota congressional delegation and on the basis of the assurances of the Governor and of the candidates for Governor, we feel certain that the necessary action will be taken by the State to enable the Secretary to establish the park.

Of course, the bill contains the usual provisions to protect property owners who may wish to retain a limited interest in their improved properties. It also makes it clear that recreational fishing is permissible and that snowmobiles, boats of all kinds, and seaplanes will continue to be permitted, subject to the development plans and regulations of the Secretary.

Because of the location of the park along the Canadian boundary, this bill specifically disclaims any intention to alter or modify the terms of any international agreements.

COSTS

As recommended by the committee, approximately 79,000 acres of privately owned land are involved in this proposal. Much of this is undeveloped, but there are some 400 or 500 improvements within the proposed park. Acquisition costs for the lands and improvements are estimated to be $26,014,000 and the bill limits the appropriation authorization to that amount.

The development plan presented to the committee did not include any cost estimates for the Crane Lake Addition, since the Interior Department deferred to Agriculture on this issue. As a consequence of this fact, the committee decided that it would be more appropriate to limit appropriations for development to those funds estimated to be needed for Kabetogama Peninsula and adjacent areas—$19,179,000. Within the next year, we expect to have detailed plans for the Crane Lake area, if H.R. 10482 is enacted. At that time implementing legislation can be introduced and considered on the basis of the facts presented. The committee was reluctant to add authorization for any appropriations which it could not justify.

CONCLUSION

Mr. Speaker, I feel that the committee has made a real contribution to the national outdoor recreation program by recommending this legislation in this form and I am pleased to urge its adoption by the House.

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

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

Mr. KYL. The gentleman has spoken of conflicts which arose because of this legislation. I believe we should go a little deeper into this matter. There is in the Kabetogama Peninsula area, where this new park is proposed, one of the largest herds of white-tailed deer. This is a nonmigrating deer. The deer flourish in that area probably because of some selective timber cutting and also because they have had a hunting season which does in some way control the general health of the deer herd.

Because there are deer there, there is also probably the largest pack of timber wolves that we have left in this country, the timber wolf being an endangered species.

So immediately we have a conflict among environmentalists, those who like to preserve animal life on the one hand, and those who like to preserve scenic values, natural conditions, and ecology on the other hand.

As we resolve that particular battle in this instance, the Department of the Interior, obviously in the interest of saving the wildlife, is going to have to institute some kind of well-planned, concerted program to control the size of the deer herd. Since this will not be done by public hunting as such, because it is a national park, I am sure there will be some criticism in the future because of the manner in which those deer will be harvested. I think probably the solution at which we arrived is the only one possible under the circumstances, and the public is just going to have to understand that there is no pure, simple, and easy answer to this kind of conflict. Therefore, as I say, I think this resolution is about the best that could be arrived at in the interest of saving all the values which are present.

I thank the gentleman for yielding.

Mr. TAYLOR. I thank the gentleman for his comments.

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

Mr. TAYLOR. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Do I correctly understand that some 67,000 acres will have to be acquired?

Mr. TAYLOR. The gentleman is correct.

Mr. GROSS. At a cost of $20,300,000, which seems to me to come close to $300 an acre. What is the fair market value of the land?

Mr. TAYLOR. I might state there are several improvements in the area that will have to be acquired. We are also hopeful that the land will not cost that much, but that is the safe appraisal.

Mr. GROSS. Of course, a letter from one Governor, and I do not question the intent of the Governor, but Governors come and go, as do legislators. I hope with the gentleman that the State will donate the land which they apparently now say they will donate. But, I say again, Governors come and go, and so do legislators. I hope the committee, to put it bluntly, will ride herd on this to see that Minnesota does donate the land as it is pledged to do.

May I ask the gentleman this question: Is there any favoritism being extended to Minnesota hunters, fishermen, and trappers, or will they be accorded the same treatment as those from other States who might want to come in and trap, hunt, and fish in this area?

Mr. TAYLOR. I believe the gentleman's colleague from Iowa can answer that question, and I am glad to yield to him.

Mr. KYL. Mr. Speaker, I would like to respond to my colleague in this fashion. There will be no preference shown to the residents of any State over any other State, and this being a national area, any hunting which is done will be controlled hunting which is under complete regulations of the Department of the Interior, and in no way would preference be given. As a matter of fact, I think it can be said that the hunters of Minnesota do give up a considerable bit in the passage of this legislation.

Mr. TAYLOR. Mr. Speaker, I might state to the gentleman, as a general policy hunting is not permitted in national parks. Fishing is permitted, and it will be permitted in this national park.

The bill specifically provides that the park cannot be created until after the State has donated the land. That is a condition precedent to the creation of the park.

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

Mr. Speaker, H.R. 10482, which would establish the Voyageurs National Park, was originally a bill cosponsored by all of the members of the Minnesota congressional delegation.

DESCRIPTION OF THE AREA

This proposed national park is located in northern Minnesota in the famous lake country. Basically, it will be a water-oriented park containing three prominent lakes—Rainy Lake, Namakan Lake, and Kabetogama Lake—in addition to numerous smaller lakes which were carved in the surface of this region during the Ice Age.

Geologically, this area contains many features of scientific interest, but its principal value is its relatively unde-

veloped natural character. In some places, it is anticipated that the area, when protected as a park, will gradually return to its original character as a climax forest. Naturally, the vegetation is a major factor for the animal community which it supports. The caribou and wolverine which were once found in this region have disappeared, but the subclimax forest which is now dominant supports moose, deer, some timber wolves, and many other large and small animals.

Of course, the scenery in this area is magnificient. From the water, the forested lands provide a beautiful backdrop and from the land, the clear water of the lakes provides a spectacular view.

An area such as this will undoubtedly provide a variety of outdoor recreation opportunities. Fishing, hiking, camping, and boating are all expected to be popular. In addition, the area features many important winter recreation opportunities. It is expected that this park, if authorized, will attract more than 1.3 million visits per year within 5 years after its establishment.

These people will come to see the beauty of this region and to enjoy the outdoors, but they will also come to grasp an experience which they can find nowhere else. Here, they can relive the life of the voyageurs who canoed along these waters long before the West was settled. The Park Service will undoubtedly tell this story of the voyageur in its presentation of the park for the edification of the visiting public.

CREATING THE PARK

Mr. Speaker, there is no question in my mind about the qualification of this area as a national park. It meets all of the criteria for a park:

It has been endorsed by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments several times.

It is relatively undeveloped and can be managed in a manner to restore the area to its natural condition.

It contains a combination of natural, geological, scenic, and recreational features which makes its designation as a national park appropriate.

Originally this legislation contained several features which were not compatible with the usual policies for national parks. Because of the high standards required for these areas, the committee was reluctant—in fact it refused—to deviate from the standard requirements in other national park legislation.

The most important issue involved hunting within the park. As everyone knows, recreational hunting is not a permissible activity within a national park, even though it is permitted in national recreation areas. When asked by members of the committee whether they would rather have a park with no hunting or a recreation area with hunting, all of the members of the Minnesota delegation who testified indicated that they preferred a national park. The bill recommended by the committee contains no special provisions which would allow hunting in this park if it is authorized and established.

The committee made many other changes in the features of the bill to bring this legislation into conformity with national park policies. I will not burden you with a lengthy explanation of them, but I do want to point out that the bill provides for a review of the area under the provisions of the Wilderness Act to determine if any part of it might be suitably designated as wilderness.

LANDS QUESTIONS

Mr. Speaker, if H.R. 10482 is enacted as recommended by the committee, it will create a park comprising some 139,000 acres of land and 80,000 acres of water. For the most part, these lands are located on Kabetogama Peninsula, but some of them—about 35,000 acres—are within the so-called Crane Lake Addition.

The Crane Lake Addition consists primarily of lands located in the Superior National Forest, but only about half of the lands are federally owned. In its deliberations on this question, the members of the committee recognized that this area is administered by the Forest Service for recreation purposes and that the Forest Service did not desire to lose its jurisdiction over the region. On the other hand, we recognized that this addition to the national park could make a significant contribution to the park, that it met the same high standards of the other portion of the proposed park area, and that it should be made a part of the park. For those reasons, notwithstanding the fact that the Forest Service indicated its opposition to the inclusion of this area in the park, the committee recommends its inclusion at this time.

Finally, Mr. Speaker, the last issue that I want to discuss involves the State lands question. As everyone knows it has been the usual practice in recent years to require that any State lands acquired for national park purposes be acquired by donation only. We have written that language into most authorizing bills because we feel that the State has much to gain by having a unit of the national park system located within its boundaries. We also feel that in cases, like this one, where a large Federal investment is involved, that it is unreasonable to expect Uncle Sam to purchase publicly owned lands.

In this case, thanks to the persistent efforts of our colleague in the House, Representative BLATNIK, and to the Governor of the State of Minnesota Governor LeVander, we are reasonably confident that the publicly owned lands within the park will be donated. Because these holdings are substantial and scattered throughout the proposed park, their transfer to the United States is essential. There are more than 34,000 acres of State and county land within the proposed park. Without these lands, a meaningful national park would not be possible; therefore, the committee bill requires the donation of all publicly owned lands to the United States prior to the establishment of the park.

With the assurances of the incumbent Governor on this issue, and with the favorable disposition of both of the principal candidates for that office, we are convinced that these lands will be made available and that this park will be established by the Secretary within a reasonable period of time.

COST

This park, like many others which the Congress has created in the last decade, will involve the acquisition of some privately owned lands. A large percentage of the private holdings is used for timber production, but there are some seasonal residences and resort properties which may also be acquired. The total cost of the land and improvements for this entire area, including those in the Crane Lake Addition, is estimated to be $26,014,000.

The bill also provides for the development of public use facilities in the park. The amount estimated to be needed for this purpose is $19,179,000, but I want to point out that this does not include any funds for the development of the Crane Lake Addition. Since the National Park Service proposal did not include that area, it has not formulated a development plan for it. We expect the National Park Service to make the necessary studies and forward its recommendations to the committee within a reasonable period of time after this park is authorized. On the basis of this information, we can then consider legislation to implement this feature of the program, but we need not delay our consideration of this legislation, because development activities must always await the establishment of the area and the acquisition of sufficient lands to make the development program feasible. In any event this will not begin to occur for a year or two.

CONCLUSION

That, very briefly, summarizes the basic thrust of H.R. 10482, Mr. Speaker. The members of the committee on Interior and Insular Affairs considered this legislation carefully and recommended it without a dissenting vote. We feel the bill, as amended, is a sound, constructive approach which will result in the creation of an outstanding national park, and we urge its approval by the Members of the House.

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

Mr. SAYLOR. Mr. Speaker, I yield to the gentleman from Iowa.

Mr. KYL. The gentleman mentioned the jurisdictional dispute over the Crane Lake area. The reason in logic given by the Agriculture Department as opposing transfer was that this particular area was needed as a transition between the park and the wilderness type canoe area. As a matter of fact, that transitional area can be provided just as effectively by one department as by the other. What this amounts to ultimately is merely a jurisdictional dispute. There is nothing seriously at issue here.

Mr. SAYLOR. That is correct.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Speaker, this is a moment I have been looking forward to for many years, and I have not been alone in my hopes and expectations. For today, we of the Minnesota delegation and

the distinguished and hard-working members of the Committee on Interior and Insular Affairs bring before you the Voyageurs Park bill.

This is a day of great satisfaction for me personally, because in working with the members of the Committee on Interior and Insular Affairs, particularly with their distinguished chairman, WAYNE ASPINALL, and with the outstanding chairman of the Subcommittee on National Parks and Recreation from North Carolina, ROY A. TAYLOR, I have seen a truly exemplary instance of the Congress at work—that committee and subcommittee, Mr. Speaker, have worked on this bill energetically, intelligently, idealistically.

From the moment that members of the subcommittee traveled to International Falls, Minn., for field hearings, through hearings held this summer, and through the executive session notable for the hard work of so many of the members of the subcommittee, to this very moment, when we present the bill to this distinguished House, they have not stinted in their enthusiasm and zeal to make this the best possible park for the most people.

In a time when our country is growing smaller with every passing minute, as every hour 228 new Americans are born, and as concrete and asphalt threaten to spread across the forests and plains of this country to its four corners, it is imperative that we take this small part of America that embodies so much of our history and preserve it for our children.

The Voyageurs Park proposal which we are considering today sets aside some 344 square miles of forests, lakes, and waterways, including the Kabetogama Peninsula, Kabetogama Lake, portions of Rainy Lake, Namakan and Sand Point Lakes, and part of the Crane Lake Recreation Area north of Crane Lake.

This legislation is the product of many years of frank, open discussion on the merits and drawbacks of locating a national park in northern Minnesota, during which time knowledgeable experts gave much consideration to the many suggestions from individuals, organizations, State, county, and local officials and private enterprise.

We have worked hard for the best possible and fairest proposal which would respond to local needs and wishes as much as possible, minimize adverse effects on cabin owners, resorts, and other businesses dependent upon the park area for their livelihood and the wood products and paper industry, which would be affected the most—while at the same time meeting the criteria required for a national park.

Every effort has been made to assure fair treatment to the people now living and working within the park area. In the long run, this park can, and, I believe it will, bring the most good to the largest number of people. It will be of significant economic benefit to the immediate area, as well as to all of northeastern Minnesota, the rest of the State, and will certainly be in the national interest.

VOYAGEURS AND THE FUR TRADE

The proposed Voyageurs National Park is a majestically appropriate tribute to the 18th century fur-trading voyageurs who quested the riches of the North, and in the process opened the vast heartland of the North American Continent.

These men came in search of furs—beaver, martin, mink, and ermine—for the Northwest, American Fur, and Hudson's Bay Companies, and built the vast lake, river, and portage highway of the voyageurs, which stretched from the eastern slopes of the Canadian Rockies to Montreal, and linked the buckskinned Indian with the fur-draped lady and beaver-hatted dandy of Europe.

They conquered this hostile land not by guns but by sheer physical strength and courage, as they paddled, poled, and portaged their frail canoes and heavy burdens up and down the fierce torrents and steep, rocky portages of the northland.

By disposition as wild as the surging waters they defied, they lived at peace with the Indians, who traded the rich furs for supplies and goods from the Eastern coast.

The Voyageur, with his red cap and gay sash, his boisterous song, bravado and Gaelic courtesy, is the true hero of Minnesota's early history. Paul Bunyan and the loggers have long overshadowed this Voyageur, even though he predates the logging era by some 20 years. Voyageurs National Park will restore him to the place in our national history and folklore which he so rightly deserves.

THE NATURAL SETTINGS

On a different historical scale, the area has some of the oldest, and some of the most modern, geological phenomena, from sedimentary rock dating back 2½ billion years, to the imprints of the last ice age, a mere 10,000 years ago.

The proposed Voyageurs National Park is not only replete in history, it is breathtaking in its natural beauty and wild scenery. Lakes and forests interlock in a lacework of greens and blues, with sparkling lakes, jeweled with lush islands, frothy torrents and steep gorges, forests of fir, spruce, pine and birch, and lush green meadows.

Moose, deer, black bear, timber wolves, beaver and smaller forest animals abound, and northern pike, trout, bass, and walleyes provide excitement for the fisherman—and the warmth of triumph for the ice fisherman.

Voyageurs is thus a haven for the city-dweller who thirsts for clear skies and clean water, and a chance to escape the pressures of urban life.

In addition to its natural beauty, the park will provide full, year-round recreational facilities. Water sports and camping will be at their peak in the summer months, with full facilities for swimming, motor boating, canoeing, camping and hiking.

Modern technology and man's need for nature have put an end to "seasonal" recreation. The recent boom in snowmobiling in northeastern Minnesota—there are more than 100,000 in the State now—as well as the growing popularity of snowshoing and cross-country skiing, assure that winter in Voyageurs will be as busy as the warmer months of the year.

Nature watching and photography will always be in season, whether the lakes and forests are draped in white, burgeoning with new spring life, in full summer foliage, or garbed in the flames of autumn.

The area will be fully accessible by car, boat, or seaplane, and will provide full recreational facilities for every variety of nature lover from car-driving tenderfoot to experienced backpacker and rough-it woodsman, with no danger of conflicts over land use.

The developed areas will comprise picnic and camping areas, marinas, visitors centers, and resort facilities, as well as hiking trails, some of which retrace the old portage routes of the Voyageurs themselves.

Beyond these areas stretches a vast expanse of land and water as pristine as when the first Voyageur put paddle into our lakes, and will slake the wilderness thirst of the most demanding outdoors purist.

ECONOMIC BENEFITS

But the advantages of Voyageurs National Park lie not only in its natural resources and unique recreational offerings. Both of these will combine to bring considerable economic benefits to the area and the State as a whole—once the park reaches full operation.

Various national park studies have shown that it takes approximately 5 years from establishment to full operation.

The study from which I quote the following statistics is based on National Park Service attendance estimates, and is the joint effort of the Minnesota State Planning Agency, the Minnesota Department of Conservation, and the Minnesota Department of Economic Development.

This study is a followup to the earlier Sielaff report of 1964—prepared by Dr. Richard Sielaff of the University of Minnesota, Duluth Branch—which covered only the estimated total tourist expenditures for resorts, motels, and hotels, and predicted an added income to the area of $4 million.

Since 1964, of course, travel and recreational needs have increased geometrically; the introduction of the snowmobile and general growth in popularity of all winter sports have already made northeastern Minnesota a year-round resort area.

The later study by the three departments of the Minnesota State government has predicted a total of 1,359,900 visitors during the park's first year of full operation. They will spend $26.7 million in the park area, and an additional $10.7 million in transit, for a total economic impact of $37.4 million that first year.

By its fifth year of full operation, the study predicts revenue of $41,600,000 in the State, of which $29.6 million will be spent in the park area, and $12 million in transit.

Most of the in-transit funds will be spent along the road from the Twin Cities to International Falls—a vital contribution to an area most of which is and has long been an economically deprived region, eligible for the full gamut of Federal assistance programs.

These figures may seem to be the product of wishful thinking, but they have been borne out by experience in other areas.

Studies made in several parks bear out our own predictions that commercial enterprises have expanded and new enterprises have grown up near the parks to meet the needs of increasing visitors to the area.

Tax receipts have increased with the rising value of adjacent properties, and employment usually rises significantly.

For example, the creation of Cape Hatteras National Seashore more than doubled the assessed valuation within its county in the 1950–58 period, while at the same time tax rates were reduced from $1 to 80 cents per hundred. Business from the tourist trade in the nearby area almost doubled within a 6-year period. Land which was not acquired by the seashore often increased in value 50 to 100 times as general economic activity increased in the area.

In Glacier National Park, Montana, way back in 1951 and long before today's tourism boom, visitors spent some $4 million in and around the park, and an additional $8 million in the State.

A 1956 study of the Great Smoky Mountains National Park showed that the 2.5 million people who visited the park that year spent more than $28 million within a 30-mile radius of the park.

In an 8-year period, between 1950 and 1958, total assessment values of real estate in Teton County, Wyo., location of Grand Teton National Park, went from $4.7 million to $8.2 million—almost doubling in an 8-year period.

This story of increased income, rising tax revenues, and multiplying valuation of land adjacent to a national park, is repeated in study after study, and bears out our own predictions for Voyageurs.

An additional source of economic benefit comes from what economists call the multiplier effect, which means simply that of every dollar brought into the area, some percentage is respent or reinvested a certain number of times by the local, year-round residents. Revenues are thereby increased by more than the amount brought into the area by tourists. In Teton County, for example, in 1964 the $13 million in tourist expenditures generated an extra $1.5 million in local business activity.

We must also remember that the visitor spends his money not only in and around the park, but en route as well, paying for food, transportation, lodgings, retail purchases, theater and amusements, tourist attractions along the way, laundry and other items.

And, these dollars are in turn respent for salaries and professional services, taxes and insurance, mortgages and interest, goods and services, food, and many other necessaries for solid and prosperous community life.

Our Minnesota study estimates that each additional $10,000 in sales creates another job—so the $36 million additional income per year in Minnesota could be a big boost to employment, especially in northeastern Minnesota, as well as throughout the State.

THE BILL

Mr. Speaker, these are the prospects opened by Voyageurs National Park to northeastern Minnesota, the entire State, and the Nation as well: preservation of a unique land and water resource; ample year-round recreation for an increasingly urbanized America; a thrilling page of our Nation's history revived, and economic benefit to our citizens.

Let me now turn to the legislation itself.

THE AREA: WATER ORIENTED

The Voyageurs most valued the western Great Lakes area for its connecting bodies of water and we have tried in this bill to keep these waters—each flowing into the next and making up an integral unit—the legendary Highway of the Voyageurs—as the focal point of the park.

There are about 140,000 acres of land included, and over 80,000 acres of water, about two-fifths of the area.

CRANE LAKE AREA

This computation includes part of the Crane Lake Recreation Area, which was a vital link in the passage of the Voyageurs out of the heartland to the St. Lawrence. The Kabetogama Peninsula and the Crane Lake area are united by continuous and contiguous waters, and are an integrated ecological unit.

The entire area offers the visitor a panorama of changing landscapes, from the rocky glacial coasts of the Kabetogama to the pine forests of Crane Lake. The experience of the traveler through the area parallels the experience of the Voyageurs—full of change, full of adventure, and full of the spectacular beauty of the Northland.

WATER USES

All of the area is linked by waterways, and we have emphasized and preserved the water-oriented nature of the park by providing that all types of watercraft, houseboats, cabin cruisers and seaplanes may use the park at any time of the year.

SAFEGUARDS

We have tried, as far as possible, to minimize any adverse effects of the establishment of this park on the people of the area.

RESORTS AND COMMERCIAL PROPERTIES

First, we have set boundaries so that acquisition of resorts and private homes will be kept to a minimum.

To encourage the Secretary to move ahead on acquisition of private property and to preclude any hardship caused by falling prices over a long period of delay, we have included a provision which would require the Secretary to take such hardship into account in arriving at a purchase price for the property. We have also authorized the Secretary to acquire and dispose of property outside the park in order to avoid severance costs to the Government and hardship to property owners.

STATE DONATION

The amended park bill contains explicit provisions authorizing acquisition of State-owned lands only by donation by the State.

HOMES AND CABINS

Private property owners will retain their rights of use and occupancy for life or for 25 years, whichever they choose. Lessees of State-owned property may remain on their improved property for a maximum of 10 years after establishment.

PLANNING

When the Voyageurs Park was in the initial stages of discussion, I proposed that an advisory board be set up as a means of establishing a continuing liaison between the Park Service and local authorities. I was delighted to see that the President in August signed this bill into law, and I was especially pleased with the provision for the creation of citizen advisory boards to advise the Park Service on citizen views on Park Service policies.

The committee report states:

> The Secretary . . . may appoint advisory committees to permit greater citizen participation in park policies and programs. It is anticipated that this authority will result in the establishment of advisory committees for each of the six regions. In addition, advisory committees may be appointed for specific areas, comparable to those created by law for the Cape Cod National Seashore, Indiana Dunes National Lakeshore, and others. Members of these committees will serve without compensation, but they are allowed necessary travel expenses as permitted by law.

This is a wonderful advance in citizen-Park Service cooperation. For a number of years the boundary waters canoe area of the Superior National Forest has had a board which has worked very effectively in ironing our local problems in administration of the BWCA, and has brought about better understanding between the people of northeastern Minnesota and the U.S. Forest Service. I am confident that under the new law, the same understanding can be reached between the Park Service and the residents of the Voyageurs Area.

ACCESS

The bill assures adequate access to the park by authorizing the Secretary of the Interior to construct such roads as are needed to allow easy access to public facilities. The intention of this provision is not to serve private facilities, but to assure that there will be connections within the park to State roads outside the boundaries.

FISHING

Sport fishing, long a custom and major sport in the Voyageurs area, will continue after the park is established, and a special provision is included for the muskellunge hatchery on Shoepac Lake, as the State's chief source of muskellunge eggs.

YEAR-ROUND PARK

Northern Minnesota is a year-round vacationland and our economy is geared to year-round use. If we are to have a park at all, it must also be developed for

full-year use. To insure that plans will be made for both summer and winter activities, we have included language in the bill authorizing the Secretary to provide for all forms of recreation throughout the entire year.

Mr. Speaker, in developing this proposal over the past several years—and we have worked on its since 1962—we have kept these things in mind: The beauty and historic importance of the area, the necessity of preserving the area for posterity, and the corresponding necessity of preserving the rights and uses of the area to the people who live there and who will visit it.

We offer in this bill a precise outline of the bounds and features of the park, careful delineation of the conditions under which it would be established and administered, and explicit provisions protecting the State, the counties, who will be affected by its establishment. We have preserved the uses that have been its main attractions for so many years—fishing, sports, camping, snowmobiling.

CONCLUSION

In closing, I want to thank and compliment the Honorable WAYNE ASPINALL, the distinguished chairman of the committee, the Honorable ROY TAYLOR, the distinguished subcommittee chairman, and the ranking minority member of that subcommittee, the distinguished gentleman from Pennsylvania, JOHN SAYLOR. Without the superb cooperation of all these gentlemen, their unflagging work and their broad knowledge of matters dealing with national parks and conservation, this bill could not be before this House today. We offer you, through them, a classic national park, a precious piece of Americana, an unspoiled natural beauty that will serve Americans and their children well in the years to come.

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

Mr. BLATNIK. I am pleased to yield to my distinguished colleague from southeastern Minnesota, who comes from the lovely Mississippi valley area. I yield to him with this additional comment. He was one of the leaders of the Minnesota delegation on his side of the aisle who helped generate such strong support for this bill. I am delighted to yield to the gentleman.

Mr. QUIE. I thank the gentleman for yielding.

I wish to commend him for his diligence in bringing a piece of legislation to us which meets the criteria of a national park, but especially I wish to commend for the way that he handled his own district. I know of the problems we have in my district, and I know that everyone in the country is in favor of a national park, but I recognize his particular problems, because, as he said, there was some reaction emotionally to this park being established because of what they thought it might mean in the way of economic impact. This is an economic plus, I believe, for the State of Minnesota, and I believe it will do the same for the entire Nation. We have recognized the fact that it will protect an area which is unique in our country. It will give an opportunity to people all over the country as well as the State of Minnesota to enjoy the beauties of this area. It is a unique area that should be set aside for a national park so that people can enjoy this type of country.

I agree with my colleague, the gentleman from Minnesota, in commending those on the Committee on Interior and Insular Affairs who gave us such a good hearing and who have supported this legislation throughout. We are indebted to you for it.

In passing I merely wish to say again how important it is that we all worked with the gentleman from Minnesota, the gentleman from the Eighth District, who gave us this fine leadership.

Mr. BLATNIK. Again may I express my deepest gratitude to the gentleman from Minnesota and to all of the gentlemen for the truly outstanding cooperation that I received from all of the members of the Minnesota delegation. This is one of the finest examples of cooperation that I have ever been privileged to witness in all of my tenure here in the House of Representatives.

Mr. ZWACH. Mr. Speaker, will the gentleman yield to me?

Mr. BLATNIK. I am pleased to yield to the gentleman from the Sixth District of Minnesota.

Mr. ZWACH. I thank the gentleman for yielding.

Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Minnesota and highly compliment him on the long effort he made in working out the difficulties involved in this tremendous undertaking. My neighbor to the north has done a tremendous job not only for that area but for the whole United States, because, as has been said, this is a unique type of park that my people and all people will tremendously enjoy.

Mr. Speaker, a century and a half ago, when most of the great State of Minnesota was still a hundred years away from all but scattered settlement, there was a limited area of the State that knew a thriving enterprise.

I am speaking of the land of the Voyageurs, the northeastern arrowhead of Minnesota that rang with the song and the swish of the paddled trade canoes of the sprightly Frenchmen from Montreal.

Down the St. Lawrence River, through the Great Lakes to Lake Superior, up the rivers to the border lakes and beyond, these colorful tradesmen pushed their canoes loaded in with trade goods and loaded out with an untold bounty of furs.

The Voyageurs are long gone, but their land remains. Traveling that beautiful water-threaded, pine-covered paradise, one can almost hear the echoes of their happy voices. The land and the water routes are still there, some of it just as they left it.

Mr. Speaker, the Voyageurs National Park bill, now before us, would preserve the best of this area for the enjoyment of all of the people of the United States.

This is a unique area. There is no other like it, nor available, in our national park system.

There is a limit to the number of shorelines on our lakes and that limit is shrinking daily. There is a limit to our areas of mountain beauty, just as there is a limit to this Minnesota land of unmatched wild forest and water.

This natural scenic beauty, which God has made, should be the property of all the people.

We cannot measure in dollars and cents the esthetic renewal our people will derive from a visit to this land. We cannot reduce to a money basis the value returned to a visitor to this land of romantic beauty.

The Voyageurs National Park bill has universal support from the people of Minnesota and all of the State congressional delegation, as well as present State officials, and candidates from both parties.

Mr. Speaker, it is not enough for us to follow in the footsteps of those early-day Voyageurs, we must make our own imprints. We can do that by voting today to preserve for our children and our children's children this land of unmatched forest and water beauty, a land absolutely unique in the contiguous United States.

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

Mr. BLATNIK. I am glad to yield to the distinguished subcommittee chairman.

Mr. TAYLOR. I should like to commend the gentleman in the well for his constructive work and diligent efforts in helping us to resolve the difficult problems in connection with this legislation. Except for his work and diligence this bill would not be here today.

Mr. BLATNIK. I am deeply indebted to the chairman. He expended tremendous effort on this bill. He and his subcommittee made an on-the-spot tour of the parksite and also held a full day of hearings, on which he did a magnificent job.

Now, Mr. Speaker, I wish to yield to my friend from St. Paul, a great outdoorsman, a well-known conservationist in his own right, who played such an important role in giving us strong support for this park in Minnesota.

Mr. KARTH. Mr. Speaker, I think it is no longer necessary to give accolades to the distinguished gentleman in the well, but I must add to what has already been said by my other colleagues that the gentleman in the well, the gentleman from the northern part of Minnesota, did more than any other single human being to bring this bill before the House to create a national park in the northern part of Minnesota.

Mr. Speaker, I speak today in behalf of the Voyageurs National Park bill and strongly urge that it be approved by the House.

There is one very unusual aspect of this bill that has not fully been aired on the House floor. At the risk of being facetious, Mr. Speaker, this unusual aspect is that the entire Minnesota congressional delegation unanimously backs this bill.

This alone is certainly not a compelling reason to approve this legislation—but it does give one pause for thought.

A newspaperman once wrote that our delegation can agree on only one thing—to disagree. While we have our disagreements at times, as the Members of this

House now we all respect each other as legislators and representatives of Minnesota.

What we also have in common is a firm commitment to the approval of Voyageurs National Park.

The unanimity among our delegation is significant, because we as a delegation represent a unique cross section of this country—the suburbs, the large urban areas, the productive farmlands, the workingman, and the manager. And as you well know, we all do not belong to the same party.

Despite our diverse constituency—or perhaps because of it—we all back the creation of this national park. I used the phrase "because of it" in reference to the conservationist nature of the people of our State. Perhaps that is the explanation for the unanimous attitude of the Minnesota delegation.

Mr. Speaker, this would be a unique part of the national park system—and a unique extension of the Park Service. It would open up to the National Park System a new frontier in relationship to other national parks.

Mr. Speaker, the members of the Minnesota delegation have put in many long hours working for the creation of this park. Through the dedicated leadership of my distinguished colleague, Congressman BLATNIK, we have spoken to the people of Minnesota about this project and we have spoken to you, our colleagues in the House.

You have seen the unique quality of unanimity in the Minnesota delegation in favor of this bill. The majority of the people of Minnesota want this park to be created, and we hope that the majority of the Members of the House will agree with them.

Mr. QUIE. Mr. Speaker, the bill, H.R. 10482, which would establish the Voyageurs National Park, is the culmination of a longtime interest on the part of many people to preserve a part of Minnesota's unique and historic border country. It has the wholehearted support of the entire Minnesota congressional delegation and the Governor of the State of Minnesota.

The National Park System is dedicated to conserving, for the benefit and enjoyment of all people, areas of national significance which contain exceptional scenic, scientific, historical, and recreational resources. The proposed Voyageurs National Park, which incorporates the Kabetogama Peninsula, more than meets these criteria. The area possesses integrity; it represents a true, accurate, essentially unspoiled example of nature.

Voyageurs National Park is a spacious area of land and water, so outstandingly superior in quality and beauty as to make it imperative that the Federal Government preserve it for the enjoyment, education, and inspiration of all people. In fact, the Kabetogama region is one of the few remaining areas of the country which qualifies for national park status. The Kabetogama area is the most outstanding opportunity for a national park in the northern lake country of the United States. We should not pass up this opportunity to preserve one of the few remaining areas in the country that qualifies for national park status.

At the present time, Isle Royale National Park is the only national park in the northern lake country of the United States, even though that region is one of the most inspirational in the world. It should be kept in mind that Isle Royale National Park and the proposed Voyageurs National Park have many dissimilar qualities. Isle Royale is a forested island, the largest in Lake Superior, distinguished for its wilderness character. Voyageurs National Park is primarily a peninsula surrounded by a series of lakes, significant for its uniqueness as a historical, recreational, and scenic area. It is definitely an area that must be preserved.

Presently, Minnesota, Wisconsin, Illinois, Iowa, Missouri, Kansas, Nebraska, and North Dakota are all without a national park. National park facilities should be accessible to as many people as is possible. Voyageurs National Park would make a fantastic contribution to millions all year around, serving the citizens of the entire Nation, but especially those of States which, as yet, have no such facilities in close proximity.

In conclusion, I urge favorable action on H.R. 10482 to preserve as a national park an extremely beautiful area of the country, significant for its interesting geology, its superlative scenery, its magnificent waterway system, and the vital part which it played in the opening of the West.

Mr. LANGEN. Mr. Speaker, the bill presently under consideration, H.R. 10482, is a measure which I have cosponsored with my colleagues from Minnesota for the establishment of a Voyageurs National Park. This proposal, in spite of some considerable controversy associated with it, has received overwhelming support from most quarters. It is now obvious that this bill should become law.

The Kabetogama Peninsula, where this proposed park is to be located, is practically a virgin area with very few private installations. Since most of the area is privately owned, now is the time to preserve this area for the use of all our people.

No one will dispute that the Kabetogama Peninsula is a prime example of the pure, clean atmosphere, exciting scenery and variety of winter and summer recreational possibilities for which Minnesota has long been famous. Aside from meeting all of the National Park Service's rigid requirements for a national park, this lake area is geologically and historically unique in that it has no present counterpart in the national park system.

It is clear then that the Voyageurs National Park will become a superlative scenic resource. The peninsula and adjacent water and land offer an enchanting passageway to lakes, streams, and wooded islands. Unspoiled as it is, this park will conserve forever for posterity a vignette of primitive America with land and water as nearly as possible as they were when the first exploring "Voyageurs" saw them.

But this park will also become a splendid winter recreation area which will include cross-country skiing, snowmobiling, snowshoeing, ice fishing, winter photography, and camping. It will attract national publicity to Minnesota's tourist industry, thus greatly boosting Minnesota's economy. This multimillion dollar investment in Minnesota by the Park Service will be repaid many times over by the adventure, challenge, diversion, inspiration, recreation, contentment, and history which will have been rescued from oblivion.

No other place can serve America's unique needs so well. National parks have been a great source of inspiration for the American people. Increasing population and leisure time is putting severe pressures on existing parks and this will increase; more parks will be needed. Natural and unspoiled areas which meet the criteria of the National Park Service will disappear unless steps are taken now to preserve them. When such an area can be set aside now without injury, such as is the case with the Voyageurs National Park, it ought to be done.

Mr. Speaker, our Nation has conserved a mere 1 percent of its vast land mass for national parks, which have been referred to as "the crown jewels of our Nation's resources wealth." I urge my colleagues to join together in setting the Kabetogama Peninsula aside for the generations to come, as their rightful heritage, and yet as a monument to our generation's foresight and reverence for beauty.

Mr. MACGREGOR. Mr. Speaker, I wish to join with my colleagues in the Minnesota congressional delegation in support of H.R. 10482, the Voyageurs National Park bill. The solid bipartisan support which this proposal has enjoyed from the very beginning reflects the sentiments of the vast majority of Minnesotans who favor this bill.

Minnesota is justly famous for its year-round recreational facilities, with over 15,000 lakes and its ever-growing winter sports attractions. The purpose of H.R. 10482 would be to preserve the outstanding scenery, geological conditions, and waterway system in the Kabetogama Peninsula region of northern Minnesota. This is an area which boasts truly unique historic significance, for the park will contain within its boundaries a part of the historic route of the Voyageurs who contributed significantly to the opening of the Northwestern United States. It is an area which includes wildlife in abundance, including beaver, black bear, otter, mink, timber wolves, moose, deer, wildfowl, and many species of birds. The area is also famous for its outstanding fishing and boating waters.

In order to bring this bill to the floor of the House of Representatives today, compromises and accommodations have been reached with the various interests directly affected by the establishment of this park. The House Interior and Insular Affairs Committee under the leadership of Chairman WAYNE ASPINALL and Subcommittee Chairman ROY TAYLOR has done an excellent job. They are entitled to the thanks of all those who share my concern for the preservation and responsible development of our recreational resources.

Minnesota deserves to join the 22 other States which currently enjoy big-league national park facilities. Along with the

other members of the Minnesota delegation, I urge my fellow Members of the House of Representatives to support passage of the Voyageurs Park bill.

Mr. NELSEN. Mr. Speaker, I rise in support of H.R. 10482, the bill giving congressional authorization for the establishment of Voyageurs National Park in Minnesota.

In the first session of this Congress, I joined with other members of the entire Minnesota congressional delegation in introducing this proposal. It should be emphasized that the establishment of Voyageurs National Park has received the support of both Minnesota political parties, Governor LeVander and countless governmental and community agencies.

This Voyageurs National Park proposal has received the endorsement of conservation groups throughout the Nation. Their support is vitally important to the approval of this bill today, and its passage will mean that the people of America through their elected Representatives have taken a great stride toward the preservation of one of our country's most beautiful and historic areas.

The proposed park would be located in forested lake country along the United States-Canadian border, once the scene of an epic chapter in North American history. For a century and a half, French-Canadian voyageurs made their way through this maze of lakes and streams in frail bark canoes. They were transporting great quantities of furs and goods between Montreal and the far Northwest. These hardy voyageurs became the mainstay of the fur trade when it was the chief industry of the North American Continent. Their bold enterprise opened the heartland of our country and propelled us onto the threshold of the industrial revolution. Obviously, therefore, there is much historic interest in this beautiful and rugged region.

There has been considerable controversy over the particular provisions of this bill, but every thoughtful observer has agreed on the need for the Voyageurs National Park in some form or other. The original bill I cosponsored differs in some respects from the measure before us today, but I can express full support of the bill as reported by the Committee on Interior and Insular Affairs. The proposal before us would establish park boundaries basically the same as those originally proposed by the National Park Service. The park would include 139,000 acres of land and 80,000 acres of water.

Consistent with the National Park Service policy, hunting would be prohibited in Voyageurs National Park. Recreational fishing, however, would be allowed. The bill would authorize the Secretary of the Interior to formulate appropriate regulations concerning the use of snowmobiles, seaplanes, and various types of boating activities. The bill authorizes the appropriation of $26,014,000 for acquisition and $19,179,000 for park development.

Widespread public interest in the preservation of our natural resources has led to far-reaching congressional actions leading toward the goal of preserving the quality of our environment. The establishment of Voyageurs National Park will be another example of congressional recognition of the importance of conserving our natural resources for our posterity.

I would like to point out that we would not be considering this bill on the floor of the House of Representatives today were it not for the great leadership shown by my good friend and colleague (Mr. BLATNIK) in whose congressional district this park would be established. The establishment of any national park is not without controversy, and JOHN BLATNIK has weathered many a storm in reaching this important landmark authorizing the establishment of the first national park in our State of Minnesota. During the course of the past 2 years, he has spent hours of his time meeting with groups of individuals in his district, with State and Federal agency officials, and he played a leading role in guiding the Voyageurs Park bill through committee. He has always been guided in his efforts by the basic philosophy that the provisions of this bill must assure fair treatment to people now living and working in the park area and that the establishment of the park should avoid disturbing use patterns as much as possible. I am proud to join him in urging passage of H.R. 10482 in this session of the Congress.

Mr. FRASER. Mr. Speaker, I join with my Minnesota colleagues today in support of the bill, H.R. 10482. Passage by the House of this bill is the necessary initial action needed in order to create the Voyageurs National Park. As a cosponsor of this proposal I strongly support its passage.

Centering on the Kabetogama Peninsula in Northern Minnesota and covering over 200,000 acres of unspoiled land and water, Voyageurs Park will provide the outdoorsman with the opportunity to travel virtually uninterruptedly by water from the northern edge of the park to the Boundary Waters Canoe Area, a distance of 38 miles. The park will provide space for family vacations and all the activities associated with those vacations.

This park will, in short, help meet the recreation and conservation needs of thousands of our citizens both now and in the anticipated water short decades of the future.

GENERAL LEAVE TO EXTEND

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 10482.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 10482, 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.

CLERK AUTHORIZED TO MAKE TECHNICAL CORRECTION IN ENGROSSMENT OF H.R. 10482

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 10482 the Clerk be authorized to make a technical correction.

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

There was no objection.

SOUTH PACIFIC COMMISSION

Mr. GALLAGHER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 1162) to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission.

The Clerk read as follows:

H.J. RES. 1162

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of Public Law 403, Eightieth Congress, entitled "Joint resolution providing for membership and participation by the United States in the South Pacific Commission and authorizing an appropriation therefor" as amended (22 U.S.C. 280b) is hereby amended to read as follows:

"(a) such sums as may be required annually not to exceed $325,000 per fiscal year for the payment by the United States of its proportionate share of the expenses of the Commission and its auxiliary and subsidiary bodies, in accordance with article XIV of the agreement establishing the South Pacific Commission, as amended."

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, House Joint Resolution 1162 would increase from $200 thousand to not to exceed $325 thousand per year the ceiling on U.S. contributions to the South Pacific Commission.

This legislation is based on Executive communication dated April 6, 1970.

On April 29, 1970, the Subcommittee on International Organizations and Movements held an open hearing on House Joint Resolution 1162. Hon. Winthrop G. Brown, Deputy Assistant Secretary of State for East Asian and Pacific Affairs, and Col. William B. Taylor, U.S. Commissioner, South Pacific Commission, testified. Hon. PATSY MINK, Hon. SPARK MATSUNAGA, and Gov. John Burns submitted a supporting statement. Hearings have been printed.

The proposed increase is considered necessary to allow the South Pacific Commission to expand its work program over the next 4 to 5 years. Details of the Commission's budget appear on pages 18 and 19 of the hearings.

The South Pacific Commission is composed of governmental representatives of the United States, Australia, France, New

Zealand, Nauru, United Kingdom and Western Samoa. The United States contributes 20 percent of the Commission's budget; Australia, 31 percent; United Kingdom, 17 percent; New Zealand, 16 percent; France, 14 percent and Western Samoa and Nauru, 1 percent each.

The South Pacific Commission staff consists of 68 persons. Its program and expenditures—and U.S. contributions—have grown substantially since the Commission was established in 1947. The ceiling on U.S. contributions was $20,000 until 1948; $75,000 until 1961; $100,000 until 1964; $165,000 until 1965; and $200,000 since the last mentioned date.

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

Mr. Speaker, I rise in support of House Joint Resolution 1162 which would authorize appropriations for the U.S. share of the expenses of the South Pacific Commission.

This resolution would authorize an annual appropriation of up to $325,000 for the Commission each fiscal year.

The United States and the Governments of Austria, France, Nauru, New Zealand, the United Kingdom, and Western Samoa make up the South Pacific Commission, which was formed on February 6, 1947, to serve 16 territories of the Pacific with technical advice and assistance.

The Commission which serves 3 million people on islands scattered over an area of millions of square miles, is not a part of the U.N. system. It is the only international organization whose charter deals exclusively with the Pacific area.

The Commission's program complements the programs of participating governments. It carries out work in the areas of agriculture, livestock and fisheries, economic affairs, population studies, conservation and natural sciences, education, and health and social welfare.

The U.S. quota of the Commission's budget is a fixed 20 percent, which is less than the percentage contributed by the United States to the United Nations or the Organization of American States.

Mr. Speaker, the Commission is carrying forward its work in a quiet and effective manner. I urge approval of this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey that the House suspend the rules and pass the joint resolution (H.J. Res. 1162).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

OLEOMARGARINE IDENTIFICATION IN PUBLIC EATING PLACES

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12061) to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 12061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 407(c) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 347(c)), is amended by deleting the language thereof and substituting the following:

"(c) No person shall serve colored oleomargarine or colored margarine at a public eating place, whether or not any charge is made therefor, unless (1) a notice that oleomargarine or margarine is served is displayed prominently and conspicuously in such place and in such manner as to render it likely to be read and understood by the ordinary individual being served in such eating place, or (2) a notice that oleomargarine or margarine is served is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items, or (3) each separate serving bears or is accompanied by labeling identifying it as oleomargine or margarine.

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, H.R. 12061 does not eliminate the existing Federal requirement of notification to patrons of public eating places that colored oleomargarine is being served; it merely simplifies the required notification by replacing the present dual notice requirement with a single notice requirement.

Under the provisions of the bill, notice that colored oleomargarine is being served may be given by any one of the following three methods: First, a notice displayed prominently and conspicuously and in such manner as to be likely read; second, a notice on the menu set forth in type not smaller than that normally used to designate the serving of other food items; or, third, a label on each separate serving identifying it as oleomargarine.

This is all the bill does, is to simplify it. I know of no objection to the bill.

Mr. SPRINGER. Mr. Speaker, the problem involved has been rather complicated, and I think all this bill does is to attempt to simplify it in order to make compliance much easier, and at the same time still give the public adequate notice.

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

Mr. SPRINGER. I yield to my distinguished colleague, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I want to express my appreciation to the committee for considering this legislation so expeditiously, so that we have the bill before us today.

The gentleman from Illinois (Mr. KLUCZYNSKI) and I were the original sponsors of the legislation. We are grateful to the subcommittee headed by the gentleman from Oklahoma (Mr. JARMAN), the chairman of the full committee; the gentleman from West Virginia (Mr. STAGGERS), the ranking majority member; the gentleman from Illinois (Mr. SPRINGER), and the other members of the committee, for helping us clear up the rather complicated business of notifying the public being served in restaurants that they are being served oleomargarine.

I wholeheartedly endorse the provisions of H.R. 12061 which provide for a simplified notification procedure where yellow margarine is served in public eating places.

The existing, complicated law has proven both unworkable and has not been enforced, even in some Government establishments.

The present law requiring a dual notice to restaurant customers that margarine is being served discriminates against U.S. soybean producers, U.S. margarine manufacturers, and especially those consumers who choose to enjoy margarine, as well as those who serve it.

At present, an individual serving margarine to the public must, first, post a sign on the wall or make a suitable statement on the menu and, second, label each dish on which margarine is served, or serve it in a triangular form.

The double requirement is not necessary. The wall or menu notification alone will let the customer know that margarine is being served. It is the more appropriate and usual means of making such a notification.

Having to stamp "margarine" on dishes or carriers, or cut the margarine into triangles is time consuming and expensive. Together, the two requirements make enforcement unnecessarily complicated.

The U.S. Food and Drug Administration, which is the enforcement agency, says it cannot supervise the present double law because of lack of funds. To reduce the requirement to wall or menu notification would make enforcement much simpler. And simplification of the Federal requirement would encourage uniformity among the various State laws on notification.

No reduction of protection to consumers is entailed in my bill. The real protection value of the law, it seems to me, is enhanced by making it simpler to understand and enforce. And restaurant managers would be relieved of a burdensome, unnecessary requirement on small business.

I should emphasize Mr. Speaker that this is not a bill to promote one product over another. But I think the public should have freedom of choice over whether they desire butter or margarine.

In conclusion, those who support H.R. 12061 feel that one method of giving notice is sufficient and that a requirement for giving dual notice is unnecessarily burdensome upon the restauranteur. To my knowledge margarine is the only food product that requires such duplicate notification that it is being served and this is unfair.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. KLUCZYNSKI).

Mr. KLUCZYNSKI. Mr. Speaker, the proposal, H.R. 12061, which I have the honor of sponsoring in company with my distinguished colleague from Illinois, Representative MICHEL, is a small but useful adjustment in section 407(c) of the Food, Drug, and Cosmetic Act. That statute now requires the restaurants serving colored margarine to post a double notice to that effect—a wall or on the menu, and second, some

identification of each serving, by means of labeling or a triangular shape.

The bill H.R. 12061, would require one of three kinds of notice—sign on wall, statement in menu, or labeling on the individual serving or its dish. This bill emphatically does not remove the principle of notification when colored margarine is served. It strengthens the present law by making it easier to comply with and easier to enforce. The consumer is better served.

As an old restaurant hand myself, I know I speak for the restaurant men of America when I say that the present double notification is not practicable. The restaurant people urge this bill and I am with them. No other food, not even imitation milk, has to go through the charade of a double notice. One is good enough.

We had a good hearing on this bill. It has been before the Interstate and Foreign Commerce Committee and Congress a long time. I thank the distinguished chairman of the committee and the distinguished members of the committee for their consideration of this little bill.

There has been no opposition to it. There has been substantial support of it, from the National and State restaurant people, from the nursing home, hotel, and motel people, from the soybean and cottonseed people, and from the American Heart Association. The enforcement agency is the Food and Drug Administration. It sees no objection. I do think it can do a much better enforcement job with the simpler form of notice for margarine. No objection was received either from the Department of Agriculture or other agencies consulted. We hear so much these days about the consumer. The patron of a restaurant is a consumer. He or she wants to know what she is getting. In not a few cases, the patron of a restaurant has been told by his doctor to use margarine. The existing law discourages restaurants from even having the product. This law will make it more feasible for them to make it available if it is wanted.

We hear also so much about small business. My friends, I can tell you from personal experience that most public eating places are small business. They have to watch their time and expense very, very closely. This bill will save them burdensome and unnecessary duplicate notification trouble and costs—yet will keep the patron informed. This bill does not conflict with or change any State law.

Some of you are from States that have special laws on this subject. Wisconsin and New York do, for example. These laws are not affected by this bill. It will not change things in those States that have such laws. It does put the Federal law more into uniformity with most State laws which have the single notification.

This bill says nothing about what a restaurant should serve. It should serve butter or margarine, or both, as it pleases. Our House cafeterias serve both. All this bill proposes is that the patron be notified by a single, direct method, and gives the manager three ways of doing it.

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

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

Mr. GROSS. Mr. Speaker, if I ever had the opportunity to visit the restaurant operated by the gentleman, and I ate a spread that came in triangles, I would know that I would be eating oleomargarine, is that correct?

Mr. KLUCZYNSKI. I will say to the gentleman from Iowa that if you were to come into my restaurant, Mr. GROSS, that I would serve you the very best spread. I serve pure butter, and also good oleomargarine. And after having been in the restaurant business for many years, I find that I have never been on a diet, and I feel that good food makes one feel better.

Mr. GROSS. Well, if the gentleman from Iowa were to arrive at that mecca of good food he would pay his money and take his choice.

Mr. KLUCZYNSKI. You could even bet on it, if you came in as a Congressman or a friend of a Congressman, you would get the best, as long as you pick up the check and pay the cashier the moola before you leave.

Mr. GROSS. That is exactly what I thought.

The SPEAKER pro tempore. (Mr. ALBERT). The question is on the motion offered by the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 12061, 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.

IMPLEMENTATION OF TOKYO CONVENTION

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2176) to implement the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, and for other purposes, which is identical to the House bill (H.R. 14301) to implement the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, and for other purposes.

The Clerk read as follows:

S. 2176

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

That—

(1) A new subsection (32) be inserted in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301) as follows:

"(32) The term 'special aircraft jurisdiction of the United States' includes the following aircraft while in flight—

"(a) civil aircraft of the United States;

"(b) aircraft of the national defense forces of the United States; and

"(c) any other aircraft—

"(i) within the United States, or

"(ii) outside the United States which has its next scheduled destination or last point of departure in the United States provided that in either case it next actually lands in the United States.

"For the purpose of this definition, an aircraft is considered to be in flight from the moment when power is applied for the purpose of takeoff until the moment when the landing run ends."

(2) Existing subsections (32), (33), (34), and (35) are renumbered (33), (34), (35), and (36), respectively.

(3) Subsections 902 (i), (j), and (k) of such Act (49 U.S.C. 1472 (i), (j), and (k)) are amended by deleting the words "in flight in air commerce" wherever they appear in those subsections and substituting therefor the words "within the special aircraft jurisdiction of the United States."

The SPEAKER pro tempore. Is a second demanded?

Mr. SPRINGER. 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 Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, this bill is merely a clarification and expansion of the definition of U.S. jurisdiction over aircraft.

A draft of this bill was submitted by the Department of Transportation. Hearings were held by the Subcommittee on Transportation and Aeronautics on November 4, 1969. Testimony was received from the FAA, the Air Transport Association and the Department of State in support. A statement in support was also submitted for the record by the Air Line Pilots Association. Favorable reports were also received from the Bureau of the Budget, the CAB, the Department of Defense, the Department of Justice, the Department of State and the Department of Transportation.

Both the subcommittee and the full Committee on Interstate and Foreign Commerce unanimously reported the bill. The bill does not entail any cost to the Federal Government.

This is merely a language change sought by the Department of Transportation and the other agencies which I have mentioned to implement the Tokyo Convention which the United States ratified in September 1969. This is done by specifically defining the "special aircraft jursdiction of the United States." As the committee report indicates, that jurisdiction applies to three basic groups of aircraft while they are in flight.

First, civil aircraft of the United States;

Second, aircraft of the national defense forces of the United States; and

Third, aircraft that are not in the first two groups such as foreign aircraft. This category is based on contact with this country including any aircraft in flight within the United States, and any aircraft in flight outside of the United States when the flight either just left or was next scheduled to arrive in the United States and actually does land here.

I urge the passage of the bill, S. 2176.

Mr. SPRINGER. Mr. Speaker, the very title of the bill before us today would intimate that it deals principally with hijacking of aircraft. Certainly it does have some bearing on the subject, but it is not brought here at this time either

because that particular subject matter is timely or because it pretends to be a solution. If no U.S. planes had ever been hijacked this bill would have come along in the same form and at just about the same time. It clarifies the jurisdiction the United States has over offenses committed on aircraft in furtherance of our international agreement on the subject.

In June 1950, the legal committee of the International Civil Aviation Organization began a study into the possible negotiation of a treaty that would establish rules respecting jurisdiction over crimes committed on board aircraft, and other related matters. Over the next 13 years, the United States of America actively participated in discussions of the many problems involved, and in negotiations to resolve them. On September 14, 1963, the convention was opened for signature at Tokyo, and the United States—a major supporter of the convention—signed.

The principal purpose of the Tokyo Convention is to promote aviation safety through establishment of continuity of jurisdiction over criminal acts occurring on board aircraft. Several features make the Tokyo Convention a desirable international agreement:

First, the convention establishes a positive rule of international law respecting jurisdiction as between the contracting states. Under this rule, the state of registry of an aircraft may exercise jurisdiction over offenses committed on board that aircraft when it is: (1) in flight; (2) on the surface of the high seas; (3) on any other area outside the territory of a state. Now, this is not a rule of exclusive jurisdiction. Rather, the convention insures that the state of registry of an aircraft, at least, is competent to exercise jurisdiction, and yet allows other states to exercise concurrent jurisdiction. The exercise of concurrent jurisdiction would depend on a state's interest in the offense, and the applicability of the traditional rules of international law regarding assertion of jurisdiction.

Second, the convention makes more certain the powers and authority of an aircraft commander. Without these provisions, his actions to apprehend and "off-load" an offender would be subject to the laws of the state where he lands the aircraft. Also, the correctness of his decisions might be judged under the national law of a country overflown. Finally, if their actions are reasonable and comply with the convention, each aircraft crew member and passenger, the aircraft owner or operator, and the person for whom the flight is made, all would have legal immunity. This immunity should enhance the proper attitudes and actions necessary to significantly contribute to safety of flight in international aviation.

Third, the convention establishes rules and procedures to "off-load", an offender. The aircraft commander may use them in the territory of the State where he lands his aircraft. The convention also authorizes the aircraft commander to deliver certain persons to the competent authorities of the state where he lands the aircraft. When he does, the convention obligates the receiving state to accept delivery and, if satisfied that the circumstances warrant, to take custody or other measures to insure the suspected offender's presence. In this regard, the convention has several provisions that are designed both to protect a suspected offender's rights and to insure his case is handled legally and expeditiously.

Fourth, the convention imposes a positive obligation on each contracting state to take every appropriate measure to restore control to, or preserve control in, the lawful commander of an aircraft. This measure minimizes the adverse impact that a hijacking has upon the passengers and crew of an aircraft. While not a complete solution to this serious problem, this provision does represent an important step toward a solution.

On May 12, 1969, the U.S. Senate gave its advice and consent to ratification of the Tokyo Convention. On September 5, 1969, the United States of America presented to the International Civil Aviation Organization the instrument of ratification of the convention, being the 12th nation to do so. Under article 21, paragraph 1, the Convention on Offences and Certain Other Acts Committed on Board Aircraft came into force on December 4, 1969. I might add parenthetically, the convention came into force by the deposit of the instrument of verification of the 12th signatory nation and passage of 90 days thereafter. The United States was that 12th signatory nation.

* * * * *

Under article 3, paragraph 2, of the Tokyo Convention, "Each Contracting State shall take such measures as may be necessary to establish its jurisdiction as the State of registration over offenses committed on board aircraft registered in such State." H.R. 14301 would carry out our responsibility to implement the Tokyo Convention.

The bill, then, creates the special aircraft jurisdiction of the United States over three classes of aircraft. The first of these is civil aircraft, the planes of U.S. registry and ownership such as our airlines which fly to other countries. While these planes are in flight we claim jurisdiction of any criminal offenses committed thereon. That does not mean that another country may not end up with concurrent jurisdiction if the flight lands there and its laws also apply. It does make sure that somebody's law applies.

The second group of planes covered by this jurisdiction are the national defense planes. Although this was not contemplated by the treaty it could become important if and when an offense is committed on a plane owned or operated by the Defense Department. Not all such planes are military and not all personnel aboard such planes are military personnel. In order to retain jurisdiction over them and the offenses this provision was required.

The third group of planes covered is somewhat harder to sort out. If a flight starts in another country, say an Air France flight originating in Africa, and is scheduled to land at Kennedy Airport in New York, and an offense is committed in flight, when that flight does land at New York we can take over and prosecute for the crime. Now it may very likely be that France or the country where the flight started—if it is a member of the Tokyo Convention—may have laws which apply also. That country may wish to try the matter if it involves its citizens. The United States can and probably would relinquish jurisdiction if no U.S. citizen were involved, but it would not be required to do so. We would have the plane in our hands and the people, so our jurisdiction would be complete if we saw fit to exercise it.

Let us look for a moment at the other side of this same coin. We do not claim any right to step in when a flight originates elsewhere and is scheduled for another country and actually goes somewhere else. When there is no flight over or contact with the United States we claim no rights to prosecute. That means that an American citizen on such a flight is subject to the laws of the country where the flight started and where it ended. This makes sense and the law so contemplates.

Obviously this bill deals in legal technicalities. They are important technicalities, however, and the time of Congress is well spent in carrying out the intentions of the international agreement which we have made with 43 other countries. We hope that the rest of those signers will formally ratify the treaty in the near future. It will not help us much with the maverick countries but there is no answer for that in legislation.

Since air commerce is the principal means of international travel today there are bound to be all sorts of criminal acts perpetrated aboard aircraft. We all think of hijacking, but on a plane the size of a small community such as the Boeing 747 one can imagine cases of assault and battery, murder, robbery, and even conspiracy. Without international agreements on the subject the rights of individuals and the country as well could become a legal quagmire. This bill implementing our agreement will help to avoid such impossible tangles.

I recommend that the House accept and pass H.R. 14301.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion offered by the gentleman from West Virgina that the House suspend the rules and pass the bill S. 2176.

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.

A similar House bill (H.R. 14301) was laid on the table.

CRIMINAL JUSTICE ACT AMENDMENTS

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1461) to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States, as amended.

The Clerk read as follows:

S. 1461

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

SECTION 1. That (a) subsections (a)-(f) of section 3006A of title 18, United States Code, are amended to read as follows:

"(a) CHOICE OF PLAN.—Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for any person financially unable to obtain adequate representation (1) who is charged with a felony or misdemeanor (other than a petty offense as defined in section 1 of this title) or with juvenile delinquency by the commission of an act which, if committed by an adult, would be such a felony or misdemeanor or with a violation of probation, (2) who is under arrest, when such representation is required by law, (3) who is subject to revocation of parole, in custody as a material witness, or seeking collateral relief, as provided in subsection (g), or, (4) for whom the Sixth Amendment to the Constitution requires the

appointment of counsel or for whom, in a case in which he faces loss of liberty, any Federal law requires the appointment of counsel. Representation under each plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. Each plan shall include a provision for private attorneys. The plan may include, in addition to a provision for private attorneys in a substantial proportion of cases, either of the following or both:

"(1) attorneys furnished by a bar association or a legal aid agency; or

"(2) attorneys furnished by a defender organization established in accordance with the provisions of subsection (h).

Prior to approving the plan for a district, the judicial council of the circuit shall supplement the plan with provisions for representation on appeal. The district court may modify the plan at any time with the approval of the judicial council of the circuit. It shall modify the plan when directed by the judicial council of the circuit. The district court shall notify the Administrative Office of the United States Courts of any modification of its plan.

"(b) APPOINTMENT OF COUNSEL.—Counsel furnishing representation under the plan shall be selected from a panel of attorneys designated or approved by the court, or from a bar association, legal aid agency, or defender organization furnishing representation pursuant to the plan. In every criminal case in which the defendant is charged with a felony or a misdemeanor (other than a petty offense as defined in section 1 of this title) or with juvenile delinquency by the commission of an act which, if committed by an aduit, would be such a felony or misdemeanor or with a violation of probation and appears without counsel, the United States magistrate or the court shall advise the defendant that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant waives representation by counsel, the United States magistrate or the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The United States magistrate or the court shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

"(c) DURATION AND SUBSTITUTION OF APPOINTMENTS.—A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the United States magistrate or the court through appeal, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the United States magistrate or the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in subsection (f), as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the United States magistrate or the court finds that the person is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in subsection (b) and authorize payment as provided in subsection (d), as the interests of justice may dictate. The United States magistrate or the court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings.

"(d) PAYMENT FOR REPRESENTATION.—

"(1) HOURLY RATE.—Any attorney appointed pursuant to this section or a bar association or legal aid agency or community defender organization which has provided the appointed attorney shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding $30 per hour for time expended in court or before a United States magistrate and $20 per hour for time reasonably expended out of court, or such other hourly rate, fixed by the Judicial Council of the Circuit, not to exceed the minimum hourly scale established by a bar association for similar services rendered in the district. Such attorney shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court.

"(2) MAXIMUM AMOUNTS.—For representation of a defendant before the United States magistrate or the district court, or both, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $1,000 for each attorney in a case in which one or more felonies are charged, and $400 for each attorney in a case in which only misdemeanors are charged. For representation of a defendant in an appellate court, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $1,000 for each attorney in each court. For representation in connection with a post-trial motion made after the entry of judgment or in a probation revocation proceeding or for representation provided under subsection (g) the compensation shall not exceed $250 for each attorney in each proceeding in each court.

"(3) WAIVING MAXIMUM AMOUNTS.—Payment in excess of any maximum amount provided in paragraph (2) of this subsection may be made for extended or complex representation whenever the court in which the representation was rendered, or the United States magistrate if the representation was furnished exclusively before him, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the chief judge of the circuit.

"(4) FILING CLAIMS.—A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States magistrate and the court, and to each appellate court before which the attorney represented the defendant. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States magistrate and the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney or to the bar association or legal aid agency or community defender organization which provided the appointed attorney. In cases where representation is furnished exclusively before a United States magistrate, the claim shall be submitted to him and he shall fix the compensation and reimbursement to be paid. In cases where representation is furnished other than before the United States magistrate, the district court, or an appellate court, claims shall be submitted to the district court which shall fix the compensation and reimbursement to be paid.

"(5) NEW TRIALS.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) PROCEEDINGS BEFORE APPELLATE COURTS.—If a person for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.

"(e) SERVICES OTHER THAN COUNSEL.—

"(1) UPON REQUEST.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court, or the United States magistrate if the services are required in connection with a matter over which he has jurisdiction, shall authorize counsel to obtain the services.

"(2) WITHOUT PRIOR REQUEST.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed $150 and expenses reasonably incurred.

"(3) MAXIMUM AMOUNTS.—Compensation to be paid to a person for services rendered by him to a person under this subsection, or to be paid to an organization for services rendered by an employee thereof, shall not exceed $300, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, or by the United States magistrate if the services were rendered in connection with a case disposed of entirely before him, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit.

"(f) RECEIPT OF OTHER PAYMENTS.—Whenever the United States magistrate or the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, to the bar association or legal aid agency or community defender organization which provided the appointed attorney, to any person or organization authorized pursuant to subsection (e) to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant."

(b) Subsections (g), (h), and (i) of such section are redesignated as subsections (i), (j), and (k), respectively, and the following new subsections (g) and (h) are inserted before subsection (i) as redsignated by this subsection:

"(g) DISCRETIONARY APPOINTMENTS.—Any person subject to revocation of parole, in custody as a material witness, or seeking relief under section 2241, 2254, or 2255 of title 28 or section 4245 of title 18 may be furnished representation pursuant to the plan whenever the United States magistrate or the court determines that the interests of justice so require and such person is financially unable to obtain representation. Payment for such representation may be as provided in subsections (d) and (e).

"(h) DEFENDER ORGANIZATION.—

"(1) QUALIFICATIONS.—A district or a part of a district in which at least two hundred persons annually require the appointment of counsel may establish a defender organization as provided for either under subparagraphs (A) or (B) of paragraph (2) of this subsection or both. Two adjacent districts or parts of districts may aggregate the number of persons required to be represented to establish eligibility for a defender organization to serve both areas. In the event that adjacent districts or parts of districts are located in different circuits, the plan for

furnishing representation shall be approved by the judicial council of each circuit.

"(2) TYPES OF DEFENDER ORGANIZATIONS.—

"(A) FEDERAL PUBLIC DEFENDER ORGANIZATION.—A Federal Public Defender Organization shall consist of one or more full-time salaried attorneys. An organization for a district or part of a district or two adjacent districts or parts of districts shall be supervised by a Federal Public Defender appointed by, the judicial council of the circuit without regard to the provisions of title 5 governing appointments in the competitive service, after considering recommendations from the district court or courts to be served. Nothing contained herein shall be deemed to authorize more than one Federal Public Defender within a single judicial district. The Federal Public Defender shall be appointed for a term of four years, unless sooner removed by the judicial council of the circuit for incompetency, misconduct in office, or neglect of duty. The compensation of the Federal Public Defender shall be fixed by the judicial council of the circuit at a rate not to exceed the compensation received by the United States attorney for the district where representation is furnished or, if two districts or parts of districts are involved, the compensation of the higher paid United States attorney of the districts. The Federal Public Defender may appoint, without regard to the provisions of title 5 governing appointments in the competitive service, full-time attorneys in such number as may be approved by the Judicial Council of the Circuit and other personnel in such number as may be approved by the Director of the Administrative Office of the United States Courts. Compensation paid to such attorneys and other personnel of the organization shall be fixed by the Federal Defender at a rate not to exceed that paid to attorneys and other personnel of similar qualifications and experience in the office of the United States attorney in the district where representation is furnished or if two district or parts of districts are involved, the higher compensation paid to persons of similar qualifications and experience in the districts. Neither the Federal Public Defender nor any attorney so appointed by him may engage in the private practice of law. Each organization shall submit to the Director of the Administrative Office of the United States Courts, at the time and in the form prescribed by him, reports of its activities and financial position and its proposed budget. The Director of the Administrative Office shall submit similarly as under title 28, United States Code, section 605, and subject to the conditions of that section, a budget for each organization for each fiscal year and shall out of the appropriations therefor make payments to and on behalf of each organization. Payments under this subparagraph to an organization shall be in lieu of payments under subsection (d) or (e).

"(B) COMMUNITY DEFENDER ORGANIZATION.—A Community Defender Organization shall be a nonprofit defense counsel service established and administered by any group authorized by the plan to provide representation. The organization shall be eligible to furnish attorneys and receive payments under this section if its bylaws are set forth in the plan of the district or districts in which it will serve. Each organization shall submit to the Judicial Conference of the United States an annual report setting forth its activities and financial position and the anticipated caseload and expenses for the coming year. Upon application an organization may, to the extent approved by the Judicial Conference of the United States:

"(i) receive an initial grant for expenses necessary to establish the organization; and

"(ii) in lieu of payments under subsection (d) or (e), receive periodic sustaining grants to provide representation and other expenses pursuant to this section."

(c) A new subsection (l) is added as follows:

"(l) APPLICABILITY IN THE DISTRICT OF COLUMBIA.—The provisions of this Act, other than subsection (h) of section 1, shall be applicable in the District of Columbia. The plan of the District of Columbia shall be approved jointly by the Judicial Council of the District of Columbia Circuit and the District of Columbia Court of Appeals."

SEC. 2. A United States commissioner for a district may exercise any power, function, or duty authorized to be performed by a United States magistrate under the amendments made by section 1 of this Act if such commissioner had authority to perform such power, function, or duty prior to the enactment of such amendments.

SEC. 3. The amendments made by section 1 of this Act shall become effective one hundred and twenty days after the date of enactment.

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

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

S. 1461 as amended by the committee is designed to improve the operation of the Criminal Justice Act of 1964—section 3006A of title 18, United States Code—which provides for the compensation of counsel appointed to represent defendants in criminal proceedings when they are financially unable to obtain an adequate defense. Several years of operation under the act have created a virtually unanimous consensus that its effective functioning is essential to any system of criminal justice in our democracy.

The function of the present legislation is to improve the operation of the Criminal Justice Act. This is done in three ways: First, the scope and coverage of the act are broadened; second, the maximum hourly rates of compensation payable to appointed counsel are rendered more realistic in terms of today's conditions; third, districts having more than 200 appointments of counsel annually are authorized to establish so-called public defender organizations with full-time legal staffs.

The legislation has been the subject of extensive hearings in the other body which passed S. 1461 on May 1 of this year. Two additional days of hearings were held by a judiciary subcommittee in the House. Both in the Senate and in the House hearings there has been an enthusiastic consensus, including the Department of Justice and the Judicial Conference, in favor of the salient features of the legislation.

The principal changes in scope proposed by the amended bill are these:

First. Persons charged with violation of probation are covered.

Second. Persons under arrest are covered when representation by counsel is required by law.

Third. Persons subject to termination of parole, material witnesses in custody, and persons seeking collateral relief are eligible for coverage if the court finds that the interest of justice so require.

Fourth. Persons for whom the Constitution or a statute requires the furnishing of counsel are covered.

The bill contains increases in hourly and per case maximum fees:

HOURLY MAXIMUM

Present law: In court, $15.

S. 1461 (subcommittee): In court $30*.

Present law: Out of court, $10.

S. 1461 (subcommittee): Out of court, $20*.

MAXIMUM

Present law: Felony, $500 per case.

S. 1461 (subcommittee): Felony, $1,000 per attorney.

Present law: Misdeameanor, $300 per case.

S. 1461 (subcommittee): Misdemeanor, $400 per attorney.

APPEAL

Present law: Felony, $500.

S. 1461 (subcommittee): $1,000 per attorney.

Present law: Misdemeanor, $300.

S. 1461 (subcommittee): $1,000 per attorney.

The public defender concept involves appointment by the Judicial Council with the advice of the district court of the head of the Public Defender Office for a 4-year term at a salary not to exceed that of the U.S. attorney of the district. He would appoint a full-time staff at salaries comparable to those of personnel employed in the U.S. attorney's office.

Notwithstanding the optional establishment of defender organizations, the judicial councils are required to make provisions for utilizing a substantial number of private attorneys.

Nothing in the legislation delegates the authority of Congress to determine rates of compensation to local bar associations. Rates of compensation and maximum amounts of compensation are to be fixed by the judicial councils within maximums prescribed by Congress—pages 5 and 6 of the bill. If in a particular case the judicial council feels that the hourly maximums are inadequate, it is nevertheless limited to minimum rate, if any, set by a bar association.

Comparably, where bar association minimums are lower than the $30 to $20 maximums, these bar association minimums should serve to remind the judicial council that in setting appropriate rates within the $30 to $20 maximums, the lower bar association rates are relevant.

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

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

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

Mr. Speaker, I am intrigued by this language on page 5 of S. 1461, which pro-

*In addition, the judicial council of the circuit may fix an hourly rate not to exceed the minimum hourly scale established by a bar association for similar services rendered in the district.

provides: "shall . . . be compensated at a rate not exceeding $30 per hour for time expended in court or before a United States magistrate and $20 per hour for time reasonably expended out of court, or such hourly rate, fixed by the Judicial Council of the Circuit, not to exceed the minimum hourly scale established by a bar association for similar services rendered in the district."

Why do you set up $30 an hour $20 an hour, and then turn around and say in the same breath that the Judicial Council can change it if it wants to?

Mr. KASTENMEIER. Mr. Speaker, let me say to the gentleman this is a good question and one that the committee considered at length. The committee decided that the Senate provisions of a maximum of $30 per hour either in or out of court were somewhat inflexible. We decided that there ought to be a differentiation between out-of-court preparation and the time spent in court. Incidentally, the change made by this bill in cutting back the maximum hourly rate for out-of-court services from $30 to $20 will save about $2 million annually.

The other amendment is an exceptional provision, not to be generally used. It provides that the Judicial Council of the Circuit, where literally the Criminal Justice Act is unworkable some sort of additional compensation, may fix a rate not more than the local bar association rate.

That, as I said, is an exceptional provision, but we regard it as a sort of safety valve for some cases to avoid an inequity and a disservice to the act.

I should like to yield to the author of the amendment, the gentleman from Pennsylvania.

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

It is also a fact that the language of this amendment just referred to not only sets different figures, $30 for in-court time and $20 for out-of-court time, which differs from the Senate bill, but also, in providing for additional flexibility, calls for a determination by the Judicial Council of other fees, which may be substantially lower than the $30 or the $20 called for in the bill? The $30 and $20 are not set as the fee schedule in areas where the fee, as we found from the hearings, sometimes is lower.

This offers flexibility, and makes it possible to have a less frozen impact in some areas and offers the capacity for relief, both on the higher side and also on the lower side.

It should also be pointed out that the Judicial Council has the power under this language, and not a local bar association. The history with respect to the Judicial Council has shown it to be rather tight with respect to these fee figures.

I believe this flexibility is essential if we are to have a national act covering the practice of law in as many regions as this bill would cover.

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

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

Mr. GROSS. Could not the bar association establish a minimum above the figures set forth in the bill? The minimums might well be higher than the figures set forth in the bill.

Mr. KASTENMEIER. It could be higher, or it could be lower.

Mr. GROSS. We talk about minimums here, and about money savings. We could just as well be going the other way with this provision in the bill; that is, increasing the spending.

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

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

Mr. MIKVA. If I might respond to the gentleman from Iowa, I would call his attention to page 10 of the report, which reflects the jurisdictions that were surveyed. A large number of bar association minimum rates were below the maximum set here, and a large number were in fact above.

I believe the intention of the bill and the intention of the amendment is to see to it that the bill is neither a bonanza for some lawyers to get more than the going rate in that town, nor an empty shell which will not be used because the rates are below the going charge in those towns.

By leaving it flexible, with standards, the rate is left to the judges, not to the bar association, and it is hoped it will in fact reflect what the private practitioner charges in those jurisdictions, rather than trying to set a national standard which in some smaller areas would be too high and in some urban areas would be too low.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Under the war on poverty legislation we have an OEO legal services office in probably every city across the country. What relationship is there between this program and that? What study was given by the committee to this problem? How would the two be intermeshed?

Mr. KASTENMEIER. My understanding is that those employees are on salary. Furthermore, their relationship would be confined to the civil aspects of representation of indigents, while our proposal is confined exclusively to the criminal aspects of Federal law in terms of representation of a defendant. They do not cover the same areas.

Mrs. GREEN of Oregon. But we would be supporting legal aid for criminal defendants while we have the OEO legal aid in every town for the civil cases; is that correct?

Mr. KASTENMEIER. There is a possibility, in the case I cited, of 200 cases of establishing a community public defender for the purposes of representation in Federal criminal matters only.

Mrs. GREEN of Oregon. The provisions in this bill for the attorneys in terms of fees have no relationship to what attorneys in other legal aid work would get.

Mr. KASTENMEIER. That is true; they have none.

Mrs. GREEN of Oregon. They would be two separate operations entirely.

If the gentleman will yield for one other question, for some time I have had a bill introduced—H.R. 8383—that would give some aid to the victim of a crime. It seems to me we have reached a point in this country that if a person is accused of committing a criminal act there is absolutely no limit to which we will not go in seeing that that person has medical care, that he has legal care or attention, that he has psychiatric attention, or anything else if he needs it.

The unhappy victim of the crime is left entirely to his or her own resources to take care of all the necessary medical expenses, including psychiatric attention, which in many cases may be necessary after a criminal attack. All of these expenses come out of the victim's own pocketbook. Was any concern expressed or consideration given to the victim of the criminal attack as well as to the person who makes it?

Mr. KASTENMEIER. I must respond to the gentlewoman by suggesting that this particular subcommittee is dealing precisely with this subject. There is no such bill pending before us as the gentlewoman mentions that has been introduced. May I say personally, though, that I am in sympathy with the proposition that she stated.

Mrs. GREEN of Oregon. My bill, H.R. 8383, is before the Judiciary Committee—I would say to the gentleman, if I may ask one final question, why would it not make more sense to have one act rather than to have one coming under the war on poverty dealing with class action suits and individual suits—and to establish another in the Federal Legal Defenders Act for the criminal? Why would it not be better to combine them?

Mr. KASTENMEIER. In response I will say that that is not possible under this bill. This bill responds to the constitutional mandate to provide representation to those criminally charged in this Republic. I think the war on poverty establishes a completely different basis for representation and in a different field of law.

Mrs. GREEN of Oregon. If I may respond, the same arguments are given with regard to legal representation in the war on poverty; that is that it is the constitutional rights of poor people that must be defended.

Mr. KASTENMEIER. I am not as familiar with the war on poverty as the gentlewoman from Oregon is.

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

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

Mr. WHITE. I wonder if you can give us a clarification of the language which appears on page 17 of the report. I do not know what the corresponding language is in the section of the bill, but it says, under choice of plan, subsection 2, "who is under arrest when such representation is required by law." Does that mean when an individual is arrested on suspicion of committing a crime he would then be entitled to the appointment of an attorney?

Mr. KASTENMEIER. Will the gentleman restate his question?

Mr. WHITE. The question is, is an individual under Federal law arrested for

suspicion of the infraction of a Federal law entitled to appointment of an attorney under this bill at the time of arrest?

Mr. KASTENMEIER. No; I would say to the gentleman, not necessarily. Only when he is charged or is interrogated or is required to appear in a lineup, or the like.

Mr. WHITE. I do not understand the language, then. It says "when arrested." Why would it not be in there, then, when you have a section above it which speaks of the charge. It says when he is under arrest, this is required by law. The earlier part says a person who is charged with a felony or misdemeanor. Why put this section in there at all, then?

Mr. KASTENMEIER. There are times when an individual, if he is put into a lineup or interrogated may not have been charged, but under the law he is entitled to a defense.

Mr. WHITE. Under what law? In other words, by the Constitution is he entitled to counsel?

Mr. KASTENMEIER. Yes.

Mr. WHITE. Or is it a specific law?

Mr. KASTENMEIER. Under the interpretation of his rights under the Constitution.

Mr. WHITE. Then, that means everybody arrested is entitled to the appointment of an attorney under your bill.

Mr. KASTENMEIER. No.

Mr. WHITE. Because then everyone is entitled to counsel under the law who is charged with a felony type of offense.

Mr. KASTENMEIER. I would just reply to the gentleman by saying that I would not state it quite that way.

Mr. WHITE. I wonder, then, could you clarify that language, please, so that when I vote on it I will have some understanding that a person who is arrested would not be able to have an attorney under the minimum charges of the local bar association.

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

Mr. KASTENMEIER. I am glad to yield to the gentleman.

Mr. MIKVA. I call the gentleman's attention to page 2 of the bill which recites the instances in which a person is entitled to representation. It makes it clear that the hypothetical example the gentleman from Texas poses would not require the appointment of an attorney. The bill states that one who is charged with a felony or misdemeanor is entitled to have an attorney appointed for him.

Mr. WHITE. Then, what is the No. 2 part?

Mr. MIKVA. No. 2 says "who is under arrest." The language was amended to make it clear that an appointment will be made only when such representation is required by law to make it clear that it did not apply to every arrest. There are only certain instances where the act will apply.

Mr. WHITE. Such as, for example?

Mr. MIKVA. I can evision one where the prosecutor has already prepared the charge, and the arrest is the first step in a process that has been decided upon.

I would point out that the language added in the subcommittee was to narrow the application and make it clear that it did not apply to every arrest.

Mr. WHITE. If the gentleman will yield further, every person under arrest, then, would be entitled to representation?

Mr. MIKVA. No; category 4 provides that where the sixth amendment of the Constitution requires the appointment of counsel or in a case in which a person faces loss of liberty, or where any Federal law requires the appointment of counsel.

Mr. WHITE. But there is that "or."

Mr. MIKVA. It says "for whom the sixth amendment to the Constitution requires the appointment of counsel—"

Mr. WHITE. However, just preceding that it says "or." So it is an alternative under the proposed amendment.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield further?

Mr. KASTENMEIER. I yield further to the distinguished gentlewoman from Oregon.

Mrs. GREEN of Oregon. Under this legislation does an attorney who is going to participate in this system have to belong to the bar in the State in which he is practicing?

Mr. KASTENMEIER. There is no provision in this bill establishing that as a matter of practice, but that is normally the case.

Mrs. GREEN of Oregon. I would suggest to the gentleman that it is not necessarily a matter of practice in the OEO program.

When we had the OEO debate, one of the amendments I offered would have required a person who was in the legal services section of OEO to belong to the bar association in the State in which he practiced.

However, under this bill you are setting up another system whereby anyone who does not belong to the bar of record could practice and be reimbursed under the provisions of this bill.

Mr. KASTENMEIER. This would be a matter entirely up to the court.

Mrs. GREEN of Oregon. But, the Federal law would allow anyone to participate.

Mr. KASTENMEIER. It would not expressly prohibit such a representation.

Mrs. GREEN of Oregon. I thank the gentleman.

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

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

Mr. GROSS. I thank the gentleman for yielding.

What happened to the system that permitted judges to appoint and fix the fees of attorneys where they were representing indigents and others?

Mr. KASTENMEIER. May I say to the gentleman from Iowa that before 1964 under the federal system attorneys were not authorized to be paid anything by the order of judges under the federal system. After the original Criminal Justice Act was passed we did provide compensation be paid to lawyers representing dependents who are financially unable to obtain adequate representation and we are proposing to amend that act.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, what was wrong with that system?

Mr. KASTENMEIER. This is merely an extension of that system.

Mr. GROSS. Yes; I will say it is an extension of that system providing pay at $30 an hour, and under some language contained in this bill that I do not understand and I doubt that many others understand how it would work when it is put to the test.

Mr. KASTENMEIER. Well, I can only say that this bill is supported widely and is regarded by the Department of Justice as one of the most necessary items now pending before it in its efforts to assure criminal justice in America.

Mr. McCULLOCH. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, a man stands accused of a crime. A man's liberty is at stake. Arrayed against him are the immense complexities of the Federal law and the special experience and expertise of the Federal prosecutor, his vast investigative staff, and all of the machinery appurtenant to his office. But the accused stands there alone.

That is what this bill is all about.

Once the issue was put pretty much in focus by Mr. Justice Black in the case of Griffin versus Illinois, when he said:

> There can be no equal justice where the kind of trial a man gets depends on the amount of money he has.

I would substitute for the words "equal justice" the words "total justice". There can be no total justice, and the accused is entitled to no less than total justice, if he is unable to afford competent counsel to present his case fairly.

Mr. Speaker, this bill comes to the floor of the House without a single adverse vote out of the subcommittee, or a single adverse vote out of the full committee. It has the full and unequivocal support of the Department of Justice. It has the full and unequivocal support of the American Bar Association. It has the full and unequivocal support of the Judicial Conference of the United States. It has the full and unequivocal support of the national defenders project. It has the full and unequivocal support of the National Legal Aid and Defender Association.

I would like to recapitulate, if I may, the history behind the original act which I supported along with many other Members of this body.

The Criminal Justice Act of 1964—18 U.S.C. 3006A—which became effective in August 1965, grew out of a study conducted by the Attorney General's Committee on Poverty and the Administration of Federal Criminal Justice. The legislation recommended by this special committee and which originally passed the Senate in 1964, included a public defender system. The House version of the bill omitted this provision and the Conference Committee recommended passage of a bill without the public defender option—House Report 1709). However, the conferees also recommended that the Department of Justice revive its research and study further the need for a Federal public defender.

To give effect to this request of the 88th Congress, the Department of Justice and the Judicial Conference of the United States in 1967 commissioned Prof.

Dallin H. Oaks, of the University of Chicago Law School, to undertake a review of the operation of Criminal Justice Act with particular attention to the need for Federal public defenders. This study, entitled "The Criminal Justice Act in the Federal District Courts" was commenced in the summer of 1967 and completed in January 1968.

Passage of the Criminal Justice Act of 1964 recognized a fundamental right in our system of criminal justice, that is, the right to be provided counsel when a person is accused of a criminal offense and faces possible deprivation of liberty. This right is desirable in criminal cases both from the viewpoint of the accused and of society. This right was recognized in 1932 by the U.S. Supreme Court as part of the due process of law which every State owes to its citizens—*Powell* v. *Alabama*, 287 U.S. 45—the Supreme Court first defined the dimensions of this constitutional right for the Federal Government in *Johnson* v. *Zerbst*, 304 U.S. 458 (1938) and most recently for the States in *Gideon* v. *Wainwright*, 372 U.S. 335 (1963). In Gideon the Supreme Court stated:

> The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours.

The law does not yet hold nor does the Criminal Justice Act intend that a particular lawyer representing one side will be professionally equal to the one representing the other side. No law could make such a guarantee. However, what is more important and what is intended by the Criminal Justice Act of 1964 is that our system for providing representation and facilities for the defense be as good as the system which society provides for the prosecution.

The purpose of the Criminal Justice Act of 1964 is to secure an adequate defense for impoverished defendants. Since its effective date, August 20, 1965, more than 100,000 defendants have received assistance from its provisions. Annually, there are about 20,000 defendants represented by counsel appointed under the act with a total cost of approximately $3.5 million per year. The average cost per defendant is less than $100.

The maximum hourly compensation paid assigned counsel under the present act is $10 per hour for time spent on the case out of court and $15 per hour for time spent in court. In 1963, the Allen Committee suggested that $15 per hour was "the lowest statutory limit consistent with the objectives of reasonable compensation for the assigned lawyer and adequate representation for his client." Professor Oaks concluded that:

> It simply is not possible to pay experienced criminal lawyers a decent salary, and support an office on the $10.00 and $15.00 per hour Criminal Justice Act fee scale.

S. 1461, as it passed the Senate provided for compensation to counsel at a rate not to exceed $30 per hour for time spent on the case with no distinction between time expended in court and that reasonably expended outside the courtroom. This dollar figure would increase the annual cost under the Criminal Justice Act of 1964 by $9,800,000. Your committee amended this provision by providing that the rate of compensation for counsel should be determined by the court wherein representation was furnished and is not to exceed $30 per hour for time expended in court and $20 per hour for time reasonably expended out of court. The amendment maintains the historic and practical distinction between compensation for an attorney's time in court and his time spent in preparation and would work a savings in excess of $2.5 million over the Senate-passed bill.

There were a number of other committee amendments specifically designed to reduce expenditures from that provided in the Senate bill without reducing the quality of representation. These amendments will also tighten and strengthen personnel structure, making the act more functional, less costly, and hopefully more acceptable to this body.

S. 1461 would expand the coverage of the 1964 act to cover criminal procedure from the arrest stage to appeals, postconviction proceedings, and ancillary proceedings relating to the criminal trial. This updates the act and makes it coextensive with the sixth amendment's right to counsel as now interpreted.

A basic change in the present law is contained in subsection (h) of this bill. This new addition to the Criminal Justice Act of 1964 would authorize the creation of public defender organizations. This provision would permit but not require a district or parts of a district in which 200 or more defendants are required to be represented annually by appointed counsel to create one or two types of defender organizations: Federal public defender or a community defender organization. Under the Federal public defender plan the public defender would appoint one or more full-time attorneys for a 4-year term and salaries paid to the defenders would be comparable to those paid the U.S. attorney's office in the District.

It is important to note that the defender organizations are optional. Their purpose is to supplement the appointment of private counsel that now takes place under the present Criminal Justice Act, thereby providing a "mixed" defender system. That is to say, that the use of private counsel is supplemented with and not replaced by an organizational defender plan. Research and study indicate that it is essential to maintain the interest and participation of the local attorneys and at the same time provide a full-time defender organization that would augment resources and efforts of the private assigned counsel systems in overburdened jurisdictions.

A public defender, for example, would reduce the Criminal Justice Act administrative burden on courts, magistrates, clerks and other court personnel. It would provide highly experienced defense counsel who would promote the efficiency of the Federal criminal justice system. A public defender could render more complete and more comprehensive service because he would be available to assist a needy defendant and commence preparation of his case prior to his appearance before a U.S. magistrate.

Mr. Speaker, this legislation has a broad base of support. President Nixon in his January 31, 1969, message on crime in the District of Columbia strongly endorsed the concept. At that time, our President noted that the District's defender project "has given every indication of success," and should be expanded into a full-fledged defender office. With the recent enactment of the District of Columbia Court Reform and Criminal Procedure Act of 1970, the District was given a full-time public defender service. For this reason, section (h) of S. 1461, public defender organizations, is not applicable to the District. Your committee felt that since Congress had taken the time to specifically design a public defender system for the District of Columbia that the similar provisions contained in S. 1461 would merely be an overlap and duplication of effort and an unnecessary expense.

In 1967, the President's Commission on Law Enforcement and Administration of Justice recommended the creation of State financed defender systems as well as compensated assigned counsel programs. The American Bar Association project on minimum standard of criminal justice in its 1967 publications, "Providing Defense Services," suggested that defender offices be made available on a local option basis. This legislation has also been endorsed by the Department of Justice, the Judicial Conference of the United States, the national defender project, and the National Legal Aid and Defender Association.

I am convinced that the defender organizations established in this bill provide the maximum flexibility for a sound criminal defense program with a minimum of interference with the local bar. Private defense attorneys remain vital and will continue to be used.

It is my hope, Mr. Speaker that this body approve what is, in my opinion, the final step in an effort which began in 1937 to provide meaningful defense assistance to the poor in Federal criminal cases.

Mr. Speaker, I urge the prompt approval of the legislation.

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

Mr. McCULLOCH. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GROSS) to ask a question of the gentleman from Virginia.

Mr. GROSS. Mr. Speaker, I find language on page 3 of the bill that is unclear to me, in line 3 on page 3, it says:

> The district court may modify the plan at any time with the approval of the judicial council of the circuit.

Again there is set up in this bill a formula, and then it is provided that at any time the district court may modify the plan.

What are we asked to do here again in connection with this subject? I wonder if someone knowledgeable on the bill can tell me what we are doing in establishing criteria and setting up formulas, and then providing that these may be changed, in this case at the instance of a judge, with approval of the judicial council of the circuit without further

reference to Congress. Are we just giving them carte blanche to do about anything they want to do?

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

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

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

Mr. Speaker, the language to which the gentleman points does empower the district court with the approval of the judicial council to modify the plan that has been fixed for representation of indigent defendants.

In order to understand the thrust and the consequences of that language it must be fully understood that this legislation authorizes a mix of three possible defender systems. If it becomes apparent after some experience with the use of the plan originally approved that some variation of that plan would better serve the cause of justice; would be more economical in its operation or for other reasons should be modified, it can be changed by the district court with the approval of the judicial council.

Mr. McCULLOCH. Mr. Speaker, I rise in support of S. 1461 as amended. This bill will improve the quality of criminal justice in the United States. This bill, which passed the Senate by unanimous consent on May 1, 1970, is, for the most part, similar to the bill in which I joined nine other members of the Judiciary Committee in introducing in April of last year.

This bill amends the Criminal Justice Act of 1964. That act, which I supported, is one of the most important pieces of legislation to come out of the Congress in recent years. The Criminal Justice Act of 1964 recognized three fundamental principles of criminal justice:

That a person accused of a crime who was financially unable to secure representation could acquire the assistance of an attorney;

That the interest of justice and adequate representation requires that appointed counsel be compensated for their services;

That in order to assure an adequate defense, eligible defendants should also be provided with necessary services other than counsel.

In my opinion, this act has done as much for our system of criminal justice as any law passed in the last quarter of a century. "Equal justice under law" is becoming a reality rather than a hope. It was Judge Learned Hand who said:

> If we are to keep our democracy, there must be one commandant: Thou shalt not ration justice.

This law was enacted to provide adequate representation for the poor. However, it is our adversary system of justice, rather than benevolence or gratuity to the poor that requires professional spokesmen for both sides. The Commission on the Causes and Prevention of Violence on which I had the privilege of serving recommended that "Federal and State governments take additional steps to encourage lawyers to devote professional services to meeting the legal needs of the poor."

The Commission also recommended that the Federal Government and the State provide adequate compensations for lawyers who act in behalf of the poor. I believe both of these recommendations are set forth in this legislation. I am of the opinion that this bill will encourage lawyers to actively assist impoverished defendants and encourage State governments to establish legal services for the indigent.

When the 88th Congress passed the Criminal Justice Act we chose not to include therein a provision for a public defender system, but rather we thought it wise to devote more time and study to the idea. Now, better than 4 years have passed and Prof. Dallin Oaks' study has been completed. S. 1461 embodies the recommendations of this study.

The Criminal Justice Act has been in effect for 5 years, and the experience gained has demonstrated its success as well as the need for its expansion and improvement. During the last 5 years great strides have been made in procuring satisfactory and meaningful representation for the poor. I am of the opinion that enactment of this bill will culminate a great effort which began in 1937 when the Judicial Conference of the United States recommended public defense assistance for indigent defendants in busy Federal districts.

The road leading to Federal financial assistance for poor defendants has been a long and difficult one and it gives me great satisfaction to be part of this landmark legislation. I urge all of my colleagues to vote favorably for its enactments.

Mr. RARICK. Mr. Speaker, the bill S. 1461, now before us for consideration presents an effrontery to justice. While advocated on the premise of making available equal justice to those defendants who are poor, it is a mockery to every law-abiding taxpaying citizen in our country. The people who are robbed, raped, assaulted, intimidated, and mugged are now being asked, not just to guarantee their assailant a defense by a legally trained attorney, but to pay a profitable wage to their wrongdoer's defense counsel.

Under the existing law, provision was made for competent defense counsel to receive remuneration. I do not feel it was ever intended that defense counsel for indigent offenders was to be paid by the taxpayers such a handsome fee that the enterprise would become a profitable venture.

The committee report indicates that under existing law indigent defense has been costing the American taxpayer $3 million per year.

Under the proposed amendments, we are now being asked to approve of a fee hike which will cost the taxpayers an estimated $14 million a year.

The fee scale in S. 1641 fixes a ceiling of $30 per hour for time in court and $20 per hour for pretrial investigation and other matters outside the courtroom. This, plus expenses "reasonably incurred" including the allowance for investigators, experts and other services.

In all due fairness, I dare suggest that what we are here being asked to establish is not merely a public defender fee system but rather a new national legal task force which will be ready on call to traipse around the counrty and make headlines defending so-called unpopular causes—like the Black Panthers—at the taxpayers' expense. Why else would attorneys contemplated payment under this bill need not even be members of the bar association of the State in which they will be practicing.

I know of very few lawyers from my State who plan on practicing in New York City, Chicago, and Los Angeles, but from past experience I am satisfied that the contrary is not equally true.

Likewise, the poor people in my State do not plan on being in New York, Chicago, or Los Angeles causing trouble because they are too busy at home working and trying to support their families and pay taxes to get involved in the "new" criminal mischief occupation in the first place.

I grow increasingly weary of constantly having all of the breakdowns in law and order blamed on the working people and the law-abiding citizens of our land and then to offer as the only solution more tax dollars to be squandered in order to pamper the criminal. The reason we have so many repeating criminals and the tremendous backlog of criminal cases awaiting trial cannot be blamed on society and our citizens, most of whom have never even been in a criminal court. I too have many lawyers in my district who dislike handling indigent defendants but who do so in the name of charity and because of their oath as attorneys.

We seem ready to bend over backward to blame everything on the people. Why should not our Federal judges accept their fair share for the mess we find our courts in today? I think the ends of justice in carrying this extra financial burden would be more equitably handled if instead of paying the public defenders solely from taxpayers' funds we assessed a portion of it against Federal judges appropriations. If the softhearted Federal judges had to pay for their fair share of the mistakes in rehabilitation they have made, I feel confident that society would have fewer cirminal repeaters and the law-abiding citizens would be better represented from the bench.

For these reasons, I see no benefit to be gained from this proposal for any criminal defendant except additional payola for his lawyer.

I intend to cast my people's vote "no."

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

The SPEAKER (Mr. SISK). The question is on the motion offered by the gentleman from Wisconsin that the House suspend the rules and pass the bill S. 1461, as amended.

The question was taken.

Mrs. GREEN of Oregon. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The 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 277, nays 21, not voting 131, as follows:

[Roll No. 327]

YEAS—277

Abernethy	Ford,	Monagan
Adair	William D.	Moorhead
Adams	Fraser	Morgan
Addabbo	Frelinghuysen	Mosher
Alexander	Fulton, Pa.	Moss
Anderson,	Fuqua	Murphy, Ill.
Calif.	Gallagher	Murphy, N.Y.
Anderson, Ill.	Garmatz	Myers
Andrews, Ala.	Gaydos	Natcher
Andrews,	Gettys	Nelsen
N. Dak.	Giaimo	Nichols
Annunzio	Gibbons	Nix
Arends	Gilbert	Obey
Ashley	Gonzalez	O'Hara
Barrett	Gray	Olsen
Beall, Md.	Green, Pa.	O'Neill, Mass.
Belcher	Griffin	Patman
Bell, Calif.	Grover	Patten
Bennett	Gude	Pelly
Bevill	Hamilton	Perkins
Biester	Hammer-	Philbin
Bingham	schmidt	Pickle
Blatnik	Hanley	Pike
Boland	Hansen, Wash.	Poage
Bolling	Harrington	Podell
Bow	Harsha	Poff
Brademas	Harvey	Preyer, N.C.
Brasco	Hathaway	Price, Ill.
Bray	Hawkins	Price, Tex.
Brinkley	Hechler, W. Va.	Pryor, Ark.
Broomfield	Heckler, Mass.	Quie
Brotzman	Helstoski	Quillen
Brown, Calif.	Hicks	Railsback
Brown, Mich.	Hogan	Randall
Broyhill, N.C.	Holifield	Rees
Broyhill, Va.	Horton	Reid, Ill.
Buchanan	Hosmer	Reifel
Burke, Fla.	Howard	Riegle
Burke, Mass.	Hull	Rivers
Burton, Calif.	Hungate	Robison
Byrnes, Wis.	Hunt	Rodino
Caffery	Hutchinson	Rogers, Colo.
Camp	Jacobs	Rogers, Fla.
Carter	Jarman	Rooney, N.Y.
Cederberg	Johnson, Calif.	Rooney, Pa.
Celler	Johnson, Pa.	Rosenthal
Clancy	Jonas	Rostenkowski
Clark	Jones, Ala.	Roth
Clausen,	Jones, Tenn.	Rousselot
Don H.	Karth	Roybal
Clawson, Del	Kastenmeier	Ruppe
Clay	Kazen	Ryan
Cleveland	Keith	St Germain
Cohelan	Kleppe	Sandman
Collier	Kluczynski	Saylor
Collins	Koch	Schadeberg
Conable	Kyl	Schneebeli
Corman	Kyros	Schwengel
Coughlin	Langen	Scott
Culver	Latta	Sebelius
Cunningham	Lennon	Shipley
Daniels, N.J.	Lloyd	Shriver
Davis, Wis.	Long, Md.	Sisk
Delaney	McCulloch	Skubitz
Dellenback	McDade	Slack
Dent	McDonald,	Smith, Calif.
Devine	Mich.	Smith, Iowa
Dingell	McEwen	Smith, N.Y.
Donohue	Macdonald,	Springer
Downing	Mass.	Stafford
Duncan	Madden	Staggers
Dwyer	Mahon	Stanton
Eckhardt	Mailliard	Steed
Edmondson	Mann	Steiger, Ariz.
Edwards, Calif.	Marsh	Steiger, Wis.
Eilberg	Martin	Stephens
Erlenborn	Mathias	Stokes
Esch	Matsunaga	Stubblefield
Eshleman	May	Sullivan
Evans, Colo.	Meeds	Talcott
Evins, Tenn.	Michel	Taylor
Fascell	Mikva	Thompson, Ga.
Findley	Miller, Calif.	Thomson, Wis.
Fish	Miller, Ohio	Tiernan
Flood	Mills	Udall
Flowers	Minish	Vander Jagt
Foley	Mize	Vanik
Ford, Gerald R.	Mizell	Vigorito
Wampler	Wiggins	Wyatt
Watts	Williams	Wylie
Whalen	Wilson, Bob	Wyman
White	Wilson,	Yatron
Whitehurst	Charles H.	Zablocki
Whitten	Winn	Zion
Widnall	Wolff	Zwach

NAYS—21

Abbitt	Flynt	Rarick
Ashbrook	Fountain	Roberts
Chappell	Green, Oreg.	Scherle
Daniel, Va.	Gross	Schmitz
Davis, Ga.	Hagan	Sikes
Dickinson	Montgomery	Ullman
Dorn	Passman	Waggonner

NOT VOTING—131

Albert	Fallon	Meskill
Anderson,	Farbstein	Mink
Tenn.	Feighan	Minshall
Aspinall	Fisher	Mollohan
Ayres	Foreman	Morse
Baring	Frey	Morton
Berry	Friedel	Nedzi
Betts	Fulton, Tenn.	O'Konski
Biaggi	Galifianakis	O'Neal, Ga.
Blackburn	Goldwater	Ottinger
Blanton	Goodling	Pepper
Boggs	Griffiths	Pettis
Brock	Gubser	Pirnie
Brooks	Haley	Pollock
Brown, Ohio	Hall	Powell
Burleson, Tex.	Halpern	Pucinski
Burlison, Mo.	Hanna	Purcell
Burton, Utah	Hansen, Idaho	Reid, N.Y.
Bush	Hastings	Reuss
Button	Hays	Rhodes
Byrne, Pa.	Hébert	Roe
Cabell	Henderson	Roudebush
Carey	Ichord	Ruth
Casey	Jones, N.C.	Satterfield
Chamberlain	Kee	Scheuer
Chisholm	King	Snyder
Colmer	Kuykendall	Stratton
Conte	Landgrebe	Stuckey
Conyers	Landrum	Symington
Corbett	Leggett	Taft
Cowger	Long, La.	Teague, Calif.
Cramer	Lowenstein	Teague, Tex.
Crane	Lujan	Thompson, N.J.
Daddario	Lukens	Tunney
Dawson	McCarthy	Van Deerlin
de la Garza	McClory	Waldie
Denney	McCloskey	Watson
Dennis	McClure	Weicker
Derwinski	McFall	Whalley
Diggs	McKneally	Wold
Dowdy	McMillan	Wright
Dulski	MacGregor	Wydler
Edwards, Ala.	Mayne	Yates
Edwards, La.	Melcher	Young

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. Thompson of New Jersey with Mr. Minshall.
Mr. Hébert with Mr. Wydler.
Mr. Hays with Mr. Ayres.
Mr. Byrne of Pennsylvania with Mr. Corbett.
Mr. Boggs with Mr. Morse.
Mr. Leggett with Mr. Gubser.
Mr. Biaggi with Mr. Pirnie.
Mr. Henderson with Mr. Burton of Utah.
Mr. Albert with Mr. Rhodes.
Mr. Long of Louisiana with Mr. Chamberlain.
Mr. Daddario with Mr. Meskill.
Mr. Edwards of Louisiana with Mr. MacGregor.
Mr. Fisher with Mr. Betts.
Mr. Teague of Texas with Mr. Hastings.
Mr. Young with Mr. Bush.
Mr. Burleson of Texas with Mr. McKneally.
Mr. Brooks with Mr. Morton.
Mr. Blanton with Mr. Brock.
Mr. Fulton of Tennessee with Mr. McCloskey.
Mr. Hanna with Mr. Teague of California.
Mr. Satterfield with Mr. Brown of Ohio.
Mr. Purcell with Mr. Roudebush.
Mr. O'Neal of Georgia with Mr. Blackburn.
Mr. Nedzi with Mr. Halpern.
Mr. McFall with Mr. Goldwater.
Mr. Cabell with Mr. Landgrebe.
Mr. Carey with Mr. King.
Mr. Melcher with Mr. Whalley.
Mr. Casey with Mr. Berry.
Mr. Burlison of Missouri with Mr. Hall.
Mr. Aspinall with Mr. Watson.
Mr. Jones of North Carolina with Mr. Snyder.
Mr. Mollohan with Mr. Lukens.
Mr. Pucinski with Mr. Taft.
Mrs. Griffiths with Mr. Pettis.
Mr. Stuckey with Mr. Derwinski.
Mr. Colmer with Mr. Ruth.
Mr. Pepper with Mr. Cowger.
Mr. Reuss with Mr. Denney.
Mr. Stratton with Mr. Button.
Mr. Waldie with Mr. Weicker.
Mr. Ichord with Mr. Cramer.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Wright with Mr. Mayne.
Mr. Van Deerlin with Mr. Pollock.
Mr. Yates with Mr. Reid of New York.
Mr. Baring with Mr. Crane.
Mr. de la Garza with Mr. Wold.
Mr. Dowdy with Mr. Lukens.
Mr. Dulski with Mr. Conte.
Mr. Farbstein with Mr. Conyers.
Mr. Ottinger with Mr. Diggs.
Mr. Lowenstein with Mrs. Chisholm.
Mr. Landrum with Mr. Dennis.
Mr. Tunney with Mr. O'Konski.
Mr. Kee with Mr. Hansen of Idaho.
Mr. Feighan with Mr. Frey.
Mr. Galifianakis with Mr. McClory.
Mr. Haley with Mr. McClure.
Mr. Roe with Mr. Powell.
Mr. Fallon with Mr. Edwards of Alabama.
Mr. Friedel with Mr. Goodling.
Mr. McMillan with Mr. Foreman.
Mr. Symington with Mr. Scheuer.
Mr. McCarthy with Mrs. Mink.

Mr. PATMAN changed his vote from "nay" to "yea."

Messrs. DAVIS of Georgia, HAGAN, ROBERTS, DANIEL of Virginia, and ABBITT changed their votes from "yea" to "nay."

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 TO EXTEND

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill S. 1461, just passed by the House.

The SPEAKER (Mr. SISK). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

BANKRUPTCY ACT AMENDMENTS

Mr. ROGERS of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4247) 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.

The Clerk read as follows:

S. 4247

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That clause (12) of subdivision a, section 2, of the Bankruptcy Act (11 U.S.C. 11(a)(12)) is amended to read as follows:

"(12) Discharge or refuse to discharge bankrupts, set aside discharges, determine the dischargeability of debts, and render judgments thereon;".

SEC. 2. Subdivision b of section 14 of the Bankruptcy Act (11 U.S.C. 32(b)) is amended to read as follows:

"b. (1) The court shall make an order fixing a time for the filing of objections to the bankrupt's discharge and a time for the filing of applications pursuant to paragraph (2) of subdivision c of section 17 of this Act to determine the dischargeability of debts, which time or times shall be not less than thirty days nor more than ninety days after the first date set for the first meeting of creditors. Notice of such order shall be given to all parties in interest as provided in section 58b of this Act. The Court may, upon its own motion or, for cause shown, upon motion of any party in interest, extend the time or times for filing such objections or applications.

"(2) Upon the expiration of the time fixed in the order for filing objections or of any extension of such time granted by the court, the court shall discharge the bankrupt if no objection has been filed and if the filing fees required to be paid by this Act have been paid in full; otherwise, the court shall hear such proofs and pleas as may be made in opposition to the discharge, by the trustee, creditors, the United States attorney, or such other attorney as the Attorney General may designate, at such time as will give the bankrupt and the objecting parties a reasonable opportunity to be fully heard."

SEC. 3. Section 14 of the Bankruptcy Act (11 U.S.C. 32) is amended by adding at the end thereof the following new subdivisions:

"f. An order of discharge shall—

"(1) declare that any judgment theretofore or thereafter obtained in any other court is null and void as a determination of the personal liability of the bankrupt with respect to any of the following: (a) debts not excepted from the discharge under subdivision a of section 17 of this Act; (b) debts discharged under paragraph (2) of subdivision c of section 17 of this Act; and (c) debts determined to be discharged under paragraph (3) of subdivision c of section 17 of this Act; and

"(2) enjoin all creditors whose debts are discharged from thereafter instituting or continuing any action or employing any process to collect such debts as personal liabilities of the bankrupt.

"g. An order of discharge which has become final may be registered in any other district by filing therein a certified copy of such order and when so registered shall have the same effect as an order of the bankruptcy court of the district where registered and may be enforced in like manner.

"h. Within forty-five days after the order of discharge becomes final the court shall give notice of the entry thereof to all parties in interest as specified in subdivision b of section 58 of this Act. Such notice shall also specify the debts, if any, theretofore determined by the court to be nondischargeable, the debts, if any, as to which applications to determine dischargeability are pending, and those contents of the order of discharge required by subdivision f of this section."

SEC. 4. Section 15 of the Bankruptcy Act (11 U.S.C. 33) is amended to read as follows:

"SEC. 15. DISCHARGES, WHEN REVOKED.—The court may revoke a discharge upon the application of a creditor, the trustee, the United States attorney, or any other party in interest, who has not been guilty of laches, filed at any time within one year after a discharge has been granted, if it shall appear (1) that the discharge was obtained through the fraud of the bankrupt, that the knowledge of the fraud has come to the applicant since the discharge was granted, and that the facts did not warrant the discharge; or (2) that the bankrupt, before or after discharge, received or became entitled to receive property of any kind which is or which became a part of the bankrupt estate and that he knowingly and fraudulently failed to report or to deliver such property to the trustee; or (3) that the bankrupt during the pendency of the proceeding refused to obey any lawful order of, or to answer any material question approved by, the court. The application to revoke for such refusal may be filed at any time during the pendency of the proceeding or within one year after the discharge was granted, whichever period is longer."

SEC. 5. Clauses (2), (5), and (6) of subdivision a of section 17 of the Bankruptcy Act (11 U.S.C. 35(a) (2), (5), (6)) are amended to read as follows:

"(2) are liabilities for obtaining money or property by false pretenses or false representations, or for obtaining money or property on credit or obtaining an extension or renewal of credit in reliance upon a materially false statement in writing respecting his financial condition made or published or caused to be made or published in any manner whatsoever with intent to deceive, or for willful and malicious conversion of the property of another;"

"(5) are for wages and commissions to the extent they are entitled to priority under subdivision a of section 64 of this Act;"

"(6) are due for moneys of an employee received or retained by his employer to secure the faithful performance by such employee of the terms of a contract of employment;".

SEC. 6. Subsection a of section 17 of the Bankruptcy Act (11 U.S.C. 35(a)) is amended by adding at the end thereof the following new clauses:

"(7) are for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female or for breach of promise of marriage accompanied by seduction, or for criminal conversation; or

"(8) are liabilities for willful and malicious injuries to the person or property of another other than conversion as expected under clause (2) of this subdivision."

SEC. 7. Section 17 of the Bankruptcy Act (11 U.S.C. 35) is amended by adding at the end thereof the following new subdivisions:

"b. The failure of a bankrupt or debtor to obtain a discharge in a prior proceeding under this Act for any of the following reasons shall not bar the release by discharge in a subsequent proceeding under the Act of debts that were dischargeable under subdivision a of this section in the prior proceeding: (1) discharge was denied in the prior proceeding solely under clause (5) or clause (8) of subdivision c of section 14 of this Act; the prior proceeding was dismissed without prejudice for failure to pay filing fees or to secure costs. If a bankrupt or debtor fails to obtain a discharge in a proceeding under this Act by reason of a waiver filed pursuant to section 14a of this Act or by reason of a denial on any ground under section 14c of this Act other than clause (5) or clause (8) thereof, the debts provable in such proceding shall not be released by a discharge granted in any subsequent proceeding under this Act. A debt not released by a discharge in a proceding under this Act by reason of clause (3) of subdivision a of this section 17 may nevertheless be dischargeable in a subsequent bankruptcy proceeding.

"(c). (1) The bankrupt or any creditor may file an application with the court for the determination of the dischargeability of any debt.

"(2) A creditor who contends that his debt is not discharged under clause (2), (4), or (8) of subdivision a of this section must file an application for a determination of dischargeability within the time fixed by the court pursuant to pargaraph (1) of subdivision b of section 14 of this Act and, unless an application is timely filed, the debt shall be discharged. Notwithstanding the preceding sentence, no application need be filed for a debt excepted by clause (8) if a right to trial by jury exists and any party to a pending action on such debt has timely demanded a trial by jury or if either the bankrupt or a creditor submits a signed statement of an intention to do so.

"(3) After hearing upon notice, the court shall determine the dischargeability of any debt for which an application for such determination has been filed, shall make such orders as are necessary to protect or effectuate a determination that any debt is dischargeable and, if any debt is determined to be nondischargeable, shall determine the remaining issues, render judgment, and make all orders necessary for the enforcement thereof. A creditor who files such application does not submit himself to the jurisdiction of the court for any purposes other than those specified in the subdivision c.

"(4) The provisions of this subdivision c shall apply whether or not an action on a debt is then pending in another court and any part may be enjoined from instituting or continuing such action prior to or during the pendency of a proceeding to determine its dischargeability under this subdivision c.

"(5) Nothing in this subdivision c shall be deemed to affect the right of any party, upon timely demand, to a trial by jury where such right exists.

"(6) If a bankruptcy case is reopened for the purpose of obtaining the orders and judgments authorized by this subdivision c, no additional filing fee shall be required."

SEC. 8. Clause (4) of section 38 of the Bankruptcy Act (11 U.S.C. 66), is amended by adding at the end thereof the following: ", determine the dischargeability of debts, and render judgments thereon".

SEC. 9. Subdivision b of section 58 of the Bankruptcy Act (11 U.S.C. 94(b)) is amended to read as follows:

"b. The court shall give at least thirty days' notice by mail of the last day fixed by its order for the filing of objections to a bankrupt's discharge and for the filing of applications pursuant to paragraph (2) of subdivision c of section 17 of this Act to determine the dischargeability of debts (1) to the creditors in the manner prescribed in subdivision a of this section; (2) to the trustee, if any, and his attorney, if any, at their respective addresses as filed by them with the court; and (3) to the United States attorney of the judicial district wherein the proceeding is pending. The court shall also give at least thirty days' notice by mail of the time and place of a hearing upon objections to a bankrupt's discharge (1) to the bankrupt, at his last known address as appears in his petition, schedules, list of creditors, or statement of affairs, or, if no address so appears, to his last known address as furnished by the trustee or other party after inquiry; (2) to the bankrupt's attorney, if any, at his address as filed by him with the court; and (3) to the objecting parties and their attorneys, at their respective addresses as filed by them with the court."

SEC. 10. The provisions of this amendatory Act shall take effect on and after sixty days from the date of its approval and shall govern proceedings in all cases filed after such date.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, the purpose of the proposed legislation is to effectuate more fully the discharge in bankruptcy by rendering it less subject to abuse by harassing creditors. Under present law creditors are permitted to bring suit in State courts after a discharge in bankruptcy has been granted and many do so in the hope the debtor will not appear in that action, relying to his detriment upon the discharge. Often the debtor in fact does not appear because of such misplaced reliance, or an inability to retain an attorney due to lack of funds, or because he was not properly served. As a result, a default judgment is taken against him and his wages or property may again be subjected to garnishment or levy. All this results because the discharge is an affirmative defense which, if not pleased, is waived.

The proposed legislation is meant to correct this abuse. Under it, the matter of dischargeability of the type of debts commonly giving rise to the problem, that is, those allegedly incurred as a result of loans based upon false financial statements, will be within the exclusive jurisdiction of the bankruptcy court. The creditor asserting nondischargeability will have to file a timely application in the absence of which the debt will be deemed discharged. The bill provides that at the same time notice is given to creditors of the date by which objections to discharge must be filed, creditors are also notified of the date by which applications to determine nondischargeability of their debts must be filed. When timely filed, the matter will be heard in the bankruptcy court and final disposition made of it.

The actual focus of the bill is to give greater effect to the discharge for those who need it most, that is, the ordinary wage earner. It is as to this type of bankrupt that the present abuse of the bankruptcy discharge occurs.

Section 4 of the bill also accords greater protection to creditors by expanding the causes in section 15 of the Bankruptcy Act for which a discharge, once granted, can be revoked. Additionally, section 17b of the act will be amended to clarify existing case law regarding the status of debts during two or more bankruptcy proceedings of the same bankrupt, the earlier of which did not result in the bankrupt's obtaining a discharge.

This bill was unanimously approved by our committee. It has the support of the Judicial Conference, the National Bankruptcy Conference, the National Conference of Referees, and a number of other groups. An identical bill has passed the Senate unanimously. I urge that we give this bill favorable consideration today.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, I rise in support of the bill, S. 4247.

This bill is identical to the bill introduced by all of the members of the bankruptcy subcommittee on the House side in August of this year.

The bill has the unanimous and bipartisan support of the bankruptcy subcommittee and it has the unanimous support of the House Committee on the Judiciary. The bill also is supported by the National Bankruptcy Conferee Conference and the National Conference of Referees in Bankruptcy.

Mr. Speaker, this is probably the most important piece of bankruptcy legislation which has been considered by the House in at least 5 years. This legislation, which has been 15 years in the making, would make the process of a discharge in bankruptcy a far more equitable proceeding than it is today.

S. 4247 would close some of the loopholes in current law by which creditors can unfairly harass a bankrupt, especially the "little guy" who is the subject of the typical "consumer" or nonbusiness bankruptcy. The bill also contains a number of provisions which will better protect the rights of the bankrupt's creditors as well as those of the bankrupt himself.

The present discharge provisions of the Bankruptcy Act authorize the bankruptcy court to determine the right to a discharge, but do not give the bankruptcy court jurisdiction to determine which debts were in fact discharged. Under S. 4247, the bankruptcy court would be vested with authority to determine not only the bankrupt's right to a discharge but also the effect of a discharge when granted.

Under present practice, debtors are frequently coerced by unscrupulous creditors into paying debts that have been discharged. Typically, the creditor will wait until the bankruptcy proceeding has been closed and then sue in State court on the discharged debt. Such creditors usually do not mention the discharge in bankruptcy in their complaint. If it is raised as an affirmative defense by the debtor, the creditor will often allege the applicability of section 17a(2), which provides that a discharge shall not release the debtor from liability for obtaining money or property by false pretense or obtaining credit by a materially false statement in writing respecting his financial condition.

When suit on a discharged debt is filed in a State court, the bankrupt must file an answer, pleading his discharge as an affirmative defense; otherwise judgment will go to the creditor by default. Many bankrupts do not realize the consequences of ignoring the State court proceeding. Others who do have great difficulty obtaining counsel because, having just gone through bankruptcy, they have no resources with which to pay an attorney's fee. This situation has been very embarrassing to members of the bar who, having represented the bankrupt in the bankruptcy proceedings, cannot continue to represent him in a series of State court proceedings without prospect of a reasonable fee. In yet other cases the service of process on the bankrupt is inadequate and he is never in fact notified of the State court suit against him, and thus he defaults.

In all of these instances the concept of a discharge in bankruptcy by which the Bankruptcy Act attempts to assure the honest but unfortunate person a fresh start and rehabilitation is defeated. This problem has become more acute year by year as the number of consumer-type bankruptcy cases has increased. For several years approximately 92 percent of all bankruptcy cases filed have been personal or nonbusiness cases.

One ground for opposition to some of the "dischargeability" bills introduced in earlier years is resolved in S. 4247. It was said that compelling either the bankrupt or the creditor to submit to the procedure contemplated in the bankruptcy court might constitute unjust deprivation of the right to trial by jury. Section 7 of the bill adds a new section 17c(5) to the Bankruptcy Act which specifically protects the right to trial by jury upon timely demand where such right presently exists.

An interesting innovation in S. 4247 is contained in section 3, which enacts a new section 14g of the Bankruptcy Act. Section 14g is an adaptation of 28 U.S.C. 1963, which permits the registration in other districts of Federal court judgments obtained for the recovery of money or property. When a bankrupt has moved out of the district where he obtained his discharge and is sued on a discharged debt in the State to which he moved, he should be able to enforce the discharge through the district court where he is currently residing. Section 14g permits the bankrupt access to his local U.S. district court by registering therein a certified copy of the order granting discharge.

I ask unanimous consent, Mr. Speaker, to insert in the RECORD following my remarks an excellent memorandum prepared by Prof. Lawrence King for the National Bankruptcy Conference which explains and analyzes the provisions of S. 4247.

Mr. Speaker, S. 4247 will substantially improve the quality and fairness of our bankruptcy law and I urge its adoption.

The memorandum follows:

MEMORANDUM

Explanatory memorandum to accompany S. 4247.

This bill proposes to amend sections 2a, 14, 15, 17, 38 and 58 of the Bankruptcy Act, adding to classes of dischargeable debts, extending the bankruptcy courts' jurisdiction to determine dischargeability of individual debts and effecting some change in the revocation of discharges.

The proposed addition of section 17b deals with debts in existence during two or more bankruptcy proceedings of the same bankrupt, the earlier of which did not result in the bankrupt's obtaining a discharge. Section 14 of the Bankruptcy Act sets forth the statutory and only grounds upon which a discharge may be denied. With the exception of the grounds specified in clauses (5) and (8), all such grounds have their foundation in some form and degree of dishonesty or lack of cooperation on the part of the bankrupt. On the other hand, the grounds listed in clauses (5) and (8) are entirely distinct from such type of activity and, in fact, are such that some conflict of application and interpretation has arisen among the courts. For example, clause (5) prevents a discharge in a proceeding commenced within 6 years after

the commencement of a proceeding in which a discharge had been granted. Where there have been two such proceedings and the discharge is denied in the second one because of the 6-year limitation, the question has arisen with regard to the statue of debts not discharged in the second proceeding but still in existence in a third proceeding where a discharge may be granted. As stated in "1 Collier on Bankruptcy," (par. 14.53, p. 1423 (14th edition)): "Although the contrary has been held, the better view is that in the third proceeding the bankrupt can be discharged from debts scheduled in the second proceeding." Footnotes 14 and 15 exemplify the split of authority on this point as well as the need for statutory clarification. Accordingly, the proposal in section 17b(1) would adopt the "better view" and render such debts dischargeable in a third proceeding. There is no question but they would have been dischargeable had the second proceeding been commenced more than 6 years after the first one. The effect of the amendment would treat the third proceeding, assuming a discharge therein is otherwise obtainable, as if it were the second proceeding, only commenced beyond the 6-year limitation. It is difficult to see how creditors could be prejudiced by this proposal, considering that their debts would have been discharged had the debtor waited a while longer before filing the second petition.

Clause (8) of section 14c prohibits a discharge where the bankrupt failed to pay the filing fees in full. While there may be a sound basis for considering this failure as a ground barring discharge in one proceeding, for the reasons already expressed it should not bar a discharge of those same debts in a subsequent proceeding in which the filing fees have been paid in full.

Proposed section 17b in clause (2) would enable a bankrupt to obtain a discharge from debts existing in an earlier proceeding which was dismissed without prejudice for failure to pay filing fees or to secure costs. As long as the dismissal of the prior proceeding is without prejudice it should not be considered tantamount to the denial of a discharge having any res adjudicata effect upon debts then existing. There is also authority that dismissal without prejudice does not have the same effect. Certainly if debts can be discharged in a subsequent proceeding when the earlier discharge was denied for failure to pay the filing fees as proposed in new section 17b(1), then the same principle should apply where the earlier proceeding is dismissed without prejudice.

To clarify the position taken by the proposed changes affecting existing debts in a subsequent proceeding, the first unnumbered sentence was inserted after clause (2) in section 17b. This provision assures that failure to obtain a discharge in an earlier proceeding because of a waiver of the right, in writing filed with the court under section 14a, or because of one of the grounds in section 14c other than those in clauses (5) and (8), precludes discharge of then existing debts in a subsequent proceeding.

The second unnumbered sentence, being the last sentence of proposed section 17b relates to debts which were not scheduled in time for proof and allowance and for this reason were not discharged in an earlier proceeding although a discharge had been granted. If, in a subsequent proceeding the debt is duly scheduled and a discharge is granted, this debt will be subject to the discharge. This provision is in line with judicial authority in the instances where the issue has been raised but, as is true with the situations encompassed by the immediately preceding unnumbered sentence it is not presently controlled by specific statutory mandate.

The proposed amendments adding sections 14g and f and 17c and adding to sections 2a, 14b, 38 and 58 would empower the bankruptcy court, which would include the referee, to determine the dischargeability or nondischargeability of particular provable debts, upon application, and after notice and hearing.

The National Bankruptcy Conference has for many years been in favor of a bill such as this. It believes that one of the primary objectives of the Bankruptcy Act, to wit, to give the bankrupt a fresh start in life free from the burden of oppressive indebtedness, can best be achieved by legislation of this kind.

It has been the generally accepted rule that the bankruptcy court determines whether a discharge should be granted and the court in which a claim is sought to be enforced determines the effect of the discharge on that particular claim. In theory, this is an excellent division of labor, but in practice it does not work out well so far as bankrupts are concerned, and in many cases it does not work out well for the creditors.

It should be emphasized that the power to determine dischargeability of a particular claim upon the application of the bankrupt in the exceptional case presently resides in the bankruptcy court by virtue of the decision of the Supreme Court in *Local Loan v. Hunt*, 292 U.S. 234 (1934). That power, however, under the guidelines laid down by the Supreme Court in the *Local Loan* case should not be exercised unless exceptional circumstances exist. Consequently, this bill will not effect any startling changes in the law. It will permit the bankruptcy court to do as a matter of course what it would otherwise do only where exceptional circumstances exist.

One of the strongest arguments in support of the bill is that, if the bill is passed, a single court, to wit, the bankruptcy court, will be able to pass upon the question of dischargeability of a particular claim and it will be able to develop an expertise in resolving the problem in particular cases. The State court judges, however capable they may be, do not have enough cases to acquire sufficient experience to enable them to develop this expertise. Moreover, even under the present system in the last analysis, it is the U.S. Supreme Court which has the ultimate word on the construction of section 17 of the Bankruptcy Act. Section 17 makes provision for the debts to be released by a discharge and those which shall be excluded from a discharge. Since this is a Federal statute, the Federal courts necessarily have the final word as to the meaning of any terms contained therein.

It is true that the enactment of this bill will impose additional responsibilities upon the referees. However, these are responsibilities which should be imposed upon them since they are really the people who administer the Bankruptcy Act and by whose action the public makes a judgment as to whether the administration is good or bad.

The overwhelming majority of the cases in which dischargeability of claims is an issue are those on alleged false financial statements issued to finance companies. This bill in added section 17c(2) places in the bankruptcy court the exclusive jurisdiction to determine the issue of dischargeability with respect to those claims, claims for fraud, and claims allegedly arising from willful and malicious conversion of property.

Although it may be unnecessary in view of the little utilization made of it at the present time, the right to trial by jury is preserved in added section 17c(5). Where timely demand for jury trial is made, trial would be had in the U.S. district court under the policy enunciated by the Judicial Conference of the United States even though nothing in the Bankruptcy Act itself prevents a referee from conducting a jury trial.

To prevent the abuses inherent in the present system, the proposed amendment adopts the following procedure:

When the referee fixes a date for the filing of objections to a discharge he will at the same time fix a date for the filing of applications to determine the dischargeability of debts falling within the excepted classes of section 17a (2), (4), and (8). That date must be not less than 30 nor more than 90 days after the first date set for the first meeting of creditors. The fixing of the time is required in section 14b which will also require that notice thereof be sent to all parties in interest as provided in section 58b which section is correspondingly amended for the purpose of conformity. Thus, creditors asserting such claims are told that they must file applications within the time fixed, and added section 17c(2) renders such debt discharged if no application regarding it is so timely filed. Because of the nature of the action, liabilities falling within new section 17a(8), that is, those based upon willful and malicious injury to person and property other than conversion, need not be brought to the bankruptcy court if, in the pending action, a timely demand for trial by jury has been made by either party or a written statement of intention to do so timely is filed with the bankruptcy court by either party. As to all other debts not within the excepted classes of section 17a (2), (4), and (8), the bankruptcy court is given concurrent jurisdiction with the State courts under section 17c(1). Either the bankrupt or the creditor may apply to the bankruptcy court for a determination of dischargeability and these applications are not subject to the time limitations of section 14b.

In the ordinary course of events, the bankruptcy court will first determine whether or not the bankrupt is entitled to a discharge. If discharge is denied, there is no need to hear individual applications if any are filed. Only after the order granting the discharge has become final, will the court have to proceed to hearing, under section 17c(3), any filed applications to determine the dischargeability of those particular debts.

To effectuate the discharge, and render it unnecessary for a bankrupt to raise it as an affirmative defense in a later State court action in the multitude of cases where abuses have become apparent, the order granting the discharge will contain two directives: Any judgment previously or subsequently obtained in another court is null and void as a determination of personal liability with respect to debts not excepted from discharge under section 17a, debts for which applications were not timely filed as required by section 17c(2), and debts determined to be discharged after hearing upon notice pursuant to section 17c(3); creditors whose debts are so discharged shall be enjoined from commencing or continuing actions on such debts as personal liabilities of the bankrupt. These directives apply only to the personal liability of the bankrupt upon discharged debts and, therefore, would not apply in those situations where judgments may be necessary under State law to enforce valid secured claims upon particular collateral and to preserve or enforce certain rights against persons other than the bankrupt arising from guaranteed obligations. This proposed legislation also does not affect in any way a bankrupt's obligation upon a discharged debt which is subsequently revived by a new promise. In the absence of any statutory directive, the case law has permitted enforcement of such new promise made after the commencement of the bankruptcy proceeding. (1 "Collier on Bankruptcy," ¶¶17.33–17.38, pp. 1752–1764 (14th edition).)

After the order of discharge has become final and within 45 days of that date, notice thereof containing the directives of the order must be mailed to parties in interest specified in section 58b. The contents of the order and the requirement of notice are contained in added sections 14f, 14g, and 14h. In addi-

tion to the contents of the order, the notice should specify the debts already determined to the nondischargeable and those for which applications for such determinations are still-pending, if any. Thus creditors, in particular, are informed expressly that if their claims are discharged they may not thereafter seek to obtain personal liability upon them in another court and, in fact, are enjoined from doing so. Thus, harassment lawsuits should be eliminated and the bankrupt freed of the necessity to retain legal assistance in another court to assert his discharge and to be unburdened from the effects of judgments which today are not rightfully obtained either through default or "sewer service."

Section 14g is an adaptation of 28 U.S.C. section 1963 which permits the registration in other districts of Federal court judgments obtained for the recovery of money or property. When a bankrupt has moved out of the district where he obtained his discharge in bankruptcy and is sued by a creditor on a discharged debt in the State to which he moved, the bankrupt should be able to enforce the discharge and its injunctive provisions through the district court where he is currently residing. Section 14g is meant to permit the bankrupt access to his local U.S. court by registering therein a certified copy of the order granting the discharge. This provision for registration does not mean to validate a State court judgment obtained in the new State on a discharged debt which is otherwise void under proposed section 14f (1). Rather, it is intended merely to supplement and effectuate, in case of such removal, the enjoining feature of section 14f(2).

The other provisions of added section 17c are protective measures for bankrupts and creditors necessary in light of the new procedures. Under section 17c(3), when the court determines a debt to be nondischargeable, it shall complete the matter entirely by determining any remaining issues, rendering judgment and making the orders necessary for the enforcement of the judgment. But by filing an application to determine the dischargeability of his debt, a creditor does not subject himself to the jurisdiction of the court for any other purpose. Thus, for example, by filing such application, he does not subject himself to the summary jurisdiction of the bankruptcy court for the purposes of avoiding preferences, fraudulent transfers, and the like.

In those instances where it may be necessary to reopen a bankruptcy case for the purposes of utilizing section 17c, paragraph (6) thereof eliminates the necessity of paying an additional filing fee.

By their nature proceedings under the debtor rehabilitation chapters of the Bankruptcy Act are quite different from the liquidation proceeding in straight bankruptcy under chapters I to VII of the act. The proposed amendments are intended to relate solely to straight bankruptcy proceedings and have no application in proceedings under chapters X, XI, XII, and XIII. The same would be true for section 77 proceedings and chapter IX proceedings.

The proposed changes place in clause (2) of section 17a the claim for willful and malicious conversion of property and remove debts arising from willful and malicious injury to person or property other than conversion, alimony, maintenance, or support, seduction, breach of promise of marriage accompanied by seduction, and criminal conversation to new clauses (7) and (8) of section 17a. Clause (5) of section 17 is changed to correlate it with the wage priority in section 64a(2). Nondischargeable wages and wages entitled to priority would be the same in terms of maximum dollar amount and time within which they were earned.

The proposed changes in section 2a(12) and section 38 are merely complementary to the provisions of proposed section 17c both granting jurisdiction to the courts of bankruptcy to determine dischargeability of debts and render judgments thereon. Section 58b contains added language conforming it to new section 14b.

The proposed changes to section 15 of the Bankruptcy Act expand and make more explicit the causes for which discharges, once granted, may be revoked. Some proposed changes are merely stylistic. Revocation, under the proposal, would be proper in addition to the present ground of fraud, where the bankrupt withheld information with regard to, or failed to deliver property to which he became entitled before or after discharge which property rightfully was part of the bankrupt estate, and also where the bankrupt refused to obey a lawful order of the court or answer any material question approved by the court any time during the pendency of the action. For such refusal the time to apply for revocation is the present 1-year period or any time during the pendency of the proceeding, whichever is longer. This change would render it unnecessary for the bankruptcy court to delay determining whether the bankrupt is entitled to a discharge in order to make sure that the bankrupt complies with orders and responds to questions after granting of the discharge. Revocation of discharge rather than delay in granting would be a preferable procedure and is of sufficient strength to prevent abusive tactics by a bankrupt.

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

Mr. WIGGINS. I yield to the gentleman.

Mr. GROSS. Is this legislation made necessary by virtue of the 1,000-percent increase in bankruptcies in this otherwise affluent Nation of ours?

Mr. WIGGINS. I will answer the gentleman by saying that the great increase in bankruptcies has in part occasioned this legislation.

These individual bankruptcies are burdening our State courts where the dischargeability of the individual's debts are tested. This legislation will not cost any money and, indeed, it will save money by relieving the State courts of the burden of trying these cases on an individual basis.

I will say to the gentleman—it is good legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. ROGERS) that the House suspend the rules and pass the bill S. 4247.

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.

PLYMOUTH-PROVINCETOWN CELEBRATION COMMISSION

Mr. ROGERS of Colorado. Mr. Speaker I move to suspend the rules and pass the bill (H.R. 15008), to establish the Plymouth-Provincetown Celebration Commission, as amended.

The Clerk read as follows:

H.R. 15008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the three hundred and fiftieth anniversary, in 1970, of the landing of the Pilgrims at Provincetown and Plymouth, which led to permanent settlements whose influence on our history, culture, law, and commerce extends through the present day, there is hereby established the Plymouth-Provincetown Celebration Commission (hereafter referred to as the "Commission"), for the purpose of developing suitable plans for such anniversary and conducting celebrations at appropriate times throughout the period beginning September 1, 1970, and ending November 30, 1971.

SEC. 2. (a) The Commission shall be composed of thirteen members as follows:

(1) four Members of the Senate, two from each of the two major political parties, to be appointed by the President pro tempore of the Senate;

(2) four Members of the House of Representatives, two from each of the two major political parties, to be appointed by the Speaker of the House of Representatives; and

(3) five members to be appointed by the President.

(b) The President shall, at the time of appointment, designate one of the members appointed by him to serve as Chairman.

(c) The members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

(d) Within ninety days after the termination of such celebration, the Commission shall furnish a report of its activities, including an accounting of funds received and expended, to the Congress. Upon submission of such report to the Congress, the Commission shall terminate.

SEC. 3. In order to carry out the purposes of this Act, the Commission is authorized—

(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem;

(3) to accept and to utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(4) to solicit and to accept gifts of money or property;

(5) to procure supplies, services, and property, and to make contracts, without regard to the laws and procedures applicable to Federal agencies;

(6) to request the assistance and advice of, and to cooperate with, civic, historic, and patriotic bodies, institutions of learning, and State and local governments;

(7) to request the cooperation and assistance of such Federal departments and agencies as may be appropriate;

(8) to invite the participation of such other nations as may be appropriate, with the assistance and advice of the Department of State; and

(9) to make such expenditures as it may deem advisable from funds appropriated or received as gifts.

SEC. 4. Any property acquired by the Commission remaining upon termination of such celebration is the property of the United States and may be used by the Secretary of the Interior for purposes of the national park system, or may be disposed of as surplus property. The net revenue, after pay-

ment of Commission expenses, is the property of the United States and shall be deposited in the Treasury of the United States.

SEC. 5. There is hereby authorized to be appropriated the sum of $100,000 to carry out the purposes of this Act.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, the purpose of this legislation is to create a Commission to develop plans for and to conduct the celebration of the 350th anniversary of the landing of the Pilgrims at Provincetown and Plymouth. As we all know, this landing led eventually to a permanent settlement whose influence on our history, culture, law, and commerce extends through the present day.

Under the bill as proposed, the Commission would consist of 15 members including: five Members of the Senate, five Members of the House of Representatives, and 5 public members to be appointed by the President, with one of the members designated by the President to serve as chairman.

The legislation provides for authorization of $100,000 of funds to carry out the Commission's purpose.

Hearings on this bill were held on July 22, 1970.

An identical bill, S. 2916, sponsored by Senator KENNEDY, passed the Senate on June 26, 1970.

After considering this bill, the Judiciary Committee agreed to recommend several amendments. One amendment is a clarifying amendment which makes it clear that the celebration, which begins in 1970, terminates on November 30, 1971. The other amendments relate to the number of congressional members of the Commission. In the bill as introduced, five Senators and five Representatives would be appointed. To assure that the congressional membership would be completely bipartisan, we are recommending that the number of Members from each House be reduced from five to four and that it be made clear that each party is to be equally represented.

Mr. Speaker, I believe that this proposal is meritorious and I urge that the bill be approved.

Mr. WIGGINS. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Speaker, the committee has, in my view, acted wisely in recommending establishment of a national commission to mark the 350th anniversary of the Pilgrims' landing in the New World.

It is an anniversary of special significance—not only to Provincetown, where the Pilgrims first landed, and to Plymouth, where they finally settled, but to the whole Nation.

The Pilgrim story has always been an inspiration to Americans, for it is a microcosm of the American Nation's experience. How they came to an unknown land, how they challenged and conquered a hostile wilderness, how they came to realize the need for unity and cooperation and the rule of law, and how they achieved these—this is the story that has inspired generations of Americans.

Such inspiration is sorely needed in the troubled times we face today. In the face of today's apparent adversities, the Pilgrim story reminds us that our ancestors faced far greater challenges, and overcame them. In the face of today's apparent lack of direction, the Pilgrim story serves to remind us of where we have been, and can help guide us in deciding where we are going.

The roots of America—religious freedom, individual liberty, government by consent of the governed, and the free enterprise system—all began, in part, with the Pilgrims. The Mayflower Compact was the first constitution set up by free men in America to govern themselves; Plymouth Plantation marked the place where free enterprise first flourished.

There is much in America's past which we seem to have forgotten and which we ought to remember. If this commission succeeds only in beginning to remind Americans of the heritage the history of their country holds, it will be well worth its cost.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. KEITH. I am delighted to yield to my colleague from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to associate myself with the remarks of my distinguished colleague from Massachusetts.

I wish to commend the gentleman for filing this legislation. As a Member of Congress representing part of the Plymouth area, I support this legislation.

Mr. KEITH. Mr. Speaker, I thank the gentleman from Massachusetts.

Mr. Speaker, I yield back the remainder of my time.

The SPEAKER. The question is on the motion offered by the gentleman from Colorado that the House suspend the rules and pass the bill H.R. 15008, 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.

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of a similar Senate bill (S. 2916) and ask for its immediate consideration.

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. 2916

An act to establish the Plymouth-Provincetown Celebration Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the three hundred and fiftieth anniversary, in 1970, of the landing of the Pilgrims at Provincetown and Plymouth, which led to permanent settlements whose influence on our history, culture, law, and commerce extends through the present day, there is hereby established the Plymouth-Provincetown Celebration Commission (hereafter referred to as the "Commission"), for the purpose of developing suitable plans for, and conducting the celebration of, such anniversary in 1970.

SEC. 2. (a) The Commission shall be composed of fifteen members as follows:

(1) five Members of the Senate, to be appointed by the President pro tempore of the Senate;

(2) five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

(3) five members to be appointed by the President.

(b) The President shall, at the time of appointment, designate one of the members appointed by him to serve as Chairman.

(c) The members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

(d) Within ninety days after the termination of such celebration, the Commission shall furnish a report of its activities, including an accounting of funds received and expended, to the Congress. Upon submission of such report to the Congress, the Commission shall terminate.

SEC. 3. In order to carry out the purposes of this Act, the Commission is authorized—

(1) to appoint and fix the compenstation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem;

(3) to accept and to utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(4) to solicit and to accept gifts of money or property;

(5) to procure supplies; services, and property, and to make contracts, without regard to the laws and procedures applicable to Federal agencies;

(6) to request the assistance and advice of, and to cooperate with, civic, historic and patriotic bodies, institutions of learning, and State and local governments;

(7) to request the cooperation and assistance of such Federal departments and agencies as may be appropriate;

(8) to invite the participation of such other nations as may be appropriate, with the assistance and advice of the Department of State; and

(9) to make such expenditures as it may deem advisable from funds appropriated or received as gifts.

SEC. 4. Any property acquired by the Commission remaining upon termination of such celebration is the property of the United States and may be used by the Secretary of the Interior for purposes of the national park system or may be disposed of as surplus property. The net revenue, after payment of Commission expenses, is the prop-

erty of the United States and shall be deposited in the Treasury of the United States.

SEC. 5. There is hereby authorized to be appropriated the sum of $100,000 to carry out the purposes of this Act.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: Strike all after the enacting clause of S. 2916 and insert in lieu thereof the provisions of H.R. 15008, 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. 15008) was laid on the table.

ESTABLISHING CIRCUIT COURT EXECUTIVES

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 17901) to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit, as amended.

The Clerk read as follows:

H.R. 17901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 332 of title 28, United States Code, is amended (a) by designating each of the existing paragraphs thereof as subsections (a), (b), (c), and (d), respectively; and (b) by inserting new subsections (e) and (f) to read:

"(e) The judicial council of each circuit may appoint a circuit executive from among persons who shall be certified by the Board of Certification. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated to him by the circuit council. The duties delegated to the circuit executive of each circuit may include but need not be limited to:

"(1) Exercising administrative control of all nonjudicial activities of the court of appeals of the circuit in which he is appointed.

(2) Administering the personnel system of the court of appeals of the circuit.

"(3) Administering the budget of the court of appeals of the circuit.

"(4) Maintaining a modern accounting system.

"(5) Establishing and maintaining property control records and undertaking a space management program.

"(6) Conducting studies relating to the business and administration of the courts within the circuit and preparing appropriate recommendations and reports to the chief judge, the circuit council, and the Judicial Conference.

"(7) Collecting, compiling, and analyzing statistical data with a view to the preparation and presentation of reports based on such data as may be directed by the chief judge, the circuit council, and the Administrative Office of the United States Courts.

"(8) Representing the circuit as its liaison to the courts of the various States in which the circuit is located, the marshal's office, State and local bar associations, civic groups, news media, and other private and public groups having a reasonable interest in the administration of the circuit.

"(9) Arranging and attending meetings of the judges of the circuit and of the circuit council, including preparing the agenda and serving as secretary in all such meetings.

"(10) Preparing an annual report to the circuit and to the Administrative Office of the United States Courts for the preceding calendar years, including recommendations for more expeditious disposition of the business of the circuit.

"All duties delegated to the circuit executive shall be subject to the general supervision of the chief judge of the circuit.

"(f) The standards for certification as qualified to be a circuit executive shall be set by a Board of Certification. These standards shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The Board of Certification shall consist of five members, three of whom shall be elected by the Judicial Conference of the United States, and at least one of these three shall be selected from among persons experienced in executive recruitment and selection. The additional two members shall be the Director of the Administrative Office of the United States Courts and the Director of the Federal Judicial Center. The members of the Board elected by the Judicial Conference shall each serve for three years except that upon appointment of the first members, one member shall serve for one year, one for two years, and one for three years. The Board shall consider all applicants who apply for certification, shall certify qualified applicants, shall maintain a roster of all persons certified, and shall publish the standards of certification. A person's name shall be removed from the roster after three years unless he is recertified. Three members of the Board shall constitute a quorum for purposes of fixing standards and for certifying applicants, but no action of the Board shall be taken unless three of the members are in agreement. The Director of the Administrative Office of the United States Courts shall provide staff assistance in support of the operation of the Board. Expenses of the Board of Certification shall be borne by the travel and miscellaneous expense funds appropriated to the Federal judiciary. Any member of the Board who is an officer or employee of the United States shall serve without compensation. Other members shall receive the daily equivalent of the rate provided for GS-18 of the General Schedule contained in section 5332 of title 5, United States Code, when actually engaged in service for the Board.

"Each circuit executive shall be paid at a salary to be established by the Judicial Conference of the United States not to exceed the annual rate of level V of the Executive Schedule pay rates (5 U.S.C. 5316).

"The circuit executive shall serve at the pleasure of the judicial council of the circuit.

"The circuit executive may appoint, with the approval of the council, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

"The circuit executive and his staff shall be deemed to be officers and employees of the judicial branch of the United States Government within the meaning of subchapter III of chapter 83 (relating to civil service retirement), chapter 87 (relating to Federal employees' life insurance program), and chapter 89 (relating to Federal employees' health benefits program) of title 5, United States Code."

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. CELLER. Mr. Speaker, H.R. 17901, as amended, would authorize the creation of Federal circuit executives for the 11 Federal courts of appeals. The bill would permit, but not require, the judicial council of each of 11 circuits to appoint a circuit executive from among persons certified to be qualified by experience and training by a board of certification.

The circuit executives would be subject to removal by the judicial council at any time. His duties would include, but need not be limited to, administering the personnel system, maintaining property control, and administering the budget of the court of appeals of the circuit. The specific duties of the circuit executive would be determined by the judicial council and would be performed under the general supervision of the chief judge of the circuit.

The dissatisfaction with the operation of our courts is due in large measure to undue delays in the administration of justice. It has brought about a recognition of the urgent need to provide our Federal courts with persons trained and experienced in modern management techniques. The circuit executive could free the chief judge of the court of appeals from the day-to-day chores of managing the court's business and enable him to perform the duties for which he was appointed, that of adjudicating.

Chief Justice Warren Burger has deplored the use of "judge time" to accomplish administrative tasks for others with specific management training could do. Complaints have been offered to the judiciary committee that in the various circuits the chief judge has to devote one-third to one-half of his time in administrative work rather than the judicial work for which he has been appointed. This administrative load is most burdensome.

This bill would provide for the appointment of trained executive officer that would take the burden of administration from the shoulders of the chief judge.

He should have training or experience in administrative management. He should have familiarity with judicial procedure. He would have to be certified as qualified by a Board of Certification.

That Board of Certification would be composed of five members, three of whom would be chosen by the Judicial Conference of the United States, and at least one of these three shall be a person experienced in executive recruitment and selection. The other two members shall be the Director of the Administrative Office of United States Courts and the Director of the Federal Judicial Center.

These members shall serve for a period of 3 years. They shall prepare a roster of qualified men who can act as circuit executives.

A training program for this purpose has been sponsored by the American Bar Association, the American Juridical Society, and the Institute of Judicial Administration.

From this pool of trained personnel many circuit executives may be appointed. They may be appointed; there is no requirement that they shall be appointed.

There are 11 judicial circuits. It is not certain whether or not each of the Judicial Councils of these circuits will determine that a circuit executive should be appointed. One judicial circuit—I believe the first circuit—has indicated it has no present desire to appoint an executive. A number of the other circuits indicate that their administrative load is so heavy it is imperative that the executive be appointed.

The Chief Justice recently stated his opinion that the principal underlying cause of procedural delays was "a lack of up-to-date procedures and standards for administration or management and a lack of trained managers" for the Federal courts.

The cost of establishing the circuit executive including secretarial assistance per circuit is estimated to be not above $45,000 annually.

I anticipate the savings in the administration of the appellate courts should offset these expenditures.

The Department of Justice, the American Bar Association and the Judicial Conference of the United States all endorse the concept of a circuit executive.

The committee believes that creation of this officer in the appellate courts on a nonmandatory basis should contribute substantially to improved efficiency in our Federal appellate system. I urge my colleagues to support this measure. The growth in the judicial business of the courts of appeals is well illustrated by recent figures supplied by the Administrative Office of U.S. Courts.

The 11,662 appeals filed in the 11 courts of appeals continued an unrelenting decade of increase, rising most steeply during the last 3 years. The 1970 figure was 14 percent higher than last year's 10,248 appeals, and almost 200 percent over the 3,889 filed in 1960. In the meantime, appeals court judgeships increased 43 percent, from 68 in 1960 to 97 in 1970.

Terminations—up 19 percent over 1969—have also grown each year but in raw numbers they continue to be outnumbered by the new filings. Nevertheless, as the accompanying table and chart shows, despite the marked upward trend in new appeals, growth of the backlog has been somewhat abated. Last year it was 12 percent higher than a year ago, as opposed to a 19-percent growth for the comparable previous period.

As the table below shows, while this year's overall increase in appeals was up 14 percent, the 11 circuits registered increases from a low of 3 percent in the District of Columbia to a high of 57 percent in the third circuit. The fifth circuit's 2,014 appeals, accounting for 17 percent of all Federal appeals commenced in 1970, was 14 percent above that circuit's filings for last year—exactly in step with the national rate of increase.

APPEALS COMMENCED IN THE U.S. COURTS OF APPEALS, FISCAL YEARS 1960, 1967, 1968, 1969, AND 1970, BY CIRCUIT

Circuit	Fiscal year					Percentage change	
	1960	1967	1968	1969	1970	1970 over 1960	1970 over 1969
All circuits	3,899	7,903	9,116	10,248	11,662	199.1	13.8
District of Columbia	505	798	945	1,094	1,127	123.2	3.0
1st	154	193	213	221	277	79.9	25.3
2d	582	979	1,072	1,263	1,343	130.8	6.3
3d	296	693	658	671	1,053	255.7	56.9
4th	224	803	1,025	1,098	1,166	420.5	6.2
5th	577	1,173	1,378	1,763	2,014	249.0	14.2
6th	306	717	793	868	911	197.7	5.0
7th	329	554	691	712	854	159.6	19.9
8th	237	458	453	440	589	148.5	33.9
9th	455	935	1,182	1,494	1,585	248.4	6.1
10th	234	600	706	624	743	217.5	19.9

APPEALS FILED, TERMINATED, AND PENDING IN THE U.S. COURTS OF APPEALS, FISCAL YEARS 1960 THROUGH 1970

Fiscal years	Number of judgeships as of June 30	Appeals			Increase in appeals pending
		Filed	Terminated	Pending June 30	
1960	68	3,899	3,713	2,220	186
1961	78	4,204	4,049	2,375	155
1962	78	4,832	4,167	3,031	656
1963	78	5,437	5,011	3,457	426
1964	78	6,023	5,700	3,780	323
1965	78	6,766	5,771	4,775	995
1966	88	7,183	6,571	5,387	612
1967	88	7,903	7,527	5,763	376
1968	97	9,116	8,264	6,615	852
1969	97	10,243	9,014	7,849	1,234
1970	97	11,662	10,699	8,812	963
Percent change:					
1970 over 1960	42.6	199.1	188.1	296.9	
1970 over 1969	0	13.8	18.7	12.3	

The fact that appeals filings increased in a single year by 14 percent is consistent with the spectacular 200-percent increase since 1960. The part each of the 11 courts had in this decade of change is graphically shown in the accompanying table. The fourth circuit registered the most substantial increase—421 percent. The third circuit filings rose 256 percent while the fifth circuit recorded an increase of 249 percent, followed closely by the ninth circuit with 248 percent. Other circuits with more than double the number of filings in 1970 when compared to 1960 were the sixth—198 percent, the seventh—160 percent, the eighth—149 percent, the second—131 percent, and the District of Columbia—123 percent.

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

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

Mr. GROSS. This provides for the creation of still another board in Government, does it not, a certification board?

Mr. CELLER. Not exceeding 45,000.

Mr. GROSS. 45,000 what?

Mr. CELLER. It provides for a Board of Certification. I beg the gentleman's pardon.

Mr. GROSS. What does the 45,000 allude to?

Mr. CELLER. The estimated total cost of executive. The salary would be not to exceed $36,000, and it is anticipated there would be secretarial assistance, so that the cost would not exceed $45,000 a year for each executive. But I repeat, there is no requirement that the executive shall be appointed.

Mr. GROSS. But there is the requirement for 11 executive officers in 11 circuits.

Mr. CELLER. No, there is no requirement. Each judicial council is authorized to determine whether it shall or shall not have this executive.

Mr. GROSS. What is the meaning of this bill, then? If these judges need executive officers? They either need them or they do not need them. What is the purpose of the bill?

Mr. CELLER. Most of the circuits have made requests for this administrative assistance. Only one circuit has indicated it does not need such an executive. However, in this bill there is no requirement that the appointment be made. It is purely permissive. Now, when you consider the vast amount of administrative work required by the chief judge, the need for such a trained person must appeal to you. For example, the chief judge now is compelled to exercise administrative control over all nonjudicial activities of the court of appeals. He must administer the personnel system of that court. He administers the budget of the court of appeals and must maintain the accounting system. He establishes and maintains a property control record and undertakes the space management program. He must conduct studies relating to the business and administration of the courts within the circuit. He must prepare the appropriate recommendations and reports to the circuit council, and the Judicial Conference. He collects, compiles, and analyzes statistical data with a view to the preparation and pres-

entation of reports based on such data. He represents the circuit as its liaison in the courts, just as the executive officer would be able to do. He represents the circuit as its liaison to the courts of various States in which the circuit is located—the marshal's office, the State and local bar associations, civic groups, and so forth. He arranges and attends meetings of the judges of the circuit and of the circuit council, including the preparation of the agenda, and serves as secretary at such meetings. He prepares an annual report to the circuit and to the Administrative Office of the United States Courts for the preceding year, including recommendations for more expeditious disposition of business. All these functions could be performed by the circuit court executive.

Mr. GROSS. Could I just ask the gentleman one simple question?

Mr. CELLER. Certainly. I will be glad to answer.

Mr. GROSS. What do the clerks of the courts do now?

Mr. CELLER. The clerk keeps the records of cases and supervises the care calendars and keeps a record of the assignment of cases. However, that type of work does not necessarily involve the management expertise that this executive would have to have.

Mr. GROSS. If it requires expertise in administration, in accounting, and bookkeeping, why does this individual have to be a lawyer? Why do you not go out and get executive officers who have expertise in administration and bookkeeping?

Mr. CELLER. There is no requirement that he be a lawyer. He has to have experience and training in administrative management and it would, of course, be an advantage if he is a lawyer.

Mr. GROSS. The gentleman from New York just got through saying that the executive officers would be lawyers.

Mr. CELLER. If I did say that, that was in error. I am sorry.

Mr. GROSS. How much more are you going to beef up these courts? Do you suppose an executive officer would take care of the judge who did not show up for 2 years to sit on a bench in the District of Columbia? Do you not think the chief judge here could have put pressure on that judge to discharge the responsibilities for which that individual was paid for 2 years and still did nothing? I am tired of beefing up the personnel of the courts only to find that it seems to make very litle difference.

It seems that every year the number of Federal judges has to be increased and now we have got to have executive officers to hold the hands of the judges.

Mr. CELLER. All I can say to the gentleman from Iowa is that there is nothing sacred in the status quo. There are changes everywhere.

Mr. GROSS. I should say there are.

Mr. CELLER. You never bathe in the same river twice.

Mr. GROSS. Yes, but all this does is to add additional debt on the citizens of America.

Mr. CELLER. You must expect these changes and you must meet these changes and provide for progressive reform. These are reforms which should help in the administration of justice in our courts.

Mr. POFF. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. McCULLOCH).

Mr. McCULLOCH. Mr. Speaker, I am pleased to join the chairman in support of H.R. 17901 which would permit, but not require, the judicial council of each of the 11 Federal judicial circuits to appoint a circuit court executive. This legislation was unanimously reported from the full committee and has the support of the administration, the Judicial Conference of the United States, and the American Bar Association.

The purpose of this legislation is to infuse modern managerial knowledge and experience into our Federal circuit courts. In August of last year, Chief Justice Burger, in an address delivered before the Institute of Judicial Administration in Dallas, said:

> The courts of this country need management which busy and overworked judges, with vastly increased caseloads, cannot give. We need a corps of trained administrators or managers, just as hospitals found they needed them many years ago, to manage and direct the machinery so that judges can concentrate on their primary professional duty of judging.

Management tasks and responsibilities oftentimes lie buried and sometimes unrecognized in the total job of a judge. Judges are chosen because of their judicial ability and not for their skills in management.

In May of this year, the House passed the omnibus district judgeship bill which is now Public Law 91-272. This law establishes 61 new Federal district judgeships which I believe are needed if our Federal courts are to cope with their ever-increasing workload.

However, increased "judgepower" alone will not solve the problems of congestion and delay. Since 1959, we have increased the number of Federal district judgeships by 40 percent and this has resulted in only a 9-percent increase in the number of civil and criminal dispositions.

I wish I could say that I had the solution to all of this—but I cannot. I do believe that the establishment of court executives is a step in the right direction. I do know that the process of litigation has frustrated many people and I submit that the patience of the American people is wearing thin.

Court management and the administration of justice are inseparable. We have all heard or said the truism that "justice delayed is justice denied," but delay and congestion in our Federal courts continues to grow. These conditions help to create disrespect for our laws and our legal institutions which in turn can increase the chances for disruption in our society. We must never forget that our courts are a crucial part of the peacekeeping operations of the Government. An efficient and effective court administration, with a feeling for all people who use or are connected with our courts, as well as a feeling for professional and constitutional values, will do much to better justice in America.

Chief Justice Warren E. Burger in his state of the judiciary address in August of this year stated:

> Efficiency must never be the controlling test of criminal justice but the work of the courts can be efficient without jeopardizing basic safeguards. Indeed, the delays in trials are often one of the gravest threats to individual rights.

I urge prompt enactment of this legislation.

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

Mr. Speaker, as one of the original sponsors of H.R. 17901, I regard this legislation as an important court reform bill.

The bill which would permit, but not require, each judicial circuit to select a court executive from among persons certified by a board of certification. The board of certification would consist of five members, three of whom would be elected by the Judicial Conference of the United States. The additional two members would be the Director of the Administrative Office of the U.S. Courts and the Director of the Federal Judicial Center. The board would have two primary functions, one, to draft standards for certification, and two, to review all applicants who apply for certification and maintain a roster of all persons certified. These standards would take into account experience in administrative and executive positions, familiarity with court procedures, and special training.

I am sure that many Members are concerned as to the availability of qualified personnel to occupy the position of court executive. The American Bar Association has announced plans to establish the first comprehensive training program for the development of a corps of skilled executives for our Federal and State courts. This program contemplates a 2-year pilot course to train 60 court executives in three classes of 20 trainees each. The first class began its training this past June and will be graduated by mid-December 1970. This program will assure the availability of personnel to fill these positions.

The concept of the court executive is supported by the administration, the Judicial Conference of the United States, and the American Bar Association.

Mr. Speaker, I am of the opinion that much of the public dissatisfaction with the operation of our courts is caused by undue delays in the administration of its business. Deputy Attorney General Kleindienst, at hearings on the omnibus judgeship bill ventilated the problem with these words:

> Parties to litigation have become increasingly frustrated over their inability to secure prompt judicial determination of their rights and liabilities. On the criminal side . . . innocent persons must wait many painful months to clear their names; the general public is subjected to the risk of repeated criminal offenses committed by guilty persons free while awaiting adjudication of their cases.

I might add that there are other undesirable effects of delay and backlog: Witnesses give up in frustration after numerous canceled court appearances; jurors despair waiting endless hours only to go home without entering the jury

box; and plaintiffs settle for less than they are legally entitled to receive because they cannot wait for the court to act.

Chief Justice Warren E. Burger in his "state of the Judiciary" address delivered before the annual meeting of the American Bar Association in St. Louis this past August stated that we are still trying to operate the courts with fundamentally the same basic methods, procedures and machinery that was not good enough in 1906. He stated:

In the supermarket age we are like a merchant trying to operate a cracker barrel corner grocery store with the method and equipment of 1900.

The Chief Justice went on to point out that we have at least 58 astronauts capable of flying to the moon, but not nearly that many court administrators to assist judges in handling their many administrative tasks. This is so despite the fact that the 11 circuits and 93 Federal district courts processed a total of 115,000 cases in fiscal year 1969, and expended $106,000,000 on a system which employs 7,259 people.

Mr. Speaker, I believe that this legislation would modernize circuit court administrations and contribute greatly to the expedition of the Federal appellate courts' business.

The SPEAKER. The question is on the motion of the gentleman from New York that the House suspend the rules and pass the bill, H.R. 17901, 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.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill just passed, H.R. 17901.

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

There was no objection.

WATER BANK ACT

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15770) to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to flood control; and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Bank Act".

SEC. 2. The Congress finds that it is in the public interest to preserve, restore, and improve the wetlands of the Nation, and thereby to conserve surface waters, to preserve and improve habitat for migratory waterfowl and other wildlife resources, to reduce runoff, soil and wind erosion, and contribute to flood control, to contribute to improved water quality and reduce stream sedimentation, to contribute to improved subsurface moisture, to reduce acres of new land coming into production and to retire lands now in agricultural production, to enhance the natural beauty of the landscape, and to promote comprehensive and total water management planning. The Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") is authorized and directed to formulate and carry out a continuous program to prevent the serious loss of wetlands, and to preserve, restore, and improve such lands, which program shall begin on July 1, 1971.

SEC. 3. In effectuating the water bank program authorized by this Act, the Secretary shall have authority to enter into agreements with landowners and operators in important migratory waterfowl nesting and breeding areas for the conservation of water on specified farm, ranch, or other wetlands identified in a conservation plan developed in cooperation with the Soil and Water Conservation District in which the lands are located, under such rules and regulations as the Secretary may prescribe. These agreements shall be entered into for a period of ten years, with provision for renewal for additional periods of ten years each. The Secretary shall reexamine the payment rates at the beginning of any such ten-year renewal period in the light of the then current land and crop values and make needed adjustments in rates for any such renewal period. As used in this Act, the term "wetlands" means the inland fresh areas (types 1 through 5) described in Circular 39, Wetlands of the United States, published by the United States Department of the Interior (including artifically developed inland fresh areas which meet the description of inland fresh areas, types 1 through 5, contained in such Circular 39). No agreement shall be entered into under this Act concerning land with respect to which the ownership or control has changed in the two-year period preceding the first year of the agreement period unless the new ownership was acquired by will or succession as a result of the death of the previous owner, or unless the new ownership was acquired prior to July 1, 1971, under other circumstances which the Secretary determines, and specifies by regulation, will give adequate assurance that such land was not acquired for the purpose of placing it in the program, except that this sentence shall not be construed to prohibit the continuation of an agreement by a new owner or operator after an agreement has once been entered into under this Act. A person who has operated the land to be covered by an agreement under this Act for as long as two years preceding the date of the agreement and who controls the land for the agreement period shall not be required to own the land as a condition of eligibility for entering into the agreement. Nothing in this section shall prevent an owner or operator from placing land in the program if the land was acquired by the owner or operator to replace eligible land from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain. The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments or compensation under this program. No provision of this Act shall prevent an owner or operator who is participating in the program under this Act from participating in other Federal or State programs designed to conserve or protect wetlands.

SEC. 4. In the agreement between the Secretary and an owner or operator, the owner or operator shall agree—

(1) to place in the program for the period of the agreement eligible wetland areas he designates, which areas may include wetlands covered by a Federal or State government easement which permits agricultural use, together with such adjacent areas as determined desirable by the Secretary;

(2) not to drain, burn, fill, or otherwise destroy the wetland character of such areas, nor to use such areas for agricultural purposes, as determined by the Secretary;

(3) to effectuate the wetland conservation and development plan for his land in accordance with the terms of the agreement, unless any requirement thereof is waived or modified by the Secretary pursuant to section 7 of this Act;

(4) to forfeit all rights to further payments or grants under the agreement and refund to the United States all payments or grants received thereunder upon his violation of the agreement at any stage during the time he has control of the land subject to the agreement if the Secretary determines that such violation is of such a nature as to warrant termination of the agreement, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the agreement;

(5) upon transfer of his right and interest in the lands subject to the agreement during the agreement period, to forfeit all rights to further payments or grants under the agreement and refund to the United States all payments or grants received thereunder during the year of the transfer unless the transferee of any such land agrees with the Secretary to assume all obligations of the agreement;

(6) not to adopt any practice specified by the Secretary in the agreement as a practice which would tend to defeat the purposes of the agreement; and

(7) to such additional provisions as the Secretary determines are desirable and includes in the agreement to effectuate the purposes of the program or to facilitate its administration.

SEC. 5. In return for the agreement of the owner or operator, the Secretary shall (1) make an annual payment to the owner or operator for the period of the agreement at such rate or rates as the Secretary determines to be fair and reasonable in consideration of the obligations undertaken by the owner or operator; and (2) bear such part of the average cost of establishing and maintaining conservation and development practices on the wetlands and adjacent areas for the purposes of this Act as the Secretary determines to be appropriate. In making his determination, the Secretary shall consider, among other things, the rate of compensation necessary to encourage owners or operators of wetlands to participate in the water bank program. The rate or rates of annual payments as determined hereunder shall be increased, by an amount determined by the Secretary to be appropriate, in relation to the benefit to the general public of the use of the wetland areas, together with designated adjacent areas, if the owner or operator agrees to permit, without other compensation, access to such acreage by the general public, during the agreement period, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

SEC. 6. Any agreement may be renewed or extended at the end of the agreement period for an additional period of ten years by mutual agreement of the Secretary and the owner or operator, subject to any rate redetermination by the Secretary. If during the agreement period the owner or operator sells or otherwise divests himself of the ownership or right of occupancy of such land, the new owner or operator may continue such agreement under the same terms or conditions, or enter into a new agreement in accordance with the provisions of this Act, including the provisions for re-

newal and adjustment of payment rates, or he may choose not to participate in such program.

SEC. 7. The Secretary may terminate any agreement by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of agreements as he may determine to be desirable to carry out the purposes of the program or facilitate its administration.

SEC. 8. In carrying out the program, the Secretary may utilize the services of local, county, and State committees established under section 8 of the Soil Conservation and Domestic Allotment Act, as amended. The Secretary is authorized to utilize the facilities and services of the Commodity Credit Corporation in discharging his functions and responsibilities under this program.

SEC. 9. The Secretary may, without regard to the civil service laws, appoint an Advisory Board to advise and consult on matters relating to his functions under this Act as he deems appropriate. The Board shall consist of persons chosen from members of organizations such as wildlife organizations, landgrant colleges, farm organizations, State game and fish departments, soil and water conservation district associations, water management organizations, and representatives of the general public. Members of such an Advisory Board who are not regular full-time employees of the United States shall be entitled to reimbursement on an actual expense basis for attendance at Advisory Board meetings.

SEC. 10. The Secretary shall consult with the Secretary of the Interior and take appropriate measures to insure that the program carried out pursuant to this Act is in harmony with wetlands programs administered by the Secretary of the Interior. He shall also, insofar as practicable, consult with and utilize the technical and related services of appropriate local, State, Federal, and private conservation agencies to assure coordination of the program with programs of such agencies and a solid technical foundation for the program.

SEC. 11. There are hereby authorized to be appropriated without fiscal year limitation, such sums as may be necessary to carry out the program authorized by this Act. In carrying out the program, the Secretary shall not enter into agreements with owners and operators which would require payments to owners or operators in any calendar year under such agreements in excess of $10,000,000.

SEC. 12. The Secretary shall prescribe such regulations as he determines necessary and desirable to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 15770 is to preserve and improve habitat for migratory waterfowl and other wildlife resources. The bill also has as its purpose to reduce runoff, soil and wind erosion; to improve water quality and subsurface moisture; to reduce stream sedimentation; to promote comprehensive water management planning; and to encourage farmers to refrain from converting wetlands into croplands.

Mr. Speaker, the need for this legislation arises from the fact that valuable waterfowl lands are rapidly disappearing because of the accelerated pace in which marshes and swamps are being dredged, drained, filled, paved, and even polluted in order to meet the demands of civilization. H.R. 15770 would provide the owners and operators of these lands with an economic alternative to such uses.

Mr. Speaker, as many of my colleagues will recall, in 1961, the Congress enacted what is known as the Accelerated Wetlands Acquisition Act. That act had as its objective the acquisition of 2.5 million acres of waterfowl habitat. The act authorized to be appropriated $105 million over a 7-year period for the purpose of acquiring these vitally needed wetlands.

Because of considerable delay in getting the program started, local opposition in some key States, rising costs of land, and insufficient funding, the program never has proceeded at the rate anticipated. In 1967, the Congress extended the act for an additional 8 years and at the same level of funding. Unfortunately, only about half of the funds authorized to be appropriated have actually been appropriated. As I am sure my colleagues are aware, all of the funds appropriated pursuant to this act are to eventually be repaid out of duck stamp sales, which are now averaging close to $6 million per year.

Mr. Speaker, although the wetlands acquisition program has met with considerable success, the drainage of wetlands is still continuing at a rapid pace. In North Dakota alone, approximately 45,000 acres of wetlands are being lost to drainage programs each year. Unfortunately, the program with its permanent preservation of wetlands does not appeal to all farmers. However, the water bank program that would be authorized by H.R. 15770 would appeal to a large number of farmers since farmers in general seek to make their lands produce the maximum return on their investment and the water bank program will offer an economic alternative to drainage. The Secretary of Agriculture would be directed to carry out the program in harmony with other land and water conservation activities now carried out by the Department of Agriculture such as the soil conservation program, the drainage referral program, and the cropland adjustment program, as well as the wetlands acquisition program now carried out by the Department of the Interior.

Mr. Speaker, briefly explained, section 1 of the bill would cite the legislation as the Water Bank Act.

Section 2 of the bill would find that it is in the public interest to preserve, restore, and improve the wetlands of our Nation and beginning July 1, 1971, the Secretary of Agriculture would be directed to formulate and carry out a continuous program to accomplish such purposes.

Section 3 of the bill would authorize the Secretary of Agriculture to enter into 10-year agreements—with provision for renewal for additional periods of 10 years each—with landowners and operators in important migratory nesting and breeding areas for the conservation of water and specified farm ranch, or other wetlands identified in a conservation plan developed in cooperation with the Soil and Water Conservation District in which the lands are located.

Landowners would be required to have owned the lands for a period of at least 2 years prior to entering into such an agreement. Wetlands eligible to be placed in a program would be only those lands directed as inland fresh areas, which would include seasonally flooded basins or flats, fresh meadows, both deep and shallow marshes, and open fresh waters. These areas occur principally in North and South Dakota and Minnesota and are often referred to as the pothole region.

Section 4 of the bill would specify certain conditions to which the owner or operator would have to agree in any agreement entered into with the Secretary of Agriculture. Among other things, such owners and operators would have to agree to place in the program certain designated wetlands and, if deemed desirable by the Secretary, certain adjacent areas; he would have to agree not to drain, burn, fill, destroy, or otherwise use such lands for agricultural purposes; he would have to agree to forfeit all rights to future payments and grants upon a violation of the agreement; also, should he transfer the land under contract during the agreement period, he would have to agree to forfeit all rights to future payments and grants and to repay all payments and grants received during the year of transfer, unless the transferee agrees to honor the agreement.

In return for such an agreement, the Secretary of Agriculture would be required to make reasonable annual payments to the owners or operators of such lands and in addition bear an appropriate part of the average cost of establishing and maintaining conservation and development practices on the lands and adjacent areas.

Section 6 of the bill would authorize the Secretary of Agriculture and the owner or operator at the end of the agreement period to extend the agreement for additional periods of 10 years.

Section 7 of the bill would authorize the Secretary of Agriculture to terminate or modify any agreement by mutual agreement with the owner or operator.

Section 8 of the bill would authorize the Secretary of Agriculture to utilize the services of local, county, and State committees established under the Soil Conservation and Domestic Allotment Act and to utilize the facilities and services of the Commodity Credit Corporation in carrying out his functions and responsibilities under the program.

Section 9 of the bill would authorize the Secretary of Agriculture to appoint an advisory board composed of various related interests to advise him on matters relating to his functions under the act.

Section 10 of the bill would require the Secretary of Agriculture to consult with the Secretary of the Interior and to take appropriate measures to insure that the program authorized by this act would be carried out in harmony with the wetlands programs administered by the Secretary

of the Interior. To assure further coordination of the water bank program, the Secretary of Agriculture would be required to consult with and utilize the technical and related services of appropriate local, State, Federal, and private conservation agencies.

Section 11 of the bill would authorize to be appropriated such sums as may be necessary to carry out the program authorized by the legislation. However, the Secretary of Agriculture would not be authorized to enter into agreements that would require payments to owners or operators in any calendar year in excess of $10 million.

Section 12 of the bill would authorize the Secretary of Agriculture to prescribe such regulations as he may determine necessary to carry out the provisions of the act.

Mr. Speaker, H.R. 15770, as amended, was unanimously reported by the Merchant Marine and Fisheries Committee and has wide support from national conservation organizations throughout the Nation. In fact, just last week, 13 of these national organizations joined in a letter that was sent to all Members of the House strongly urging passage of this legislation. I would like to insert in the RECORD immediately following my remarks a copy of this letter together with the names of the sponsoring organizations. Also, I would like to call to the attention of my colleagues that, in addition to these organizations, this legislation is strongly supported by the American Farm Bureau Federation, the National Farmers' Union, and the National Farmers Association.

Mr. Speaker, in all fairness to my colleagues, I feel that I should point out that both the Department of the Interior and the Department of Agriculture opposed enactment of the legislation. The Department of the Interior in its report stated that it supported the objectives of the bill but opposed the establishment of a new wildlife habitat program that would be administered separately by the Department of Agriculture. The Department of Agriculture in its report stated that the preserving of habitat for migratory waterfowl is the responsibility of the Department of the Interior, which currently administers a program for this purpose, and therefore any new program should be established within the Department of the Interior.

Mr. Speaker, despite these adverse reports, the Committee on Merchant Marine and Fisheries was impressed by the wide range of witnesses testifying at the hearings in support of the legislation. The committee determined that the preponderance of evidence produced at the hearings was overwhelmingly favorable and that the water bank program authorized by the legislation—contrary to what the Departments said—would complement existing waterfowl programs now carried out in both the Department of the Interior and the Department of Agriculture.

Mr. Speaker, in closing I want to point out that the bill has wide bipartisan support and I think that this alone indicates the importance of this issue to our national interest. I would like to compliment the authors of the bill, Congressman ANDREWS of North Dakota, Congressman KLEPPE of North Dakota, Congressman ZWACH of Minnesota, and a valuable and distinguished member of my Subcommittee on Fisheries and Wildlife Conservation and a dedicated conservationist and one who worked so diligently and closely with me in bringing this legislation to the floor, my good friend and colleague, Congressman KARTH of Minnesota.

Mr. Speaker, I urge prompt passage of H.R. 15770.

The letter referred to follows:

SEPTEMBER 28, 1970.

DEAR CONGRESSMAN: The undersigned national conservation organizations have learned that the chairman of the House Committee on Merchant Marine and Fisheries has requested the Speaker to list the widely supported Water Bank bill, H.R. 15770, on the suspension calendar for Monday, October 5.

Much has been heard in recent years about the drainage and destruction of the natural wetlands needed by migratory waterfowl and other wildlife. Records of House and Senate committees bear out that a vast acreage of wetlands has been destroyed, much of it stimulated by federal technical and financial assistance.

The Water Bank offers the owners of wetlands an acceptable alternative to drainage. Operating through existing USDA agencies, it would authorize payments for wetlands preservation, thereby making it feasible for farmers, ranchers, and other landowners to resist the economic pressures that encourage wetlands destruction.

As shown by the House committee's hearing record, the Water Bank is endorsed by many of the country's leading conservation and farm organizations and agencies as a constructive approach to the proper management of land, wildlife, and water resources.

American Forestry Association, William E. Towell, Executive Vice President.

Friends of the Earth, George Alderson, Legislative Director.

Izaak Walton League of America, Joseph W. Penfold, Conservation Director.

National Assn. of Conservation Districts, Gordon K. Zimmerman, Executive Secretary.

National Audubon Society, Charles H. Callison, Executive Vice President.

National Rifle Association of America, Frank C. Daniel, Secretary.

National Wildlife Federation, Thomas L. Kimball, Executive Director.

The Nature Conservancy, Thomas W. Richards, President.

Sierra Club, W. Lloyd Tupling, Washington Conservation Representative.

Trout Unlimited, Ray A. Kotrla, Washington Representative.

The Wilderness Society, Stewart M. Brandborg, Executive Director.

Wildlife Management Institute, Daniel A. Poole, President.

The Wildlife Society, Fred G. Evenden, Executive Director.

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

Mr. DINGELL. I am happy to yield to my friend, the gentleman from Iowa.

Mr. GROSS. What is the gentleman's answer to the statement by the Department of Agriculture on page 15 of the report in which it is stated:

We are not aware of any need for a new and separate program to promote conservation of waterfowl habitat.

Mr. DINGELL. The gentleman is aware, I am sure, of the Bureau of the Budget's long record of opposition to any new program and, particularly the programs which involve spending.

I would point out that their comments are at very wide variance with every national farm organization and the Governors of States and every national organization of game and fish conservation commissions.

I would point out that the views of the Bureau of the Budget are as usual at wide variance with the majority of the Members and, indeed, at wide variance with the views of all the Members who have considered this legislation and reported this legislation out unanimously.

I would point out to my good friend that the committee has gone into this matter with exquisite care. We have had the assistance of the technicians of the Department of Agriculture and the Department of the Interior in coming up with what is a technically correct and adequate piece of legislation. More importantly, I can tell you that the recommendations of the Department of Agriculture and the Department of the Interior that were sent to the Bureau of the Budget were that the bill be passed at an early time and it is one which has their enthusiastic support. I can tell the gentleman that their position changed when it got into the hands of the Bureau of the Budget.

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

Mr. DINGELL. I am glad to yield to the gentleman.

Mr. GROSS. I think I referred to the Department of Agriculture. I should have attributed that statement, which is to be found on page 15 of the report, to the Department of the Interior rather than to the Department of Agriculture. I think, if I recall correctly, the Department of Agriculture is likewise opposed to the bill.

Mr. DINGELL. I wish to answer my distinguished friend, the gentleman from Iowa by saying that the answer I just gave the gentleman would apply to the statements which you see here in the record by both the Department of the Interior and the Department of Agriculture.

Mr. ANDREWS of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. ANDREWS of North Dakota. I would like to state, in this colloquy with the gentleman from Iowa, that the gentleman from Michigan has raised an extremely good point.

It is my strong suspicion, Mr. Speaker, that the objections made by the Department of the Interior are more to the point that they do not want anyone else in this most important field than it is to the fact that the water bank program is not needed.

At the present time our farmers are caught in a price squeeze and they are draining every pothole they can to try to raise more at a lower cost.

The water bank program will encourage farmers through the local ASC, in

whom he has confidence, to enter into the program, which he is not entering into now, because the Fish and Wildlife Service, which is presently administering conservation programs, has less acceptance.

Mr. DINGELL. The gentleman is correct.

I would point out again that there are thousands of acres of these wetlands each year being drained in the United States. Very shortly we are going to run out of this kind of wildlife habitat for migratory waterfowl.

This strikes me as being a very unwise use of our important and much needed precious natural resources.

Mr. GROSS. Do I understand that the enactment of this bill would authorize $10 million a year?

Mr. DINGELL. The gentleman is correct; $10 million a year is the figure we agreed upon.

Mr. GROSS. Is there no limitation as to the number of years?

Mr. DINGELL. This program is for 10 years.

Mr. GROSS. It is for 10 years?

Mr. DINGELL. Any agreement entered into can be extended by mutual agreement between the Department of Agriculture and the owners or operators for additional periods of 10 years each.

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

Mr. Speaker, I rise to support the passage of H.R. 15770, legislation designed to conserve surface waters and to preserve and improve habitat for migratory waterfowl. This bill commonly referred to as the "Water Bank Act" was sponsored by our distinguished colleagues from North Dakota, Mr. ANDREWS and Mr. KLEPPE, and has received the unanimous and bipartisan support of your Committee on Merchant Marine and Fisheries.

The pothole regions of the Dakotas and Minnesota are vital to the survival of migratory waterfowl in the United States. The continued draining of these areas and their conversion for agricultural and commercial uses threatens to seriously diminish breeding grounds to the point where many species will soon be unable to find sufficient wetlands to sustain their numbers.

The 19th century witnessed the extinction of many species of American wild fowl due to unregulated hunting, often for commercial purposes. Almost too late, we imposed seasonal restrictions and bag limits to insure adequate propagation of our migratory waterfowl.

We are now confronted with a similar, but much more difficult problem of insuring that the unique wetlands environment of our waterfowl is maintained in balance. Land in its natural state is fast becoming a precious commodity in the United States.

As the committee report clearly indicates, our existing acquisition and easement programs have been underfunded and are lagging behind their anticipated goals.

Mr. Speaker, the Water Bank Act offers an intelligent and compatible alternative to the existing wetlands programs of the Interior Department. While the official reports of the Interior and Agriculture Departments express opposition to this legislation, the representatives of these departments who testified before your committee expressed their concern over the rapid destruction of waterfowl habitat in most eloquent terms.

I am certain that these departments will welcome this legislation and will work closely together to implement it in a forceful manner. I do not believe, therefore, that the official objections raised to this legislation should stand as a bar to its enactment.

The distinguished chairman of the Fisheries and Wildlife Subcommittee (Mr. DINGELL) has clearly explained the various sections of this bill, and I see no need to review them further.

Mr. Speaker, this is an important and much-needed bill. I urge my colleagues to support its enactment.

Mr. Speaker, I yield 5 minutes to the gentleman from North Dakota (Mr. ANDREWS).

Mr. ANDREWS of North Dakota. Mr. Speaker, I rise in support of this legislation and to commend the committee for the judicious way in which it expedited the handling of this most necessary legislation.

Mr. Speaker, the drainage and destruction of natural wetlands needed by migratory waterfowl and other wildlife has been so extensive that by 1950, approximately half of the wetlands of the prairie pothole regions of the United States had been drained. It has continued in North Dakota at the rate of approximately 45,000 acres of wetlands lost each year.

Our farmers, caught in a merciless cost-price squeeze, have had to take these steps to utilize every acre of the land they own—and on which they pay taxes.

Recognizing this problem, the Congress enacted the Wetlands Loan Act—Public Law 87-383—in 1961, which had as an objective the acquisition of 2.5 million acres of waterfowl habitat over a 7-year period. This program did not and has not proceeded at the pace anticipated and the act has subsequently been extended. It was slow in getting started, there was understandable opposition to it at the State and local level because of its impact on county tax revenues, it has never been fully funded and, meanwhile, the amount of wetlands available has been reduced drastically every year.

The failure of this act, the continuing difficulty experienced by our Nation's farmers and the deep concern of the wildlife conservation interests provided the impetus for the water bank proposal before the House today. This proposal offers the owners of wetlands an acceptable alternative to drainage. Operating through existing USDA agencies, it authorizes payments for wetlands preservation, thereby making it feasible for farmers, ranchers and other landowners to resist the economic pressures that encourage wetlands destruction.

As the principal sponsor of the water bank bill, I would like to pay tribute to the North Dakota Wildlife Advisory Committee for its important and essential contribution in putting this proposal together. Chaired by Arthur Schulz, dean and director of the Extension Service at North Dakota State University, the panel included representatives from every conservation, wildlife and agriculture group in North Dakota.

The broad support for this proposal is reflected by the diverse interests that testified in its behalf before the Committee on Merchant Marine and Fisheries, including the country's leading conservation and farm organizations.

After reviewing the purposes of H.R. 15770, as well as the steps to be taken to achieve these purposes, I urge my colleagues on both sides of the aisles to join in passing the water bank bill.

Mr. PELLY. Mr. Speaker, I yield 5 minutes to the gentleman from North Dakota (Mr. KLEPPE).

Mr. KLEPPE. Mr. Speaker, I merely wish to add to the remarks of my colleague from North Dakota (Mr. ANDREWS) and specifically point out the efforts of the subcommittee and the committee that handled this legislation under the leadership of the gentleman from Maryland (Mr. GARMATZ), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Washington (Mr. PELLY). The cooperation and the work that they put behind this piece of legislation was very exceptional, and I want to commend them.

Mr. Speaker, as a cosponsor of H.R. 15770, the Water Bank Act, I would like to point out to my colleagues that no piece of legislation with which I have ever been associated has received such broad and enthusiastic support. Never have we seen such cooperation from the country's leading conservation and farm organizations and agencies as we have experienced in developing the Water Bank Act.

To the best of my knowledge, no organization opposes it.

The Water Bank Act is a very creative piece of legislation. It represents a constructive approach to the proper management of land, wildlife, and water resources.

I believe it is important to note that wetlands loss is a national rather than a State or regional problem. Today, at least 40 percent of the Nation's inland wetlands have disappeared because of drainage, highway construction, flood control, reclamation projects, and urban and industrial sprawl. It is estimated that up to 90 percent of the Atlantic coastal marshes have been affected by man to a point where their natural and wildlife values have been drastically reduced.

Looking west, we find that severe demands in California for land and water have reduced the acreage of historical waterfowl habitat by 84 percent.

In the north-central region of the United States, the ice-age glaciers retreated northward to leave millions of depressions on the northern and central plains. The depressions are now lakes, marshes and potholes and make up the greatest waterfowl breeding area in North America, if not the world.

Drainage of wetlands was so extensive that by 1950, approximately half of the

wetlands and the prairie pothole regions of the United States had been drained and this drainage has since continued. In North Dakota alone, nearly 45,000 acres of wetlands were drained during the years 1965 to 1967. With inflation, with land prices going up and with farm income on the decline, the farmer must, of necessity, attempt to produce more to increase his income. This usually dictates that he make fuller use of his land by draining his wetlands. This does not mean that farmers, ranchers, and other landowners are not concerned with conserving wetlands. They, perhaps more than any others, understand the tragedy of wetland loss since they see it firsthand. In fact, Mr. Speaker, I am sure you will find that more often than not farmers, ranchers, and other landowners have carried the financial burden of conserving wetlands until economic survival absolutely dictated the drainage of land.

The Water Bank Act was proposed to provide the farmer with an economic alternative to drainage. Under the bill, landowners could enter into contracts with the Federal Government to limit the use of wetlands and to leave them in their present condition.

When looking at this legislation, I think it is important to note once again the unanimity of opinion of the organizations involved. In North Dakota alone, it has the active support of the National Farmers Organization, North Dakota Farm Bureau, North Dakota Farmers Union, Greater North Dakota Association, North Dakota Stockmen's Association, North Dakota Wildlife Federation, North Dakota Water Users, the Garrison Conservancy District, and the North Dakota Association of Soil Conservation Districts.

Whenever support of this nature takes place, I am convinced of the merit of the legislation, and I urge my colleagues' favorable support of this constructive proposal that has already received broad bipartisan support.

In conclusion, Mr. Speaker, I would like to express my sincere appreciation to the able chairman of the Subcommittee on Fisheries and Wildlife Conservation of the Merchant Marine and Fisheries Committee. The gentleman from Michigan (Mr. DINGELL) has skillfully guided the progress of the Water Bank Act, and without his assistance, and that of the chairman of the committee, the gentleman from Maryland (Mr. GARMATZ), we would not have the opportunity today to vote on a measure that has such far-reaching benefits in the preservation of our natural and irreplaceable wetlands and improving the quality of our environment.

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

Mr. ZWACH. Mr. Speaker, Minnesota is known as the land of 10,000 lakes. In my youth, it was also the land of 100,000 ponds, potholes, and swamps. Waterfowl and furbearers abounded in these natural reservoirs.

When there was a heavy rain, or abnormal spring runoff, these ponds were natural reservoirs, holding the water on the land where it fell and allowing it to slowly work its way to the streambeds or to recharge the underground water supply.

Over the years, as the necessity for more tillable lands increased, when more land was taken for highway and building purposes, these swamps and potholes were drained, filled, or deprived of their feeder streams, they dried up.

In many areas, without the surface waters to recharge the underground aquifers, wells had to be sunk deeper or dried up entirely. Surface water was unavailable for irrigation or to water livestock.

Unless action is taken soon, the loss of our surface reservoirs will result in irreversible damage to our land.

This water bank legislation would authorize the Secretary of Agriculture to enter into long-term agreements with landowners to preserve their wetland acres.

One of the wisest moves we could make would be to compensate the landowners for preserving their wetlands.

There is no end to the dividends that would accrue from the passage of this bill. We would help to recharge our underground water supply; we would preserve our surface reservoirs, thereby providing insurance against recurring floods; we would maintain habitat for wildlife; and we would perpetuate the ecological balance built into our land by an all-wise Creator.

I thank you for your consideration of this legislation.

(Mr. ANDERSON of Illinois, at the request of Mr. PELLY, was granted permission to extend his remarks at this point in the RECORD.)

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of H.R. 15770 which is known as "the Water Bank Act." The purpose of this legislation quite simply is to preserve, restore, and improve the wetlands of this Nation to protect migratory waterfowl and their natural habitats, and prevent runoff, soil and wind erosion, and in general, to enhance the natural beauty of the landscape and promote comprehensive water management planning.

Mr. Speaker, I think it is important to point out that this legislation received the unanimous approval of the Merchant Marine and Fisheries Committee and is endorsed by all the Nation's leading conservation and agricultural organizations. The need for this legislation becomes apparent when you begin to realize how much of our wetlands are being drained each year for conversion to agriculturally productive land. As the committee report so vividly puts it:

> Each year untold acres of valuable waterfowl habitat are lost forever. These lands are rapidly disappearing because of the accelerated pace in which marshes and swamps are being ditched, dredged, drained, filled, paved, and polluted in order to meet the demands of modern civilization. These encroachments are caused by the constant need for more agricultural lands, more industrial sites, more urban housing developments, more roads and more airports.

Mr. Speaker, while no one wants to halt or reverse the march of civilization, it is becoming increasingly apparent that we must take adequate safeguards to prevent the march of civilization from becoming a Shermanesque "March to the Sea." While no one would deny that we must expand food production and provide additional facilities to house and transport our growing population, it is becoming increasingly apparent that our future growth must be more planned, orderly, and balanced than it has been to date, and that we must give more attention to ecological and environmental considerations.

We have in this country a shrinking reservoir of natural beauty and resources and we must take special care not to consume and destroy these in a reckless rush to achieve what is loosely termed "progress." In the legislation before us today we recognize that our civilization will ultimately be judged in terms of quality as well as quantity, and that, in fact, its very survival may well depend on the emphasis we do give now to these qualitative considerations.

The Water Bank Act is a reasonable and responsible piece of legislation because it recognizes both the need to preserve and protect the Nation's wetlands and the need to provide the farmer with an economic alternative to drainage. Under the provisions of this bill, the Secretary of Agriculture would be authorized to enter into agreements with the owners and operators of wetlands in the migratory waterfowl nesting and breeding areas of the United States. Under these contracts, the owners or operators would agree not to drain, burn, fill, or otherwise destroy the wetland character of the lands under contract, and in return, the Secretary would be required to make annual payments to the owners or operators. The bill authorizes the Secretary of Agriculture to make payments up to a total of $10 million per year.

Mr. Speaker, I urge passage of this bill. I think it is a good bill, a reasonable bill, and a responsible bill, and, as I mentioned earlier, it has widespread support here in the Congress as well as among leading conservation and agricultural organizations.

Mr. PELLY. Mr. Speaker, in conclusion I would like very briefly to comment on the point raised by our colleague from Iowa (Mr. GROSS). It has been my observation through the years that periodically we have very devastating floods, including floods of the Mississippi in Iowa, and the cost of those is incalculable. The more we drain off our potholes and our wetlands, the more reason we have for these devastating floods. I know that when certain rivers, the Red River and others, flood at the same time, these great floods occur, and it is my thoughts that many times over, by preserving our wetlands, we could avoid costly floods and actually the cost of this program would be minimal.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. KARTH).

Mr. KARTH. Mr. Speaker, I rise in support of the bill H.R. 15770, of which I am a cosponsor.

I would like to take this opportunity to commend the Subcommittee on Fish-

eries and Wildlife Conservation, which, guided by the dynamic leadership of Congressman JOHN DINGELL, worked tirelessly, and with great competence and speed—to report this legislation to the floor of the House, and so it could be voted upon during this session of the Congress. I feel strongly that rapid enactment of this legislation is most important.

Mr. Speaker, untold acres of valuable migratory waterfowl habitat are rapidly disappearing from the face of our earth because of the accelerated pace in which they are being diverted to other uses to meet the demands of modern civilization. These encroachments are caused by the constant need for more agricultural lands, more industrial sites, more urban housing developments, more roads, and more airports. Once you encroach on these areas not only do you destroy the natural habitat, but you destroy the wildlife as well.

Mr. Speaker, as my distinguished subcommittee chairman just recently pointed out, the Accelerated Wetlands Acquisition Act has met with great success. However, I would like to point out that it would have met with more success if the Congress had fully funded the program as it was directed when the act was enacted in 1961. Only about one-half of the $105 million authorized to be appropriated has actually been appropriated. Consequently, we have been unable to achieve our original goal of acquiring 2.5 million acres of wetlands, which clearly points up the need for this legislation.

Mr. Speaker, H.R. 15770 is designed to provide the owners and operators of these valuable wetlands with an economic alternative to diverting these lands to other uses. It would be called a water bank program and it would be carried out in harmony with land and water conservation programs now carried out by the Secretary of Agriculture and the Secretary of the Interior.

The objectives of the water bank bill would be similar to and would complement the programs just mentioned; wildlife conservation, soil and water conservation, improved water quality, pollution abatement, and the reduction of the number of acres of converted land all would be encouraged by H.R. 15770.

Mr. Speaker, unfortunately the present waterfowl production area program with its permanent preservation of wetlands does not appeal to all farmers. A substantial number of these landowners can be expected to find a water bank program most attractive. Their participation in this program will afford temporary wetland protection and new wildlife benefits on many farms which would never have been reached under other programs.

Mr. Speaker, while these lands are being protected under the 10-year agreements provided under this legislation, I am most hopeful that the Congress will fully fund the Wetlands Acquisition Act which was extended for an additional 8 years in 1967 so that the Secretary of the Interior can proceed to achieve its goal of acquiring permanent ownership of these lands. It is only in this way that we can ever expect to provide the necessary protection that our valuable wildlife resources so badly need and so justly deserve.

Mr. Speaker, my State of Minnesota is one of the three States primarily affected by this legislation. The other States are North and South Dakota and they are commonly referred to as the "pothole region." As indicated at the subcommittee hearings on the legislation, drainage of wetlands has been so extensive that by the year 1950, approximately half of the wetlands of the prairie pothole regions of the United States had been drained. This drainage has since continued at an alarming rate. In my State alone, thousands of acres of wetlands are being lost to drainage programs each year.

Mr. Speaker, existing Federal and State programs to preserve wetlands are meeting with some success, but they are not completely satisfying the desired objectives. H.R. 15770 will fill in this gap and provide the necessary incentive for owners of wetlands to preserve these invaluable resources in their present status.

I join my colleagues in urging rapid passage of H.R. 15770.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Committee on Merchant Marine and Fisheries, whose assistance on this matter has been invaluable.

Mr. GARMATZ. Mr. Speaker, next to pollution, the greatest threat to our environment is the persistent demands of civilization for more and more land. Increased urbanization and industrial development results in a relentless encroachment upon our remaining land. Our wetlands, which comprise some of our most valuable and irreplaceable natural resources, are rapidly disappearing.

In addition to being things of great natural beauty, these precious wetlands—the marshes, swamps, and estuarine areas—provide the natural habitat for much of our fish and wildlife, including valuable waterfowl. These valuable nesting and breeding areas are being systematically and ruthlessly destroyed. They are being drained, burned, and filled in; they are paved and often polluted—all in the name of progress.

No one can dispute the need for the industrial sites, the housing developments, the roads and airports that our ever-growing civilization demands. But it is equally important to try to maintain a harmonious balance between the demands for economic expansion and the need to conserve our precious natural resources.

Mr. Speaker, the water bank bill, H.R. 15770 ,is designed to help maintain that balance by persuading owners of these valuable wetlands to retain them in their natural conditions instead of converting them for industrial, agricultural or other uses. This would be accomplished by 10-year agreements with the owners and operators of these lands, who would be financially compensated for preserving the wetlands.

Since Congressman JOHN DINGELL, my friend and colleague, and chairman of the Subcommittee on Fisheries and Wildlife Conservation, has already explained this legislation in detail, it will not be necessary for me to elaborate at this time.

I do, however, want to take this opportunity to compliment all the members of the Fisheries and Wildlife Subcommittee for reporting this worthwhile legislation. I especially want to commend the efforts of a distinguished member of that subcommittee, Congressman JOSEPH KARTH, of Minnesota. He is an author of the bill, and he worked diligently with the subcommittee to make sure that Congress acts swiftly to protect a vital part of America's precious heritage. Congressman KARTH is rapidly emerging as one of the country's leading conservationists, and I congratulate him for the valuable contribution he is making—both to the committee and to the Nation.

Mr. Speaker, H.R. 15770 is an excellent and important piece of legislation, and I urge its rapid passage.

The SPEAKER pro tempore (Mr. BURKE of Massachusetts). The question is on the motion of the gentleman from Michigan that the House suspend the rules and pass the bill H.R. 15770, 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.

POINT OF ORDER

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

The SPEAKER pro tempore. The Chair will count.

Mr. ALEXANDER. Mr. Speaker, I withdraw the point of order at this time.

FEDERAL SHARE INSURANCE FOR CREDIT UNIONS

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3822) to provide insurance for member accounts in State and federally chartered credit unions and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Credit Union Act, as amended (12 U.S.C. 1751–1775), is further amended—

(1) by inserting immediately above the heading of section 2 the following:

"TITLE I—FEDERAL CREDIT UNIONS";

(2) by redesignating sections 2 through 28 as sections 101 through 127, respectively; and

(3) by inserting the following new title after section 127, as redesignated by paragraph (2) of this section:

"TITLE II—SHARE INSURANCE

"INSURANCE OF MEMBER ACCOUNTS AND ELIGIBILITY PROVISIONS

"SEC. 201. (a) The Administrator, as hereinafter provided, shall insure the member accounts of all Federal credit unions and he may insure the member accounts of (1) credit unions organized and operated according to the laws of any State, the District of Columbia, the several territories and posses-

sions of the United States, the Panama Canal Zone, or the Commonwealth of Puerto Rico, and (2) credit unions organized and operating under the jurisdiction of the Department of Defense if such credit unions are operating in compliance with the requirements of title I of this Act and regulations issued thereunder.

"(b) Application for insurance of member accounts shall be made immediately by each Federal credit union and may be made at any time by a State credit union or a credit union operating under the jurisdiction of the Department of Defense. Applications for such insurance shall be in such form as the Administrator shall provide and shall contain an agreement by the applicant—

"(1) to pay the reasonable cost of such examinations as the Administrator may deem necessary in connection with determining the eligibility of the applicant for insurance: *Provided*, That examinations required under title I of this Act shall be so conducted that the information derived therefrom may be utilized for share insurance purposes, and examinations conducted by State regulatory agencies shall be utilized by the Administrator for such purposes to the maximum extent feasible;

"(2) to permit and pay the reasonable cost of such examinations as in the judgment of the Administrator may from time to time be necessary for the protection of the fund and of other insured credit unions;

"(3) to permit the Administrator to have access to any information or report with respect to any examination made by or for any public regulatory authority, including any commission, board, or authority having supervision of a State-chartered credit union, and furnish such additional information with respect thereto as the Administrator may require;

"(4) to provide protection and indemnity against burglary, defalcation, and other similar insurable losses, of the type, in the form, and in an amount at least equal to that required by the laws under which the credit union is organized and operates;

"(5) to maintain such regular reserves as may be required by the laws of the State, district, territory, or other jurisdiction pursuant to which it is organized and operated, in the case of a State-chartered credit union, or as may be required by section 116 of this Act, in the case of a Federal credit union;

"(6) to maintain such special reserves as the Administrator, by regulation or in special cases, may require for protecting the interest of members or to assure that all insured credit unions maintain regular reserves which are not less than those required under title I of this Act;

"(7) not to issue or have outstanding any account or security the form of which, by regulation or in special cases, has not been approved by the Administrator;

"(8) to pay the premium charges for insurance imposed by this title; and

"(9) to comply with the requirements of this title and of regulations prescribed by the Administrator pursuant thereto.

"(c) (1) Before approving the application of any credit union for insurance of its member accounts, the Administrator shall consider—

"(A) the history, financial condition, and management policies of the applicant;

"(B) the economic advisability of insuring the applicant without undue risk of the fund;

"(C) the general character and fitness of the applicant's management;

"(D) the convenience and needs of the members to be served by the applicant; and

"(E) whether the applicant is a cooperative association organized for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes.

"(2) The Administrator shall reject the application of any credit union for insurance of its member accounts if he finds that its reserves are inadequate, that its financial condition and policies are unsafe or unsound, that its management is unfit, that insurance of its member accounts would otherwise involve undue risk to the fund, or that its powers and purposes are inconsistent with the promotion of thrift among its members and the creation of a source of credit for provident or productive purposes.

"(d) If the application of a Federal credit union for insurance is rejected, the Administrator shall suspend or revoke its charter unless, within one year after the rejection, the credit union meets the requirements for insurance and becomes an insured credit union.

"(e) Upon the approval of any application for insurance, the Administrator shall notify the applicant and shall issue to it a certificate evidencing the fact that it is, as of the date of issuance of the certificate, an insured credit union under the provisions of this title.

"REPORTS OF CONDITION; CERTIFIED STATEMENTS; PREMIUMS FOR INSURANCE

"SEC. 202. (a) (1) Each insured credit union shall make reports of condition to the Administrator upon dates which shall be selected by him. Such reports of condition shall be in such form and shall contain such information as the Administrator may require. The reporting dates selected for reports of condition shall be the same for all insured credit unions except that when any of said reporting dates is a nonbusiness day for any credit union the preceding business day shall be its reporting date. The total amount of the member accounts of each insured credit union as of each reporting date shall be reported in such reports of condition in accordance with regulations prescribed by the Administrator. Each report of condition shall contain a declaration by the president, by a vice president, by the treasurer, or by any other officer designated by the board of directors of the reporting credit union to make such declaration, that the report is true and correct to the best of his knowledge and belief. Unless such requirement is waived by the Administrator, the correctness of each report of condition shall be attested by the signatures of three of the officers of the reporting credit union with the declaration that the report has been examined by them and to the best of their knowledge and belief is true and correct.

"(2) The Administrator may call for such other reports as he may from time to time require.

"(3) The Administrator may require reports of condition to be published in such manner, not inconsistent with any applicable law, as he may direct. Every insured credit union which willfully fails to make or publish any such report within ten days shall be subject to a penalty of not more than $100 for each day of such failure, recoverable by the Administrator for his use.

"(4) The Administrator may accept any report of condition made to any commission, board, or authority having supervision of a State-chartered credit union and may furnish to any such commission, board, or authority reports of condition made to the Administrator.

"(5) Reports required under title I of this Act shall be so prepared that they can be used for share insurance purposes. To the maximum extent feasible, the Administrator shall use for insurance purposes reports submitted to State regulatory agencies by State-chartered credit unions.

"(b) On or before January 31 of each insurance year, each insured credit union which became insured prior to the beginning of that year shall file with the Administrator a certified statement showing the total amount of the member accounts in the credit union at the close of the preceding insurance year and the amount of the premium charge for insurance due to the fund for that year, as computed under subsection (c) of this section. The certified statements required to be filed with the Administrator pursuant to this subsection shall be in such form and shall set forth such supporting information as the Administrator shall require. Each such statement shall be certified by the president of the credit union, or by any officer of the credit union designated by its board of directors, that to the best of his knowledge and belief the statement is true, correct, and complete and in accordance with this title and regulations issued thereunder.

"(c) (1) Except as provided in paragraphs (2) and (3) of this subsection, each insured credit union, on or before January 31 of each insurance year, shall pay to the fund a premium charge for insurance equal to one-twelfth of 1 per centum of the total amount of the member accounts in such credit union at the close of the preceding insurance year.

"(2) Each credit union which was in existence prior to the enactment of this title and which becomes insured under this title after January 1 of any insurance year shall pay to the fund, for the insurance year in which it becomes insured, a premium charge for insurance equal to one-twelfth of 1 per centum of the total amount of the member accounts in such credit union at the close of the month before the month in which it becomes insured, reduced by an amount proportionate to the number of calendar months elapsed since the beginning of such insurance year and prior to the month in which it becomes insured. Such payment shall be made within thirty days after the date on which the credit union receives the certificate of insurance issued to it under section 201 of this title.

"(3) Each credit union which is chartered after enactment of this title and which becomes insured under this title in the insurance year in which it is chartered shall pay to the fund, for the insurance year in which it is chartered, a premium charge for insurance computed in the following manner:

"(A) To the total amount of the member accounts in the credit union at the close of the month in which it becomes insured, add the total amount of such member accounts in the credit union at the close of each succeeding month of the insurance year and divide the total by the number of such months (including the month in which it becomes insured).

"(B) From the figure obtained under subparagraph (A), subtract $10,000.

"(C) Multiply the figure obtained under subparagraph (B) by one-twelfth of 1 per centum.

"(D) Reduce the figure obtained under subparagraph (C) by an amount proportionate to the number of calendar months elapsed since the beginning of such insurance year and prior to the month in which the credit union becomes insured. The figure obtained under this subparagraph is the amount of the premium charge for insurance due to the fund. Such premium charge shall be paid on or before January 31 of the insurance year following the year in which the credit union was chartered.

"(4) When any loans to the fund from the Federal Government and the interest thereon have been repaid and the amount in the fund equals or exceeds the normal operating level, the Administrator may reduce the premium charge for insurance, but not below the amount necessary, in his judgment, to maintain the fund at the normal operating level. Any such reduction shall be effective only so long as the amount in the

fund equals or exceeds the normal operating level and no loan to the fund from the Federal Government is outstanding.

"(5) If in any year expenditures from the fund exceed the income of the fund, the Administrator may require each insured credit union to pay to the fund for such year, in addition to the regular premium charge for insurance payable under paragraph (1), (2), or (3) of this subsection, a special premium charge which shall not exceed an amount equal to the amount of the regular premium charge.

"(6)(A) An insured credit union which is closed for liquidation because of insolvency or otherwise is entitled to a rebate of premiums paid by it to the fund. Rebates shall be paid in accordance with regulations prescribed by the Administrator, but no payment of rebate shall be made during any period in which

"(i) a loan to the fund from the Federal Government is outstanding; or

"(ii) the Administrator determines that the payment would unduly jeopardize the financial condition of the fund.

A credit union otherwise entitled to a rebate of premiums shall not lose its entitlement because payment thereof cannot at any given time be made under the limitations prescribed in clause (i) or (ii).

"(B) The amount of rebate of premiums to which a credit union is entitled under subparagraph (A) shall be computed as follows: To the total amount of premiums paid to the fund by the credit union, plus interest on such payments at the average rate of interest earned by the fund on its assets during each of the years in which the payments were made; subtract the sum of

"(i) the credit union's prorata share of the fund's administrative expenses during the period in which the credit union had an insured status;

"(ii) the credit union's prorata share of the net insurance payments (other than those referred to in clause (iii) chargeable to the fund for claims arising during such period; and

"(iii) the net insurance payments chargeable to the fund for claims arising in connection with the liquidation of the credit union.

A credit union's prorata share of the fund's administrative expenses or net insurance payments for any year (or part thereof) shall be determined by dividing the total amount credited to member and nonmember accounts in the credit union at the end of such year (or part thereof), by the total amount credited to all such accounts in all credit unions having an insured status at the end of such year (or part thereof).

"(d)(1) Any insured credit union which fails to make any report of condition under subsection (a) of this section or to file any certified statement required to be filed by it in connection with determining the amount of any premium charge for insurance may be compelled to make such report or to file such statement by mandatory injunction or other appropriate remedy in a suit brought for such purpose by the Administrator against the credit union and any officer or officers thereof. Any such suit may be brought in any court of the United States of competent jurisdiction in the district or territory in which the principal office of the credit union is located.

"(2) Any insured credit union which willfully fails or refuses to file any certified statement or to pay any premium charge for insurance required under this title shall be subject to a penalty of not more than $100 for each day that such violation continues, which penalty the Administrator may recover for his use. The provisions of this paragraph shall not be applicable in any case in which the refusal to pay the premium charge for insurance is due to a dispute between the insured credit union and the Administrator over the amount of the premium charge due to the fund if the credit union deposits security satisfactory to the Administrator for payment of the premium charge upon final determination of the issue.

"(3) No insured credit union shall pay any dividends on its member accounts or distribute any of its assets while it remains in default in the payment of any premium charge for insurance due to the fund. Any director or officer of any insured credit union who knowingly participates in the declaration or payment of any such dividend or in any such distribution shall, upon conviction, be fined not more than $1000 or imprisoned not more than one year, or both. The provisions of this paragraph shall not be applicable in any case in which the default is due to a dispute between the credit union and the Administrator over the amount of the premium charge due to the fund if the credit union deposits security satisfactory to the Administrator for payment of the premium charge upon final determination of the issue.

"(e) The Administrator, in a suit brought at law or in equity in any court of competent jurisdiction, shall be entitled to recover from any insured credit union the amount of any unpaid premium charge for insurance lawfully payable by the credit union to the fund, whether or not such credit union shall have made any report of condition under subsection (a) of this section or filed any certified statement required under subsection (b) of this section and whether or not suit shall have been brought to compel the credit union to make any such report or to file any such statement. No action or proceeding shall be brought for the recovery of any premium charge due to the fund, or for the recovery of any amount paid to the fund in excess of the amount due it, unless such action or proceeding shall have been brought within five years after the right accrued for which the claim is made. Where the insured credit union has made or filed with the Administrator a false or fraudulent certified statement with the intent to evade, in whole or in part, the payment of any premium charge, the claim shall not be deemed to have accrued until the discovery by the Administrator of the fact that the certified statement is false or fraudulent.

"(f) Should any Federal credit union fail to make any report of condition under subsection (a) of this section or to file any certified statement required to be filed under subsection (b) of this section or to pay any premium charge for insurance required to be paid under any provision of this title, and should the credit union fail to correct such failure within thirty days after written notice has been given by the Administrator to an officer of the credit union, citing this subsection and stating that the credit union has failed to make any such report or file any such statement or pay any such premium charge as required by law, all the rights, privileges, and franchises of the credit union granted to it under title I of this Act shall be thereby forfeited. Whether or not the penalty provided in this subsection has been incurred shall be determined and adjudged by any court of the United States of competent jurisdiction in a suit brought for that purpose in the district or territory in which the principal office of such credit union is located, under direction of and by the Administrator in his own name, before the credit union shall be declared dissolved. The remedies provided in this subsection and in subsections (d) and (e) of this section shall not be construed as limiting any other remedies against any insured credit union but shall be in addition thereto.

"(g) Each insured credit union shall maintain such records as will readily permit verification of the correctness of its reports of condition, certified statements, and premium charges for insurance. However, no insured credit union shall be required to retain such records for such purpose for a period in excess of five years from the date of the making of any such report, the filing of any such statement, or the payment of any premium charge, except that when there is a dispute between the insured credit union and the Administrator over the amount of any premium charge for insurance the credit union shall retain such records until final determination of the issue.

"(h) For the purposes of this section—

"(1) the term 'insurance year' means the period beginning on January 1 and ending on the following December 31, both dates inclusive; and

"(2) the term 'normal operating level,' when applied to the Fund, means an amount equal to 1 per centum of the aggregate amount of the member accounts in all insured credit unions.

"NATIONAL CREDIT UNION SHARE INSURANCE FUND

"SEC. 203. (a) There is hereby created in the Treasury of the United States a National Credit Union Share Insurance Fund which shall be used by the Administrator as a revolving fund for carrying out the purposes of this title. Money in the fund shall be available upon requisition by the Administrator, without fiscal year limitation, for making payments of insurance under section 207 of this title, for providing assistance and making expenditures under section 208 of this title in connection with the liquidation or threatened liquidation of insured credit unions, and for such administrative and other expenses incurred in carrying out the purposes of this title as he may determine to be proper.

"(b) All premium charges for insurance paid pursuant to the provisions of section 202 of this title and all fees for examinations and all penalties collected by the Administrator under any provision of this title shall be deposited in the National Credit Union Share Insurance Fund.

"(c) The Administrator may authorize the Secretary of the Treasury to invest and reinvest such portions of the fund as the Administrator may determine are not needed for current operations in any interest-bearing securities of the United States in any securities guaranteed as to both principal and interest by the United States or in bonds or other obligations which are lawful investments for fiduciary, trust, and public funds of the United States, and the income therefrom shall constitute a part of the fund.

"(d)(1) If, in the judgment of the Administrator, a loan to the fund is required at any time for carrying out the purposes of this title, the Secretary of the Treasury shall make the loan, but loans under this paragraph shall not exceed in the aggregate $100,000,000 outstanding at any one time. Except as otherwise provided in this subsection and in subsection (e) of this section, each loan under this paragraph shall be made on such terms as may be fixed by agreement between the Administrator and the Secretary of the Treasury.

"(2) Interest shall accrue to the Treasury on the amount of any outstanding loans made to the fund pursuant to paragraph (1) of this subsection on the basis of the average daily amount of such outstanding loans determined at the close of each fiscal year with respect to such year, and the Administrator shall pay the interest so accruing into the Treasury as miscellaneous receipts annually from the fund. The Secretary of the Treasury shall determine the applicable interest rate in advance by calculating the average yield to maturity (on the basis of daily closing market bid quotations during the month of June of the preceding fiscal year) on outstanding marketable public debt ob-

ligations of the United States having a maturity date of five or less years from the first day of such month of June and by adjusting such yield to the nearest one-eighth of 1 per centum.

"(3) For the purpose of making loans under paragraph (1) of this subsection, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are hereby extended to include such loans. All loans and repayments under this section shall be treated as public debt transactions of the United States.

"(c) So long as any loans to the fund are outstanding, the Administrator shall from time to time, not less often than annually, determine whether the balance in the fund is in excess of the amount which, in his judgment, is needed to meet the requirements of the fund and shall pay such excess to the Secretary of the Treasury, to be credited against the loans to the fund.

"EXAMINATION OF INSURED CREDIT UNIONS

"SEC. 204. (a) The Administrator shall appoint examiners who shall have power, on his behalf, to examine any insured credit union, any credit union making application for insurance of its member accounts, or any closed insured credit union whenever in the judgment of the Administrator an examination is necessary to determine the condition of any such credit union for insurance purposes. Each examiner shall have power to make a thorough examination of all of the affairs of the credit union and shall make a full and detailed report of the condition of the credit union to the Administrator. The Administrator in like manner shall appoint claim agents who shall have power to investigate and examine all claims for insured member accounts. Each claim agent shall have power to administer oaths and affirmations, to examine and to take and preserve testimony under oath as to any matter in respect to claims for insured accounts, and to issue subpenas and subpenas duces tecum and, for the enforcement thereof, to apply to the United States district court for the judicial district or the United States court in any territory in which the principal office of the credit union is located or in which the witness resides or carries on business. Such courts shall have jurisdiction and power to order and require compliance with any such subpena.

"(b) In connection with examinations of insured credit unions, the Administrator, or his designated representatives, shall have power to administer oaths and affirmations, to examine and to take and preserve testimony under oath as to any matter in respect of the affairs of any such credit union, and to issue subpenas and subpenas duces tecum and, for the enforcement thereof, to apply to the United States district court for the judicial district or the United States court in any territory in which the principal office of the credit union is located or in which the witness resides or carries on business. Such courts shall have jurisdiction and power to order and require compliance with any such subpena.

"(c) In cases of refusal to obey a subpena issued to, or contumacy by, any person, the Administrator may invoke the aid of any court of the United States within the jurisdiction of which such hearing, examination, or investigation is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, records, or other papers. Such court may issue an order requiring such person to appear before the Administrator, or before a person designated by him, there to produce records, if so ordered, or to give testimony touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or carries on business or wherever he may be found. No person shall be excused from attending and testifying or from producing books, records, or other papers in obedience to a subpena issued under the authority of this title on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture, but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"(d) The Administration may accept any report of examination made by or to any commission, board, or authority having supervision of a State-chartered credit union and may furnish to any such commission, board, or authority reports of examination made on behalf of the Administrator.

"REQUIREMENTS GOVERNING INSURED CREDIT UNIONS

"SEC. 205. (a) Every insured credit union shall display at each place of business maintained by it a sign or signs indicating that its member accounts are insured by the Administrator and shall include in all of its advertisements a statement to the effect that its member accounts are insured by the Administrator. The Administrator may exempt from this requirement advertisements which do not relate to member accounts or advertisements in which it is impractical to include such a statement. The Administrator shall prescribe by regulation the forms of such signs, the manner of display, the substance of any such statement, and the manner of use.

"(b)(1) Except with the prior written approval of the Administrator, no insured credit union shall—

"(A) merge or consolidate with any noninsured credit union or institution;

"(B) Assume liability to pay any member accounts in, or similar liabilities of, any noninsured credit union or institution;

"(C) transfer assets to any noninsured credit union or institution in consideration of the assumption of liabilities for any portion of the member accounts in such insured credit union; or

"(D) convert into a noninsured credit union or institution.

"(2) Except with the prior written approval of the Administrator, no insured credit union shall merge or consolidate with any other insured credit union or, either directly or indirectly, acquire the assets of, or assume liability to pay any member accounts in, any other insured credit union.

"(c) In granting or withholding approval or consent under subsection (b) of this section, the Administrator shall consider—

"(1) the history, financial condition, and management policies of the credit union;

"(2) the adequacy of the credit union's reserves;

"(3) the economic advisability of the transaction;

"(4) the general character and fitness of the credit union's management;

"(5) the convenience and needs of the members to be served by the credit union; and

"(6) whether the credit union is a cooperative association organized for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes.

"(d) Except with the written consent of the Administrator, no person shall serve as a director, officer, committee member, or employee of an insured credit union who has been convicted, or who is hereafter convicted, of any criminal offense involving dishonesty or a breach of trust. For each willful violation of this prohibition, the credit union involved shall be subject to a penalty of not more than $100 for each day this prohibition is violated, which the Administrator may recover for his use.

"(c)(1) The Administrator shall promulgate rules establishing minimum standards with which each insured credit union must comply with respect to the installation, maintenance, and operation of security devices and procedures, reasonable in cost, to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts.

"(2) The rules shall establish the time limits within which insured credit unions shall comply with the standards and shall require the submission of periodic reports with respect to the installation, maintenance, and operation of security devices and procedures.

"(3) An insured credit union which violates a rule promulgated pursuant to this subsection shall be subject to a civil penalty which shall not exceed $100 for each day of the violation.

"TERMINATION OF INSURANCE; CEASE-AND-DESIST PROCEEDINGS; SUSPENSION AND/OR REMOVAL OF DIRECTORS, OFFICERS, AND COMMITTEE MEMBERS

"SEC. 206. (a) Any insured credit union other than a Federal credit union may, upon not less than ninety days' written notice to the Administrator and upon the affirmative vote of a majority of its members within one year prior to the giving of such notice, terminate its status as an insured credit union.

"(b)(1) Whenever, in the opinion of the Administrator, any insured credit union is engaging or has engaged in unsafe or unsound practices in conducting the business of such credit union, or is in an unsafe or unsound condition to continue operations as an insured credit union, or is violating or has violated an applicable law, rule, regulation, order, or any condition imposed in writing by the Administrator in connection with the granting of any application or other request by the credit union, or is violating or has violated any written agreement entered into with the Administrator, the Administrator shall serve upon the credit union a statement with respect to such practices or conditions or violations for the purpose of securing the correction thereof. In the case of an insured State-chartered credit union, the Administrator shall send a copy of such statement to the commission, board, or authority, if any, having supervision of such credit union. Unless such correction shall be made within one hundred and twenty days after service or such statement, or within such shorter period of not less than twenty days after such service as the Administrator shall require in any case where he determines that the insurance risk with respect to such credit union could be unduly jeopardized by further delay in the correction of such practices or conditions or violations, or as the commission, board, or authority having supervision of such credit union, if any, shall require in the case of an insured State-chartered credit union, the Administrator, if he shall determine to proceed further, shall give to the credit union not less than thirty days' written notice of his intention to terminate the status of the credit union as an insured credit union. Such notice shall contain a statement of the facts constituting the alleged unsafe and unsound

practices or conditions or violations and shall fix a time and place for a hearing thereon. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after service of such notice unless an earlier or a later date is set by the Administrator at the request of the credit union. Unless the credit union shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the termination of its status as an insured credit union. In the event of such consent, or if upon the record made at any such hearing the Administrator shall find that any unsafe or unsound practice or condition or violation specified in the notice has been established and has not been corrected within the time above-prescribed in which to make such correction, the Administrator may issue and serve upon the credit union an order terminating its status as an insured credit union on a date subsequent to the date of such finding and subsequent to the expiration of the time specified in the notice.

"(2) Any credit union whose insured status has been terminated by order of the Administrator under this subsection shall have the right of judicial review of such order only to the same extent as provided for the review of orders under subsection (i) of this section.

"(c) In the event of the termination of a credit union's status as an insured credit union as provided under subsection (a) or (b) of this section, the credit union shall give prompt and reasonable notice to all of its members whose accounts are insured that it has ceased to be an insured credit union. It may include in such notice a statement of the fact that member accounts insured on the effective date of such termination, to the extent not withdrawn, remain insured for one year from the date of such termination, but it shall not further represent itself in any manner as an insured credit union. In the event of failure to give the notice as herein provided to members whose accounts are insured, the Administrator is authorized to give reasonable notice.

"(d) After the termination of the insured status of any credit union as provided under subsection (a) or (b) of this section, insurance of its member accounts to the extent that they were insured on the effective date of such termination, less any amounts thereafter withdrawn which reduce the accounts below the amount covered by insurance on the effective date of such termination, shall continue for a period of one year, but no shares issued by the credit union or deposits made after the date of such termination shall be insured by the Administrator. The credit union shall continue to pay premiums to the Administrator during such period as in the case of an insured credit union and the Administrator shall have the right to examine such credit union from time to time during the period during which such insurance continues. Such credit union shall, in all other respects, be subject to the duties and obligations of an insured credit union for the period of one year from the date of such termination. In the event that such credit union shall be closed for liquidation within such period of one year, the Administrator shall have the same powers and rights with respect to such credit union as in the case of an insured credit union.

"(e) (1) If, in the opinion of the Administrator, any insured credit union or any credit union any of the member accounts of which are insured is engaging or has engaged, or the Administrator has reasonable cause to believe that the credit union is about to engage, in an unsafe or unsound practice in conducting the business of such credit union, or is violating or has violated, or the Administrator has reasonable cause to believe that the credit union is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Administrator in connection with the granting of any application or other request by the credit union, or any written agreement entered into with the Administrator, the Administrator may issue and serve upon the credit union a notice of charges in respect thereof. The notice shall contain a statement of the facts constituting the alleged unsafe or unsound practice or practices or violation or violations and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the credit union. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after service of such notice unless an earlier or a later date is set by the Administrator at the request of the credit union. Unless the credit union shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease-and-desist order. In the event of such consent, or if upon the record made at any such hearing the Administrator shall find that any unsafe or unsound practice or violation specified in the notice of charges has been established, the Administrator may issue and serve upon the credit union an order to cease and desist from any such practice or violation. Such order may, by provisions which may be mandatory or otherwise, require the credit union and its directors, officers, committee members, employees, and agents to cease and desist from the same and, further, to take affirmative action to correct the conditions resulting from any such practice or violation.

"(2) A cease-and-desist order shall become effective at the expiration of thirty days after service of such order upon the credit union concerned (except in the case of a cease-and-desist order issued upon consent, which shall become effective at the time specified therein) and shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court.

"(f) (1) Whenever the Administrator shall determine that the unsafe or unsound practice or practices or violation or threatened violation specified in the notice of charges served upon the credit union pursuant to subsection (e) (1) of this section, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of the credit union, or is likely to otherwise seriously prejudice the interests of its insured members, the Administrator may issue a temporary order requiring the credit union to cease and desist from any such practice or violation. Such order shall become effective upon service upon the credit union and, unless set aside, limited, or suspended by a court in proceedings authorized by paragraph (2) of this subsection, shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the Administrator shall dismiss the charges specified in such notice or, if a cease-and-desist order is issued against the credit union, until the effective date of any such order.

"(2) Within ten days after the credit union concerned has been served with a temporary cease-and-desist order, the credit union may apply to the United States district court for the judicial district in which the principal office of the credit union is located, or the United States District Court for the District of Columbia, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the credit union under subsection (e) (1) of this section, and such court shall have jurisdiction to issue such injunction.

"(3) In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order, the Administrator may apply to the United States district court, or the United States court of any territory, within the jurisdiction of which the principal office of the credit union is located for an injunction to enforce such order, and, if the court shall determine that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.

"(g) (1) Whenever, in the opinion of the Administrator, any director, officer, or committee member of an insured credit union has committed any violation of law, rule, or regulation, or of a cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with the credit union, or has committed or engaged in any act, omission, or practice which constitutes a breach of his fiduciary duty as such director, officer, or committee member and the Administrator determines that the credit union has suffered or will probably suffer substantial financial loss or other damage or that the interests of its insured members could be seriously prejudiced by reason of such violation or practice or breach of fiduciary duty and that such violation or practice or breach of fiduciary duty is one involving personal dishonesty on the part of such director, officer, or committee member, the Administrator may serve upon such director, officer, or committee member a written notice of his intention to remove him from office.

"(2) Whenever, in the opinion of the Administrator, any director, officer, or committee member of an insured credit union, by conduct or practice with respect to another insured credit union or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to continue as a director, officer, or committee member, and, whenever, in the opinion of the Administrator, any other person participating in the conduct of the affairs of an insured credit union, by conduct or practice with respect to such credit union or other insured credit union or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to participate in the conduct of the affairs of such insured credit union, the Administrator may serve upon such director, officer, committee member, or other person a written notice of his intention to remove him from office and/or to prohibit his further participation in any manner in the conduct of the affairs of such credit union.

"(3) In respect to any director, officer, or committee member of an insured credit union or any other person referred to in paragraph (1) or (2) of this subsection, the Administrator may, if he deems it necessary for the protection of the credit union or the interests of its insured members, by written notice to such effect served upon such director, officer, committee member or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the credit union. Such suspension and/or prohibition shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by paragraph (5) of this subsection, shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under paragraph (1) or (2) of this subsection and until such time as the Administrator shall dismiss the charges specified in such notice or, if an order of removal and/or prohibition is issued against the director, officer, committee member, or other person, until the effective date of any

such order. Copies of any such notice shall also be served upon the credit union of which he is a director, officer, or committee member or in the conduct of whose affairs he has participated.

"(4) A notice of intention to remove a director, officer, committee member, or other person from office and/or to prohibit his participation in the conduct of the affairs of an insured credit union shall contain a statement of the facts constituting the grounds therefor and shall fix a time and place at which a hearing will be held thereon. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after the date of service of such notice unless an earlier or a later date is set by the Administrator at the request of such director, officer, committee member, or other person, and for good cause shown, or at the request of the Attorney General of the United States. Unless such director, officer, committee member, or other person shall appear at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal and/or prohibition. In the event of such consent, or if upon the record made at any such hearing the Administrator shall find that any of the grounds specified in such notice has been established, the Administrator may issue such orders of suspension or removal from office and/or prohibition from participation in the conduct of the affairs of the credit union as he may deem appropriate. Any such order shall become effective at the expiration of thirty days after service upon such credit union and the director, officer, committee member, or other person concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court.

"(5) Within ten days after any director, officer, committee member, or other person has been suspended from office and/or prohibited from participation in the conduct of the affairs of an insured credit union under paragraph (3) of this subsection, such director, officer, committee member, or other person may apply to the United States district court for the judicial district in which the principal office of the credit union is located, or the United States District Court for the District of Columbia, for a stay of such suspension and/or prohibition pending the completion of the administrative proceedings pursuant to the notice served upon such director, officer, committee member, or other person under paragraph (1) or (2) of this subsection, and such court shall have jurisdiction to stay such suspension and/or prohibition.

"(h) (1) Whenever any director, officer, or committee member of an insured credit union, or other person participating in the conduct of the affairs of such credit union, is charged in any complaint authorized by a United States attorney or in any information or indictment, with the commission of or participation in a felony involving dishonesty or breach of trust, the Administrator may, by written notice served upon such director, officer, committee member, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the credit union. A copy of such notice shall also be served upon the credit union. Such suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Administrator. In the event that a judgment of conviction with respect to such offense is entered against such director, officer, committee member, or other person, and at such time as such judgment is not subject to further appellate review, the Administrator may issue and serve upon such director, officer, committee member, or other person an order removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of the credit union except with the consent of the Administrator. A copy of such order shall also be served upon such credit union, whereupon such director, officer, or committee member shall cease to be a director, officer, or committee member of such institution. A finding of not guilty or other disposition of the charge shall not preclude the Administrator from thereafter instituting proceedings to remove such director, officer, committee member, or other person from office and/or to prohibit further participation in the affairs of the credit union pursuant to paragraph (1) or (2) of subsection (g) of this section.

"(2) If at any time, because of the suspension of one or more directors pursuant to this section, there shall be on the board of directors of a Federal credit union less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors. In the event all of the directors of a Federal credit union are suspended pursuant to this section, the Administrator shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the credit union and their respective successors have been elected by the members at an annual or special meeting and have taken office. Directors appointed temporarily by the Administrator shall, within thirty days following their appointment, call a special meeting for the election of new directors, unless during the thirty-day period (A) the regular annual meeting is scheduled, or (B) the suspensions giving rise to the appointment of temporary directors are terminated.

"(i) (1) Any hearing provided for in this section shall be held in the Federal judicial district or in the territory in which the principal office of the credit union is located, unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. Such hearing shall be private unless the Administrator, in his discretion, after fully considering the views of the party afforded the hearing, determines that a public hearing is necessary to protect the public interest. After such hearing, and within ninety days after the Administrator has notified the parties that the case has been submitted to him for final decision, he shall render his decision (which shall include findings of fact upon which his decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection (i). Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2) of this subsection, and thereafter until the record in the proceeding has been filed as so provided, the Administrator may at any time, upon such notice and in such manner as he may deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Administrator may modify, terminate, or set aside any such order with permission of the court.

"(2) Any party to the proceeding, or any person required by an order issued under this section to cease and desist from any of the practices or violations stated therein, may obtain a review of any order served pursuant to paragraph (1) of this subsection (other than an order issued with the consent of the credit union or the director, officer, committee member, or other person concerned or an order issued under subsection (h) of this section) by filing in the court of appeals of the United States for the circuit in which the principal office of the credit union is located, or in the United States Court of Appeals for the District of Columbia Circuit, within thirty days after the date of service of such order, a written petition praying that the order of the Administrator be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Administrator, and thereupon the Administrator shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall, except as provided in the last sentence of said paragraph (1), be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Administrator. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

"(3) The commencement of proceedings for judicial review under paragraph (2) of this subsection shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Administrator.

"(j) The Administrator may in his discretion apply to the United States district court, or the United States court of any territory within the jurisdiction of which the principal office of the credit union is located, for the enforcement of any effective and outstanding notice or order issued under this section, and such courts shall have jurisdiction and power to order and require compliance therewith. However, except as otherwise provided in this section, no court shall have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any notice or order under this section or to review, modify, suspend, terminate, or set aside any such notice or order.

"(k) Any director, officer, or committee member, or former director, officer, or committee member, of an insured credit union or of a credit union any of the member accounts of which are insured, or any other person against whom there is outstanding and effective any notice or order (which is an order which has become final) served upon such director, officer, committee member, or other person under subsections (g) (3), (g) (4), or (h) of this section and who (i) participates in any manner in the conduct of the affairs of the credit union involved, or directly or indirectly solicits or procures, or transfers or attempts to transfer, or votes or attempts to vote, any proxies, consents, or authorizations in respect of any voting rights in such credit union, or (ii) without the prior written approval of the Administrator votes for a director, serves or acts as a director, officer, committee member, or employee of any credit union, shall upon conviction be fined not more than $5,000 or imprisoned for not more than one year, or both.

"(l) As used in this section (1) the terms 'cease-and-desist order which has become final' and 'order which has become final' means a cease-and-desist order, or an order issued by the Administrator with the consent of the credit union or the director, officer, committee member, or other person concerned, or with respect to which no petition for review of the action of the Administrator has been filed and perfected in a court of appeals as specified in paragraph (2) of sub-

section (i) of this section, or with respect to which the action of the court in which said petition is so filed is not subject to further review by the Supreme Court of the United States in proceedings provided for in said paragraph, or an order issued under subsection (h) of this section, and (2) the term 'violation' includes without limitation any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.

"(m) Any service required or authorized to be made by the Administrator under this section may be made by registered mail or in such other manner reasonably calculated to give actual notice as the Administrator may by regulation or otherwise provide. Copies of any notice or order served by the Administrator upon any State-chartered credit union or any director, officer, or committee member thereof or other person participating in the conduct of its affairs, pursuant to the provisions of this section, shall also be sent to the commission, board, or authority, if any, having supervision of such credit union.

"(n) In connection with any proceeding under subsection (e), (f)(1), or (g) of this section involving an insured State-chartered credit union or any director, officer, committee member, or other person participating in the conduct of its affairs, the Administrator shall provide the commission, board, or authority, if any, having supervision of such credit union, with notice of his intent to institute such a proceeding and the grounds therefor. Unless within such time, as the Administrator deems appropriate in the light of the circumstances of the case (which time must be specified in the notice prescribed in the preceding sentence) satisfactory corrective action is effectuated by action of such commission, board, or authority, the Administrator may proceed as provided in this section. No credit union or other party who is the subject of any notice or order issued by the Administrator under this section shall have standing to raise the requirements of this subsection as ground for attacking the validity of any such notice or order.

"(o) In the course of or in connection with any proceeding under this section, the Administrator, or any designated representative thereof, including any person designated to conduct any hearing under this section, shall have the power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash, or modify subpenas and subpenas duces tecum, and the Administrator is empowered to make rules and regulations with respect to any such proceedings. The attendance of witnesses and the production of documents provided for in this subsection may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place where such proceeding is being conducted. Any party to proceedings under this section may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpena or subpena duces tecum issued pursuant to this subsection, and such courts shall have jurisdiction and power to order and require compliance therewith. Witnesses subpenaed under this section shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. Any court having jurisdiction of any proceeding instituted under this section by an insured credit union or a director, officer, or committee member thereof may allow to any such party such reasonable expenses and attorneys' fees as it deems just and proper, and such expenses and fees shall be paid by the credit union or from its assets.

"PAYMENT OF INSURANCE

"SEC. 207. (a)(1) Upon his finding that a Federal credit union insured under this title is bankrupt or insolvent, the Administrator shall close such credit union for liquidation and appoint himself liquidating agent therefor.

"(2) Notwithstanding any other provision of law, it shall be the duty of the Administrator as such liquidating agent to cause notice to be given, by advertisement in such newspapers as he may direct, to all persons having claims against such closed credit union, to present their claims within four months from the date such advertisement first appeared; to realize upon the assets of such closed credit union, having due regard to the condition of credit in the locality; and to wind up the affairs of such closed credit union in conformity with the provisions of law relating to the liquidation of bankrupt or insolvent Federal credit unions, except as herein otherwise provided. The Administrator as such liquidating agent shall pay to himself for his own account such portion of the amounts realized from such liquidation as he shall be entitled to receive on account of his subrogation to the claims of members, and he shall pay to members and other creditors the net amounts available for distribution to them. The Administrator as such liquidating agent, however, may, in his discretion, pay dividends on proved claims at any time after the expiration of the period of advertisement made pursuant to the first sentence of this paragraph, and no liability shall attach to the Administrator himself for as such liquidating agent by reason of any such payment for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

"(3) Notwithstanding any other provision of law, the Administrator as liquidating agent of a closed Federal credit union insured under this title shall not be required to furnish bond and shall have the right to appoint an agent or agents to assist him in his duties as such liquidating agent. All fees, compensation, and expenses of liquidation and administration thereof shall be fixed by the Administrator and may be paid by him out of funds coming into his possession as such liquidating agent.

"(b) Whenever any insured State-chartered credit union shall have been closed by action of its board of directors or by the commission, board, or authority having supervision of such credit union, as the case may be, or by a court of competent jurisdiction, on account of bankruptcy or insolvency, the Administrator shall accept appointment as liquidating agent therefor, if such appointment is tendered by the commission, board, or authority having supervision of such credit union, or by a court of competent jurisdiction, and is authorized or permitted by State law. With respect to any such State-chartered credit union, the Administrator as such liquidating agent shall possess all the rights, powers, and privileges granted by State law to a liquidating agent of a State-chartered credit union. For the purposes of this subsection, the term 'liquidating agent' includes a liquidating agent, receiver, conservator, commission, person, or other agency charged by law with the duty of winding up the affairs of a credit union.

"(c) Whenever an insured credit union shall have been closed for liquidation on account of bankruptcy or insolvency, payment of the insured accounts in such credit union shall be made by the Administrator as soon as possible, subject to the provisions of subsection (d) of this section. For the purposes of this subsection, the term "insured account" means the total amount of the account in the member's name (after deducting offsets) less any part thereof which is in excess of $20,000. Such amount shall be determined according to such regulations as the Administrator may prescribe, and, in determining the amount due to any member, there shall be added together all accounts in the credit union maintained by him for his own benefit either in his own name or in the names of others. The Administrator may define, with such classifications and exceptions as he may prescribe, the extent of the insurance coverage provided for member accounts, including member accounts in the name of a minor, in trust, or in joint tenancy. The Administrator, in his discretion, may require proof of claims to be filed before paying the insured accounts, and in any case where he is not satisfied as to the validity of a claim for an insured account, he may require the final determination of a court of competent jurisdiction before paying such claim.

"(d) In the case of a closed Federal credit union, the Administrator, upon the payment to any member as provided in subsection (c) of this section, shall be subrogated to all rights of the member against such closed credit union to the extent of such payment. In the case of any other closed insured credit union, the Administrator shall not make any payment to any member until the right of the Administrator to be subrogated to the rights of such member on the same basis as provided in the case of a closed Federal credit union shall have been recognized either by express provision of State law, by allowance of claims by the commission, board, or authorty having supervision of such credit union, by assignment of claims by members, or by any other effective method. In the case of any closed insured credit union, such subrogation shall include the right on the part of the Administrator to receive the same dividends from the proceeds of the assets of such closed credit union as would have been payable to the member on a claim for the insured account, but such member shall retain his claim for any uninsured portion of his account. The rights of members and other creditors of any State-chartered credit union shall be determined in accordance with the applicable provisions of State law.

"(e) Payment of an insured account to any person by the Administrator shall discharge the Administrator to the same extent that payment to such person by the closed insured credit union would have discharged it from liability for the insured account.

"(f) Except as otherwise prescribed by the Administrator, the Administrator shall not be required to recognize as the owner of any portion of an account appearing on the records of the closed credit union under a name other than that of the claimant any person whose name or interest as such owner is not disclosed on the records of such closed credit union as part owner of such account, if such recognition would increase the aggregate amount of the insured accounts in such closed credit union.

"(g) The Administrator may withhold payment of such portion of the insured account of any member of a closed credit union as may be required to provide for the payment of any direct or indirect liability of such member to the closed credit union or its liquidating agent, which is not offset against a claim due from such credit union, pending the determination and payment of such liability by such member or any other person liable therefor.

"(h) If, after the Administrator shall have given at least four months' notice to the member by mailing a copy thereof to his last-known address appearing on the records of the closed credit union, any member of the closed credit union shall fail

to claim his insured account from the Administrator within 18 months after the appointment of the liquidating agent for the closed credit union, all rights of the member against the Administrator with respect to the insured account shall be barred, and all rights of the member against the closed credit union, or the estate to which the Administrator may have become subrogated, shall thereupon revert to the member.

"(1) (1) Liquidating agents of insured credit unions closed for liquidation on account of bankruptcy or insolvency may offer the assets of such credit unions for sale to the Administrator or as security for loans from the Administrator, upon receiving permission from the commission, board, or authority having supervision of such credit union, in the case of an insured State-chartered credit union, in accordance with express provisions of State law. The proceeds of every such sale or loan shall be utilized for the same purposes and in the same manner as other funds realized from the liquidation of the assets of such credit unions. The Administrator, in his discretion, may make loans on the security of or may purchase and liquidate or sell any part of the assets of an insured credit union closed for liquidation on account of bankruptcy or insolvency, but in any case in which the Administrator is acting as liquidating agent of a closed insured credit union, no such loan or purchase shall be made without the approval of a court of competent jurisdiction.

"(2) No agreement which tends to diminish or defeat the right, title, or interest of the Administrator in any asset acquired by him under this subsection, either as security for a loan or by purchase, shall be valid against the Administrator unless such agreement—

"(A) shall be in writing;

"(B) shall have been executed by the credit union and the person or persons claiming an adverse interest thereunder, including the obligor, contemporaneously with the acquisition of the asset by the credit union;

"(C) shall have been approved by the board of directors of the credit union, which approval shall be reflected in the minutes of such board; and

"(D) shall have been, continuously, from the time of its execution, an official record of the credit union.

"SPECIAL ASSISTANCE TO AVOID LIQUIDATION

"SEC. 208. (a) (1) In order to reopen a closed insured credit union or in order to prevent the closing of an insured credit union which the Administrator has determined is in danger of closing, the Administrator, in his discretion, is authorized to make loans to, or purchase the asests of, or establish accounts in such insured credit union upon such terms and conditions as he may prescribe. Such loans shall be made and such accounts shal be established only when, in the opinion of the Administrator, such action is necessary to protect the Fund or the interests of the members of the credit union. Such loans and accounts may be in subordination to the rights of members and creditors of the credit union.

"(2) Whenever in the judgment of the Administrator such action will reduce the risk or avert a threatened loss to the fund and will facilitate a merger or consolidation of an insured credit union with another insured credit union, or will facilitate the sale of the assets of an open or closed insured credit union to and assumption of its liability by another insured credit union, the Administrator may, upon such terms and conditions as he may determine, make loans secured in whole or in part by assets of an open or closed insured credit union, which loans may be in subordination to the rights of members and creditors of such credit union, or the Administrator may purchase any of such assets or may guarantee any other insured credit union against loss by reason of its assuming the liabilities and purchasing the assets of an open or closed insured credit union.

"(3) No agreement which tends to diminish or defeat the right, title, or interest of the Administrator in any asset acquired by him under this subsection, either as security for a loan or by purchase, shall be valid against the Administrator unless such agreement—

"(A) shall be in writing;

"(B) shall have been executed by the credit union and the person or persons claiming an adverse interest thereunder, including the obligor, contemporaneously with the acquisition of the asset by the credit union;

"(C) shall have been approved by the board of directors of the credit union, which approval shall be reflected in the minutes of such board; and

"(D) shall have been, continuously, from the time of its execution, an official record of the credit union.

"(b) For the protection of the Fund, the Administrator, without regard to the Federal Property and Administrative Services Act of 1949, may—

"(1) deal with, complete, reconstruct, rent, renovate, modernize, insure, make contracts for the management of, sell for cash or credit, or lease, in his discretion, any real property acquired or held by him under this section; and

"(2) assign or sell at public or private sale, or otherwise dispose of, any evidence of debt, contract, claim, personal property, or security assigned to or held by him under this section.

Section 3709 of the Revised Statutes of the United States shall not apply to any purchase or contract for services or supplies made or entered into by the Administrator under this section if the amount thereof does not exceed $1,000, or to any contract for hazard insurance on any real property acquired or held by him under this section.

"(c) In connection with the liquidation of any insured credit union, the Administrator shall have the power to carry on the business of and collect all obligations to the credit union, to settle, compromise, or release claims in favor of or against the credit union, and to do all other things that may be necessary in connection therewith, subject to the regulation of the court or other public body having jurisdiction over the matter.

"(d) Money received by the Administrator in carrying out this section shall be paid into the Fund.

"ADMINISTRATIVE PROVISIONS

"SEC. 209. (a) In carrying out the purposes of this title, the Administrator may—

"(1) make contracts;

"(2) sue and be sued, complain and defend, in any court of law or equity, State or Federal. All suits of a civil nature at common law or in equity to which the Administrator shall be a party shall be deemed to arise under the laws of the United States, and the United States district courts shall have original jurisdiction thereof, without regard to the amount in controversy. The Administrator may, without bond or security, remove any such action, suit, or proceeding from a State court to the United States district court for the district or division embracing the place where the same is pending by following any procedure for removal now or hereafter in effect, except that any such suit to which the Administrator is a party in his capacity as liquidating agent of a State-chartered credit union and which involves only the rights or obligations of members, creditors, and such State credit union under State law shall not be deemed to arise under the laws of the United States. No attachment or execution shall be issued against the Administrator or his property before final judgment in any suit, action, or proceeding in any State, county, municipal, or United States court. The Administrator shall designate an agent upon whom service of process may be made in any State, territory, or jurisdiction in which any insured credit union is located;

"(3) pursue to final disposition by way of compromise or otherwise claims both for and against the United States (other than tort claims, claims involving administrative expenses, and claims in excess of $5,000 arising out of contracts for construction, repairs, and the purchase of supplies and materials) which are not in litigation and have not been referred to the Department of Justice;

"(4) to appoint such officers and employees as are not otherwise provided for in this Act, to define their duties, fix their compensation, require bonds of them and fix the penalty thereof, and to dismiss at pleasure such officers or employees. Nothing in this or any other Act shall be construed to prevent the appointment and compensation as an officer or employee of the administration of any officer or employee of the United States in any board, commission, independent establishment, or executive department thereof;

"(5) employ experts and consultants or organizations thereof, as authorized by section 15 of the Administrative Expenses Act of 1946. (5 U.S.C. 55a);

"(6) prescribe the manner in which his general business may be conducted and the privileges granted to him by law may be exercised and enjoyed;

"(7) exercise all powers specifically granted by the provisions of this title and such incidental powers as shall be necessary to carry out the powers so granted;

"(8) make examinations of and require information and reports from insured credit unions, as provided in this title.

"(9) act as liquidating agent;

"(10) delegate to any officer or employee of the Administration such of his functions as he deems appropriate; and

"(11) prescribe such rules and regulations as he may deem necessary or appropriate to carry out the provisions of this title.

"(b) With respect to the financial operations arising by reason of this title, the Administrator shall—

"(1) prepare annually and submit a business-type budget as provided for wholly owned Government corporations by the Government Corporation Control Act; and

"(2) maintain an integral set of accounts, which shall be audited annually by the General Accounting Office in accordance with principles and procedures applicable to commercial corporate transactions, as provided by section 105 of the Government Corporation Control Act.

"NONDISCRIMINATORY PROVISION

"SEC. 210. It is not the purpose of this title to discriminate in any manner against State-chartered credit unions and in favor of Federal credit unions, but it is the purpose of this title to provide all credit unions with the same opportunity to obtain and enjoy the benefits of this title."

SEC. 2. Section 101 of the Federal Credit Union Act, as redesignated by section 1 of this Act (formerly section 2 of such Act), is amended—

(1) by striking out the word "and" at the end of paragraph (2) thereof;

(2) by striking out the period at the end of paragraph (3) thereof and inserting "; and" in lieu thereof; and

(3) by adding the following new paragraphs after paragraph (3) thereof:

"(4) The terms 'member account' and 'account' (when referring to the account of a member of a credit union) mean a share,

share certificate, or share deposit account of a member of a credit union of a type approved by the Administrator which evidences money or its equivalent received or held by a credit union in the usual course of business and for which it has given or is obligated to give credit to the account of the member, and, in the case of a credit union serving predominantly low-income members (as defined by the Administrator), such terms (when referring to the account of a nonmember served by such credit union) mean a share, share certificate, or share deposit account of such nonmember which is of a type approved by the Administrator and evidences money or its equivalent received or held by such credit union in the usual course of business and for which it has given or is obligated to give credit to the account of such nonmember;

"(5) The terms 'State credit union' and 'State-chartered credit union' mean a credit union organized and operated according to the laws of any State, the District of Columbia, the several territories and possessions of the United States, the Panama Canal Zone, or the Commonwealth of Puerto Rico, which laws provide for the organization of credit unions similar in principle and objectives to Federal credit unions;

"(6) The term 'insured credit union' means any credit union the member accounts of which are insured in accordance with the provisions of title II of this Act, and the term 'noninsured credit union' means any credit union the member accounts of which are not so insured;

"(7) The term 'Fund' means the National Credit Union Share Insurance Fund; and

"(8) The term 'branch' includes any branch credit union, branch office, branch agency, additional office, or any branch place of business located in any State of the United States, the District of Columbia, the several territories and possessions of the United States, the Panama Canal Zone, or the Commonwealth of Puerto Rico, at which member accounts are established or money lent."

SEC. 3. Section 493 of title 18 of the United States Code (relating to bonds and obligations of certain lending agencies) is amended—

(1) by inserting the words "National Credit Union Administration," following the words "Federal Deposit Insurance Corporation,"; and

(2) by inserting the words "insured credit union," following the words "intermediate credit bank,".

SEC. 4. Section 657 of title 18 of the United States Code (relating to lending, credit, and insurance institutions) is amended—

(1) by inserting the words "National Credit Union Administration," following the words "Federal Deposit Insurance Corporation,"; and

(2) by inserting the words "or by the Administrator of the National Credit Union Administration" following the words "Federal Savings and Loan Insurance Corporation".

SEC. 5. Section 709 of title 18 of the United States Code (relating to false advertising and misuses of names to indicate a Federal agency) is amended by adding after the third paragraph thereof the following paragraph:

"Whoever falsely advertises or otherwise represents by any device whatsoever that his or its deposit liabilities, obligations, certificates, or shares are insured under the Federal Credit Union Act or by the United States or any instrumentality thereof, or, being an insured credit union as defined in that Act falsely advertises or otherwise represents by any device whatsoever the extent to which or the manner in which shareholdings in such credit union are insured under such Act; or".

SEC. 6. Section 1006 of title 18 of the United States Code (relating to false entries in reports and transactions of Federal credit institutions) is amended—

(1) by inserting the words "National Credit Union Administration," following the words "Federal Deposit Insurance Corporation,"; and

(2) by inserting the words "or by the Administrator of the National Credit Union Administration" following the words "Federal Savings and Loan Insurance Corporation".

SEC. 7. Section 1014 of title 18 of the United States Code (relating to false statements in loan and credit applications) is amended by striking out the words "or a Federal credit union" and by inserting the words ", a Federal credit union, or an insured State-chartered credit union" in lieu thereof.

SEC. 8. Section 2113 of title 18 of the United States Code (relating to bank robbery and incidental crimes) is amended as follows:

(1) Subsections (a), (b), and (c) are each amended by inserting the words "credit union," following the word "bank," each place it appears therein.

(2) The following new subsection is added at the end thereof:

"(h) As used in this section the term 'credit union' means any Federal credit union and any State-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union Administration."

SEC. 9. Section 116 of the Federal Credit Union Act, redesignated by section 1 of this Act (formerly section 17 of such Act), is amended to read as follows:

"SEC. 116. (a) Immediately before the payment of each dividend, the gross earnings of the credit union shall be determined. From this amount, there shall be set aside, as a regular reserve against losses on loans and against such other losses as may be specified in regulations prescribed under this Act, sums in accordance with the following schedule:

"10 per centum of gross income until the regular reserve shall equal 7½ per centum of the total of outstanding loans and risk assets, then

"5 per centum of gross income until the regular reserve shall equal 10 per centum of the total of outstanding loans and risk assets.

Whenever the regular reserve falls below 10 per centum or 7½ per centum of the total of outstanding loans and risk assets, as the case may be, it shall be replenished by regular contributions in such amounts as may be needed to maintain the reserve goals of 7½ per centum or 10 per centum.

"(b) In addition to such regular reserve, special reserves to protect the interests of members shall be established—

"(1) when required by regulation; or

"(2) when found by the Administrator, in any special case, to be necessary for that purpose."

SEC. 10. Section 107 of the Federal Credit Union Act, as redesignated by section 1 of this Act (formerly section 8 of such Act), is amended—

(1) by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) to receive from its members or other federally insured credit unions payments on shares, share certificates, or share deposits, and, in the case of credit unions serving predominantly low-income members (as defined by the Administrator), to receive payments on shares, share certificates, or share deposits from nonmembers;" and

(2) by adding at the end of paragraph (8) the following: "and (H) in shares, share certificates, or share deposits of federally insured credit unions;".

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

Mr. PATMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the legislation before this body today, S. 3822, which would provide Federal share insurance for credit unions, is a unique legislative action. On two other occasions, this body has debated legislation that would provide Federal insurance for other financial institutions, specifically, banks and savings and loans. Those bills, however, were passed at a time when the future of the bank and savings and loan industry would have been grim had it not been for the establishment of Federal deposit insurance.

Today, we are considering similar insurance for credit unions, but we are taking this action, not at a time when credit unions are on their backs, but rather at a time when they are perhaps in their strongest financial position in history. This legislation is not being put forth to save the credit unions, as was the case with other financial institutions, but rather it is a reward for the more than 24,000 credit unions with over 20 million members in the United States for performing such a valuable service to our country. It is another step toward making credit unions full-fledged members of the financial community.

Before going further, let me briefly discuss the provisions of S. 3822. The legislation provides as follows:

First. Application for insurance: Every Federal credit union must obtain Federal share insurance or have its charter suspended or revoked, unless within 1 year the credit union meets requirements for insurance. State-chartered credit unions may be insured by the Administrator of the National Credit Union Administration. Four unchartered overseas military credit unions can be insured, provided that they comply with the provisions of the Federal Credit Union Act.

Second. Reserves: Federal credit unions would maintain a reserve based on a formula established by the Administrator of the National Credit Union Administration and spelled out in the legislation. State-chartered credit unions would maintain a reserve as established by State law and may be required to meet special reserves established by the Administrator of the National Credit Union Administration.

Third. Premium: Premium for insurance would be one-twelfth of 1 percent, with a special premium assessment of one-twelfth of 1 percent in the event expenses exceed income in any 1 year.

Fourth. Treasury Draw: Insurance fund would have a Treasury draw of $100 million.

Fifth. Payment of insurance: All accounts up to $20,000 will be insured. Credit unions which liquidate in a solvent condition will receive a pro rata share of its paid-in premiums.

Sixth Cease and Desist: Legislation provides Administrator of the National Credit Union Administration with cease-and-desist power over insured credit unions.

Mr. Speaker, if there were more time remaining in the 91st Congress, S. 3822, in its present form, might not have been

the legislation before this body today. When the legislation was originally introduced in the other body, I felt that it contained a number of points that would work hardships on credit unions. However, when the legislation was passed in the other body, many of these provisions were deleted, and the present bill is far more palatable than the bill as it was introduced in the other body.

At the same time, S. 3822 should be considered as a beginning and not an end to the question of share insurance. It is a suitable vehicle for beginning the share insurance program and, if problems arise within the program, I have stated that the Banking and Currency Committee will give prompt consideration to any amendments that would strengthen the program. The important thing at this point in the legislative calendar is to get a program of share insurance underway, and S. 3822 accomplishes that objective.

CAREFULLY DISCUSSED PREMIUMS

Your committee gave careful consideration to all legislative proposals on share insurance. The committee spent a great deal of time discussing the extent of the premium charged for credit unions. After much deliberation, the committee agreed to accept a premium of one-twelfth of 1 percent of shares, the same premium originally assessed banks, and savings and loans. Also considered was a premium rate of one-twentieth of 1 percent. If all credit unions were to enter the share insurance program, the one-twentieth rate would have placed $6.1 million in the fund in 1969. A premium rate of one-twelfth of 1 percent would provide $10.2 million in 1969. Roughly the same figures will hold true for 1970. Since Federal credit unions lost only $95,000 in 1969, and it is estimated that a similar amount was lost in State-chartered credit unions, it can easily be seen that both the one-twelfth and the one-twentieth premium would be more than adequate to meet any losses, cover administrative expenses, and place a substantial portion in reserves. However, since the one-twelfth premium will build up reserves on a more rapid basis, it was decided to use the higher premium. When the fund reaches 1 percent of the total shares of all insured credit unions, then the Administrator of the National Credit Union Administration is authorized to reduce the premium. This is in keeping with the premium structure of other financial institutions. For instance, commercial banks were originally required to pay one-twelfth of 1 percent for insurance premiums, but now that figure has been reduced to one-thirty-second of 1 percent. By using the one-twelfth premium charge, the credit union fund will reach the necessary reserve ceiling in a shorter time than by using the one-twentieth premium, thus bringing about a reduction in premium. In the long run, it may well be that the one-twelfth of 1 percent premium will work less of a financial hardship on credit unions than would the one-twentieth of 1 percent premium.

Historically, losses of credit unions over the years have been relatively small. For example, during the period 1934 to 1969, actual losses for Federal credit unions were $1,716,211. Net losses from scale downs have amounted to $1,643,330 during this same period. Donations to liquidated Fededal credit unions and Federal operating credit unions have totaled $1,016,467 and $606,337, respectively. Thus, total losses for all Federal credit unions for the last 36 years have amounted to less than $5 million but actual losses to members have amounted to only $3,359,541 because of donations and assistance from State leagues.

Since the start of the Federal credit union program if there were insurance, Federal credit unions would have paid $40 million into the insurance fund.

LEAGUE ASSISTANCE WOULD HELP

In 1970 the anticipated losses for Federal credit unions have been estimated by the National Credit Union Administration to be $389,179. This figure, however, assumes that no assistance would come from CUNA league stabilization programs to assist these credit unions. Significantly, credit union losses have been small compared with other financial institutions. In fact, most liquidated credit unions have paid at least 100 cents on the dollar. A study conducted by the National Credit Union Administration for the period 1964 to 1968 reveals that 1,220 Federal credit unions completed liquidation, representing $50 million in share capital and a total membership of 213,000. As a group, the liquidations were completed at a net gain of 5.8 percent. Only 164 credit unions of the total group returned less than 100 cents on the dollar. Over 50 percent—91—of the 164 credit unions had less than $50,000 in share capital; 133 of these credit unions paid less than 100 cents on the dollar and had share capital of less than $25,000. In addition, 23 percent—37—of these 164 liquidated credit unions were operative for less than 2 years. Also, 128 of the 164 had less than 200 members.

A good example of credit union safety occurred earlier this year when a Minnesota credit union was forced to liquidate because its sponsor closed the plant which the credit union served. The credit union paid out 198 cents on the dollar. That meant that every credit union member who had $100 in the credit union received a payment of $198.

PREMIUM WOULD BE PRORATED

S. 3822 contains a provision that allows credit unions liquidating in a solvent condition to receive a pro rata share of their insurance premiums when the liquidation is completed. It must be remembered that many credit unions liquidate, not because they are insolvent, but rather because their sponsor in an industrial situation has closed the plant or in a military credit union, the base or post has been deactivated. Since credit unions, by law, can serve only a specific field of membership, the credit unions in such situations are required to close their doors. It is felt in this case that the credit union deserves to receive a pro rata share of its premium paid out over the years, since it contributed to the fund without making any demands on the fund.

In another important area, this bill provides insurance protection for not only the shareholders of a credit union but for any account holder having a share, certificate or deposit account in the insured credit union. This could include deposits made by Government agencies, corporations, and other organizations which may place funds in credit unions. If we are to help credit unions in need, particularly the low income or poverty credit unions and the people they serve, it is essential to attract capital from outside their fields of membership. Currently, and in the foreseeable future, member share purchases in these credit unions will remain insufficient to meet loan demands.

The authority to insure deposits in these credit unions would significantly enhance their ability to attract funds from outside sources and thus increase their capacity for continued service to persons who otherwise would not be able to obtain credit at reasonable cost or who could not obtain credit at all.

Mr. Speaker, I am including a list of credit unions in the country by States and U.S. territory. There are roughly 20 million credit union members in the United States, comprising about 10 percent of the population. As a legislative body, representing the people, I urge that we unanimously adopt S. 3822, not only as an indication of our support for credit unions, but as an indication that the House of Representatives truly does serve the will of the people.

Active credit unions reported as of July 31, 1970

United States:

Alabama	376
Arizona	164
Arkansas	157
California	1,877
Colorado	336
Connecticut	501
Delaware	81
District of Columbia	190
Florida	667
Georgia	427
Hawaii	168
Idaho	176
Illinois	1,732
Indiana	611
Iowa	422
Kansas	309
Kentucky	277
Louisiana	480
Maine	194
Maryland	242
Massachusetts	787
Michigan	1,163
Minnesota	425
Mississippi	213
Missouri	518
Montana	144
Nebraska	157
Nevada	65
New Hampshire	72
New Jersey	601
New Mexico	135
New York	1,217
North Carolina	325
North Dakota	124
Ohio	1,448
Oklahoma	200
Oregon	269
Pennsylvania	1,448
Rhode Island	136
South Carolina	185
South Dakota	116
Tennessee	580
Texas	1,439
Utah	317
Vermont	78
Virginia	366
Washington	411

West Virginia	202
Wisconsin	776
Wyoming	55
	23,402
Commonwealth of Puerto Rico	439
	23,841
American Samoa	1
Canal Zone	[1]7
Guam	4
Okinawa	2
Trust Territory of Pacific	41
Virgin Islands	3
Wake Islands	1
	59
Total United States, Possessions, Reservation and Commonwealth of Puerto Rico	23,900

[1] Reservation of the United States.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. PATMAN. Mr. Speaker, I yield myself 2 additional minutes.

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

Mr. PATMAN. I yield to the gentleman from Ohio.

Mr. BOW. An examination of the bill which the gentleman brings to the floor shows that on page 18 of the bill, under section 203(d)(1), the gentleman is asking us to approve $100 million of backdoor spending. Does the gentleman agree?

Mr. PATMAN. It is the same backdoor spending——

Mr. BOW. Is it backdoor spending?

Mr. PATMAN. I would not say it is backdoor spending.

Mr. BOW. What would the gentleman call it?

Mr. PATMAN. If it is, there is $10 billion of backdoor spending for the Federal savings and loans, the commercial banks and FNMA. Neither one is backdoor spending.

Mr. BOW. The gentleman, I take it, agrees that this is backdoor spending?

Mr. PATMAN. No, sir; I do not agree it is backdoor spending.

Mr. BOW. What does the gentleman think it is?

Mr. PATMAN. I do not think it is.

Mr. BOW. What does the gentleman think it is?

Mr. PATMAN. I think it is an obligation in the future if certain situations should arise that are not predicted now—if there is a wholesale calamity which strikes the credit unions over and above the insurance fund.

Mr. BOW. Mr. Speaker, will the gentleman yield further?

Mr. PATMAN. I yield further.

Mr. BOW. Is it not a fact that the Secretary of the Treasury can draw $100 million which becomes a liability, and that this amount can be drawn without an appropriation?

Mr. PATMAN. Why, certainly, if a condition should arise that would cause these institutions to have to close up and be liquidated or go into bankruptcy. But that is not contemplated. It will never be.

Mr. BOW. If it is never going to happen, why present us with a bill that authorizes an obligation upon the Government for $100 million?

Mr. PATMAN. I know, but that is so insignificant compared to $3 billion for the banks. They do not have to pay only a pittance for it.

Mr. BOW. I agree with the gentleman. I believe we have made mistakes in other cases. I believe we should discourage backdoor spending and should control the funds in the Treasury.

The gentleman has pointed out two other cases where his committee brought in bills with backdoor spending, and where we now do not have control of Treasury funds.

Mr. PATMAN. I did not say it was backdoor spending. It is just that the obligation is there if and when a deplorable situation should arise, a catastrophe when it would be needed. It is not contemplated it would be needed.

The SPEAKER pro tempore (Mr. BOLAND). The time of the gentleman from Texas has again expired.

Mr. PATMAN. Mr. Speaker, I yield myself 2 additional minutes.

It is not contemplated it will be needed at all, and it will not be needed.

Mr. BOW. I am delighted to hear the gentleman say that and to hear him express so much confidence in the future financial condition of the National Credit Union Share Insurance Fund. I have also heard the gentleman say other things here not long ago, but I still point out to the gentleman that in two other bills we have provided much larger sums, and again in this bill one we would provide the expenditure of $100 million, over which we have no control.

Mr. PATMAN. There is no expenditure here at all. The gentleman is way beyond us. This is no expenditure; it is merely an obligation.

Mr. BOW. What would the gentleman call it if there came a time when you required this $100 million? Your bill leaves this to the judgment of the administrator. Would it be an expenditure then?

Mr. PATMAN. Then it would be an expenditure.

Mr. BOW. And without an appropriation, is that not correct?

Mr. PATMAN. It would have to be appropriated.

Mr. BOW. Where does the gentleman find anything in here that says it has to be appropriated?

Mr. PATMAN. It would have to be.

Mr. BOW. That is the point I make to the gentleman.

Mr. PATMAN. I assure you there is nothing in here to appropriate any money. This is a standby provision in an emergency.

Mr. BOW. If the gentleman will yield further, the point I am trying to make is this: the gentleman said it would have to be appropriated, but the gentleman's bill gives the Treasury the authority to draw $100 million. There is nothing in this bill that says it must be appropriated.

Mr. PATMAN. It would have to be. It has to be paid, of course, and that goes through the Congress if it is paid.

Mr. BOW. If there were a loss of $100 million, would it come back to the Congress?

Mr. PATMAN. Let us quit talking about losses.

Mr. BOW. Let me finish my statement.

Mr. PATMAN. There are no losses in here. We have losses of $3 billion in the banks.

Mr. BOW. Then, the gentleman is wasting our time in bringing in a bill to provide for something that he does not anticipate will happen. I again go back to the fact that the gentleman has not explained how this can be considered as anything except backdoor financing.

Mr. PATMAN. This is the best financial institution in the land. It helps the people. There are over 20 million members in it. They are continuing to help them. Let us do something for people who are doing something for themselves. They are working for themselves and for the community.

Mr. BOW. Will the gentleman yield further?

Mr. PATMAN. I cannot yield further on the backdoor spending because I think we have covered it.

Mr. BOW. You have not covered a thing on the issue to backdoor spending.

Mr. BARRETT. Mr. Speaker, will the gentleman yield to me?

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

Mr. BARRETT. Does the gentleman not think that the credit unions are worth $100 million for the good that they do?

Mr. PATMAN. Why, certainly. Even if you lost it, it would be worth several hundred million dollars. They have $15 billion in assets.

Mr. BARRETT. Is it not true that the credit unions have lost only one-twentieth of 1 percent in all of their activities?

Mr. PATMAN. In 36 years they lost $3 million.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. PATMAN. Mr. Speaker, I yield myself 1 additional minute.

I yield to the gentleman from Iowa.

Mr. GROSS. I am still waiting for the gentleman to answer the question of the gentleman from Ohio as to why you did not provide in this bill that the money be appropriated, rather than a backdoor raid on the Treasury Department. I, too, am a supporter of credit unions but I am absolutely opposed to backdoor spending.

Mr. PATMAN. This is a standby provision. We have authorized $3 billion for the banks. Would you authorize $3 billion for the banks, which are profit-making institutions, and which we all believe are worthwhile, because we could not get along without them, and we need them in time of peace and in war? We are willing for them to have $3 billion and we are willing for the savings and loans to have $2.5 billion in standby authority. We are willing for the FNMA, although it is privately owned, to have a standby authority of $2.5 billion. But an institution that is built up by its own bootstraps for the last 36 years and with the Government doing nothing for it and which has $15 billion of assets—are you going to deny

them a standby authority of $100 million?

Mr. WIDNALL. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I support the enactment of S. 3822. There are now more than 24,000 credit unions in which there are some 22 million Americans who have deposited over $14 billion in savings. Although it appears they have been generally well managed and losses to depositors have been small as a percentage of total deposits, they reflect a need for a shareholder insurance program in such a large and growing thrift system. First, there is a need because there is a small number of instances where mismanagement does result in losses for the credit union. In many unions shareholders may lose all or part of their savings resulting in real hardships to them. It is no consolation to the shareholders in such circumstances to know that they represent only a minute fraction of all the credit union shareholders. Their loss is a real loss which can be avoided through share insurance.

Second, there is a need because even in those cases where credit unions must terminate their activities for reasons other than mismanagement there may be losses and there are almost certain to be long delays before shareholders receive the full amount of their deposits. This is so because even when the assets of the credit union far exceed its obligations to shareholders recovery on those assets may be a lengthy process. A system of share insurance will facilitate the orderly liquidation of such credit unions and still permit the prompt return to shareholders of money which they had on deposit.

I urge enactment of S. 3822 which the committee has reported without amendment. This bill is practically identical to H.R. 17722 which I introduced on May 20, 1970. In drafting this legislation we drew upon 35 years of experience under the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation. Throughout the years we have amended these programs numerous times as experience and changing conditions have suggested desirable improvements. S. 3822 is a good bill because a conscious effort was made in drawing it to incorporate the wisdom of this experience modifying it only to reflect the unique aspects of credit unions as opposed to banks and savings and loan associations.

We should enact this bill promptly in order to make this share insurance available without further delay. The administration supports this bill.

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

Mr. WIDNALL. I yield to the chairman of the committee.

Mr. PATMAN. Is it not a fact that the bill passed the other body unanimously and was passed out of the Committee on Banking and Currency with 36 members voting for it, with the exception of one negative vote; that is correct, is it not?

Mr. WIDNALL. That is true, Mr. Chairman.

Mr. Speaker, I would like to also point out that in testimony before our committee given by Mr. Wilfred McKinnon, president of CUNA, he stated that in 1971 they anticipated losses of the Federal credit unions have been estimated by the National Credit Union Administration to be $452,272; the gross premiums to be received by the fund from Federal credit unions, based upon one-twentieth of 1 percent premium investment is estimated to be $4,012,000 in the year 1971.

Mr. Speaker, these figures indicate the situation as it exists today. That was the testimony before the committee. The bill as now written and presented to the House carries one-twelfth of 1 percent premium investment which would mean that the income would be higher than the estimate, $4 million.

Mr. Speaker, I now yield 5 minutes to the distinguished gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Speaker, the great State of Texas has an impressive football team. I have watched them many times and observed them dodge, skirt around the ends, and run all over the place. Their play reminds me of the gentleman from Texas who just avoided answering the question which I addressed to him. He was dodging and running around the ends and doing everything but actually carrying the ball.

I would just like to point out that I think credit unions are great. I believe they do a magnificent job, and they play an important role in the financial structure of our country. But I also believe the House of Representatives has the responsibility of guarding the funds in the Treasury, and we should not authorize backdoor spending.

Now, the gentleman has mentioned two other cases that came out of the same committee in apparent disregard for the control of this Nation's funds. I think it is about time that we stopped this procedure.

I would suggest that if the Committee on Banking and Currency brings in any more bills like this, they ought to provide for some control by Congress over the funds. This is absolutely necessary if they have any regard for the Treasury of the United States.

I will not yield to the gentleman from Texas at this time; the gentleman did not answer my questions, so I do not know why I should yield to the gentleman.

The gentleman says it is not backdoor spending. This bill says in no uncertain terms that the Secretary of the Treasury shall make loans, and loans under this paragraph shall not exceed $100 million—and that is no small amount.

I call your attention to page 19, section 3:

> For the purpose of making loans under paragraph (1) of this subsection, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are hereby extended to include such loans.

Now, listen to this language:

> All loans and repayments under this section shall be treated as public debt transactions of the United States.

If and when these funds are used, they become a public debt transaction of the United States. This is backdoor spending, pure and simple, regardless of the attempts by the gentleman from Texas to avoid answering my direct questions.

May I point out, Mr. Speaker, that Congress has been on record for a long time in trying to avoid backdoor spending. It is one way we can protect the Treasury of the United States. Again I do not want anything I say to be construed as meaning that I am opposed to credit unions. I think they do an excellent job. My efforts here reflect no lack of concern about protecting credit unions, but reflect equal concern about protecting the Treasury of the United States. The proper legislative procedure to do that is to approve these loans and disbursements from the Treasury through the appropriations process.

The gentleman knows very well the Constitution provides that no funds shall be expended except by appropriation, so it seems to me that Congress has this responsibility.

Now, Mr. Speaker, I will be glad to yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, may I say to the gentleman our committee appreciates the fact that he is a supporter of credit unions, and I am sure he realizes the great work they are doing in this country, and we are very thankful to them, and they have never cost the government one penny.

Where the gentleman mentions backdoor spending, we have had that for over a period of years, and now and then we permit backdoor spending, and I know sometimes some Members do not like it. But in this case if the gentleman wants to say "appropriate," then offer an amendment and say "appropriate."

Mr. BOW. The gentleman knows that under suspension of the rules I cannot offer an amendment.

Mr. PATMAN. With that word in, then it will not be backdoor spending.

Mr. BOW. Mr. Speaker, if this was not a bill considered under suspension of the rules, I would have offered such an amendment. But we have this bill before us under suspension of the rules, which precludes the offering of amendments.

Mr. PATMAN. The gentleman is correct, but the gentleman can offer a bill right now, and it would go to our committee and we will give it consideration.

Mr. BOW. I wish I could live so long, my dear chairman, as to have you report out of your committee any bill that I introduced along that line. I would be older than Methuselah.

Mr. PATMAN. If you are for the credit unions, apparently there is no reason why you should not.

Mr. BOW. I would be glad to do it. But will the gentleman say to me now that if I introduce such a bill, he will bring it to the floor of the House and let the Congress vote on it?

Mr. PATMAN. I do not know.

Mr. BOW. Of course, the gentleman does not know. He knows he would not do it. The gentleman knows he would not do it.

Mr. PATMAN. If you make a case for it.

But we would not bring it out if you had no case.

Mr. BOW. I have already made a case here today.

If what I have said about backdoor spending and the need to control it by appropriations is true, there should be no problem. If I offered a bill to put these funds under the appropriations process, would the gentleman at this time on this floor give me his word that he would have it reported out of his committee and give the Congress a chance to vote on it—something we cannot do under the suspension of rules procedure.

Mr. PATMAN. I think that would be very unreasonable. In other words, the gentleman is asking a promise to pledge his vote on something that he has not even seen.

Mr. BOW. The gentleman knows exactly what it would be. It would be in simple language, and I am sure the gentleman from Texas would understand it.

Mr. PATMAN. No; I think it is too often given as an excuse to be against something. The gentleman in this case, and I take his word, said that he was for the credit unions. Well, if he is, why does he not vote for this? Why give the excuse that backdoor spending is so big?

Mr. BOW. Because I am concerned about protecting the Treasury of the United States and I believe in orderly procedure here in the Congress. Apparently, the gentleman from Texas does not. The gentleman from Texas apparently believes it is acceptable to permit these funds to go out of the Treasury with no control and no real understanding of what use will be made of them. The gentleman says they are never going to be used. If they are never going to be used, why object to providing them through the appropriations process.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Speaker, oftentimes I have heard these excuses given about backdoor spending, and a lot of other similar excuses. But they are just plain excuses, the way I see it.

I do not think it should apply, I will say, to the gentleman from Ohio in this case because he knows it will affect the credit unions and he wants to help them. He wants to be for them.

A critic could very well point out, why in the world do you say then that you are for credit unions and yet you are not willing to do for them only a small percentage of what we have done for the banks and the savings and loan institutions and Fanny Mae under similar circumstances.

In the case of Fanny Mae—if the backdoor spending question was involved, why did not the gentleman bring it up then?

I am sure that when these matters came up, that was not mentioned—or when these others came up, it was not mentioned. When the banks, savings and loans and Fanny Mae—got a $10 billion obligation, they did not say a word about it.

But the poor little credit union with over 20 million members, who have worked their hearts out to have capital available for those individuals in an emergency at reasonable rates of interest—if they come in and just want a few small crumbs off the richman's table—they say, "Oh, no, that is backdoor spending. We cannot allow that. That is terrible—the budget would go wild, and inflated," "prices are going to go out through the roof and everything else."

We hear all kinds of excuses. This is just a very simple question that we are doing for the credit unions under similar and like circumstances and conditions what has already been done to the extent of $10 billion obligation to fewer people who are participants in the program than the credit unions.

The credit unions have more than 20 million members and they are only considering a loan of $100 million in the event they get in any trouble. Here is an example of where they might get in trouble. You seldom hear of the liquidation of a credit union where anyone loses a penny. There are very few instances where anyone loses a penny. Usually where a credit union is in existence, the type of a project where there are thousands of people employed, and the credit union, of course, depends on those employees to make their deposits and to get their loans. But suppose that project is closed down. The credit union closes down. It must be liquidated. Other credit unions take up the obligations and sell them, very seldom do they have one penny of loss.

This is just in the event there should be an exception to the rule and there should be some losses. Then they would be given the same opportunity under the same circumstances to protect themselves. The credit unions would have only $100 million draw compared to $10 billion of the others that I have mentioned.

The reasoning in opposition to the measure is really too ridiculous for adequate consideration here, or to take up time for adequate consideration and vote. The gentleman from Ohio, a great statesman here on the floor, is one of the great servants, and I am proud to know that his views and mine coincide oftentimes, especially on credit unions.

If he will introduce an amendment to this bill, it will be referred to the Committee on Banking and Currency by the Speaker through the Parliamentarian. It will receive consideration and fair consideration in the committee, and if the gentleman can make a case that will justify inserting the language that he wants inserted in this law, I will be for it and try to get it through. But there is no use saying in advance that you will be for something that you have not seen and you do not know how it will be affected and how it will affect this law.

It is fitting in the closing days of the 91st Congress, the Congress in which our beloved Speaker will retire, that there is a piece of credit union legislation on the floor. It should be pointed out that more credit union legislation was passed during the period when JOHN MCCORMACK was Speaker of the House of Representatives than in any other period of history.

Speaker MCCORMACK has been a strong and constant supporter of credit unions. And it is also fitting that the earliest credit unions in the United States were established in the Speaker's home State of Massachusetts and the man who was responsible for the big push behind credit unions in this country was Edward Filene of Boston. Thus, it would have been easy for the Speaker to have inherited his affection toward credit unions, but he adopted that devotion because he believed in the great work that could be done by these organizations. He believes strongly in the motto of CUNA International, the major credit union trade association, that credit unions are motivated "not for profit, not for charity, but for service."

Mr. Speaker, I salute you as a champion of all, but particularly of credit unions.

I cannot close my remarks, Mr. Speaker, without a word of praise for the distinguished majority leader, Mr. ALBERT, who, like yourself, has been a champion of credit union causes.

Whenever I meet with credit union people from Oklahoma, they are quick to point out the outstanding cooperation they have received from the gentleman from Oklahoma (Mr. ALBERT). He has been extremely helpful in scheduling credit union legislation for the floor and he has voted for every piece of credit union legislation that has come before this body since he first became a Member of the House.

I value his friendship and guidance and I know the credit union members across the country appreciate the time he has given to the credit union movement.

Mr. COHELAN. Mr. Speaker, I rise in support of S. 3822, the Federal share insurance for credit unions. This bill would provide Federal insurance for member accounts in State and federally chartered credit unions. This bill will also amend the Federal Credit Union Act to authorize credit unions serving low-income persons to accept deposits for nonmembers.

Mr. Speaker, the tremendous expansion of credit unions, as evidenced by the fact that the current level of assets for all credit unions is some $14 billion, is a valid indication of the increasing use being made of this form of financial institution.

Given the increased use of the credit union, it is necessary that these institutions have adequate Federal insurance. Many of our citizens have made increasing use of credit unions, and, therefore, there is a greater need for adequate protection. This bill meets such a need by allowing State and federally chartered credit unions to acquire Federal insurance.

I am also in support of the provision to authorize credit unions serving low-income persons to accept deposits from nonmembers. This provision will allow such credit unions to expand their available capital.

Mr. Speaker, I urge the adoption of this bill.

The SPEAKER pro tempore (Mr. BOLAND). The question is on the motion offered by the gentleman from Texas that the House suspend the rules and pass the bill S. 3822.

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

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks on the bill just passed and to include extraneous matter.

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

There was no objection.

LEAD-BASED PAINT ELIMINATION ACT OF 1970

Mr. BARRETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation, as amended.

The Clerk read as follows:

H.R. 19172

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Lead-Based Paint Elimination Act of 1970".

GRANTS FOR LOCAL ELIMINATION OF LEAD-BASED PAINT

SEC. 2. (a) The Secretary of Housing and Urban Development is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out local lead-based paint elimination programs.

(b) The amount of any such grant shall not exceed 75 per centum of the cost of developing and carrying out a local program, as approved by the Secretary, during a period of three years.

(c) A local program should include—

(1) the development and carrying out of comprehensive testing programs to detect the presence of lead-based paints in interior surfaces of residential housing;

(2) the development and carrying out of a comprehensive program requiring that owners or landlords of residential housing units promptly eliminate lead-based paints from all physical structures or interior surfaces on which lead-based paints have been used as a surface covering, including those structures or interior surfaces on which non-lead-based paints have been used to cover surfaces to which lead-based paints were previously applied; and

(3) any other actions which will reduce or eliminate lead-based paint poisoning.

(d) Each such program shall afford, to the maximum extent feasible, opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training and education and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint elimination programs.

FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

SEC. 3. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead-based paint poisoning in the United States, particularly in urban areas, and the methods by which lead-based paint can most effectively be removed from existing buildings, structures, and surfaces. Within one year after the date of the enactment of this Act the Secretary shall submit to the Congress a full and complete report of his findings and recommendations as developed pursuant to such program, together with a statement of any legislation which should be enacted, and any changes in existing law which should be made, in order to carry out such recommendations.

PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN FUTURE CONSTRUCTION AND REHABILITATION

SEC. 4. The Secretary of Housing and Urban Development shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in all future Federal construction and rehabilitation and in the construction or rehabilitation, after the date of the enactment of this Act, of any building or structure with Federal assistance in any form.

GRANTS FOR LOCAL DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

SEC. 5. (a) The Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out local programs to detect and treat *incidents* of lead-based paint poisoning. The amount of any such grant shall not exceed 75 per centum of the cost of developing and carrying out a local program for the detection and treatment of lead-based paint poisoning, as approved by the Secretary, during a period of two years.

(b) A local program for the detection and treatment of lead-based paint poisoning should include (1) educational programs intended to communicate the health danger and prevalence of lead-based paint poisoning among children of inner city areas, to parents, educators, and local health officials; (2) development and carrying out of intensive community testing programs designed to detect incidents of lead-based paint poisoning among community residents and to insure prompt medical treatment for such afflicted individuals; (3) development and carrying out of intensive followup programs to insure that identified cases of lead-based paint poisoning are protected against further exposure to lead-based paints in their living environment; and (4) any other actions which will reduce or eliminate lead-based paint poisoning.

(c) Each local program for the detection and treatment of lead-based paint poisoning shall afford opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in local programs for the detection and treatment of lead-based paint poisoning.

CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES

SEC. 6. In carrying out his authority under this Act, the Secretary of Housing and Urban Development and the Secretary of Health, Education, and Welfare shall cooperate with and seek the advice of the heads of other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority.

DEFINITIONS

SEC. 7. As used in this Act—

(1) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(2) the term "unit of general local government" means (A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, (B) any combination of units of general local government in one or more States, (C) an Indian tribe, and (D) with respect to lead-based paint elimination, detection, and treatment activities in their urban areas, the territories and possessions of the United States; and

(3) the term "lead-based paint" means any paint containing basic white lead, leaded zinc oxide, red lead, litherage, lead acetate, and lead driers, singly or in combination, in excess of 1 per centum lead as metal in total nonvolatile.

APPROPRIATIONS

SEC. 8. (a) There is hereby authorized to be appropriated to carry out this Act (except section 5) not to exceed $10,000,000 for the fiscal year 1971 and $10,000,000 for the fiscal year 1972. Not less than 25 per centum of the amount available to carry out this Act as provided in the preceding sentence during each of such fiscal years shall be for the demonstration and research program under section 3.

(b) There is hereby authorized to be appropriated to carry out section 5 not to exceed $5,000,000 for the fiscal year 1971 and $5,000,000 for fiscal year 1972.

(c) Any amount appropriated under this section shall remain available until expended when so provided in appropriation Acts. Any amounts authorized for the fiscal year 1971 but not appropriated may be appropriated for the fiscal year 1972.

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

Mr. BARRETT. Mr. Speaker, I rise in support of my bill, H.R. 19172, to provide Federal assistance to local communities to develop programs to eliminate the causes of lead-based paint poisoning.

This bill, I believe, is one of the most humane and necessary measures which the House Banking and Currency Committee has ever reported. Basically, it provides, for the first time, for Federal financial assistance to local communities to carry out and develop intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning. The bill would also establish a demonstration and research program to study the extent of lead-based paint

poisoning and the methods available for lead-based paint removal. Also, it would prohibit the future use of lead-based paint in all federally assisted construction and rehabilitation programs. This bill authorizes a total of $20 million to be used by HUD and $10 million to be used by HEW.

The Subcommittee on Housing, of which I am chairman, heard considerable testimony on the whole problem of lead poisoning from representatives of HUD and the Public Health Service in HEW. We heard expert medical testimony from members of the medical profession, citizen groups working to eliminate the lead-based paint poisoning problem, and a number of public health officials in some of our large cities. The Members who attended these sessions were astonished to hear what the effects of lead poisoning in children are. The children who ingested this paint, if they manage to survive, would be mentally damaged for the rest of their lives. A number of doctors made the point that lead poisoning is nothing but a manmade disease as opposed to a disease which occurs in nature. It is a disease which is preventable. The doctors concluded that lead poisoning disease has no reason for existence. This bill intends to eradicate the existence of lead-based paint poisoning in children.

Testimony also received revealed that there is a tremendous increase in the incidents of lead poisoning of children in just the past 5 years. New York City reports incidents of lead poisoning in children between 1950 to 1965 of approximately 65 to presently over 200 reported cases a year since 1965. Of course, this does not reveal the extent of this disease which experts estimate to inflict hundreds of thousands in our cities.

This bill is not another bailout for our cities. Most of our large cities have extensive lead poisoning programs to teach parents and children the dangers of ingesting paint and plaster. What we are trying to do here is to assist these cities and local communities with Federal funds in their already on-going programs. We are also establishing a research and demonstration program, first of all to determine the nature and nationwide extent of lead-based paint poisoning in the United States and to come up with new methods to remove lead-based paints from existing buildings. This new demonstration and research program would be continued by both HUD and HEW who will report back their findings to Congress within 1 year. We also provide for a program to be conducted by the Secretary of Health, Education, and Welfare through the Public Health Service to make grants to local governments in their programs to detect and treat the incidents of lead-based paint poisoning. Of course, the HUD end of the program would go toward the development of programs to eliminate lead-based paint from existing residential structures and would prohibit, in all new Federal construction and rehabilitation, the use of lead-based paint.

Mr. Speaker, this bill is a noncontroversial bill which was approved by the Banking and Currency Committee unanimously. It is absolutely important that the Congress act on the bill quickly if we are to fight an increasingly difficult childhood disease which is manmade in origin. Mr. Speaker, I urge the adoption of this bill.

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

Mr. BARRETT. I yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, it is extremely pleasing to me that the Lead-Based Paint Elimination Act of 1970 is before the House today since during this session of Congress I have worked strenuously for Federal legislation to combat lead poisoning.

Although lead poisoning has been killing and crippling young children for many years, its causes and effects have become known only recently. And only recently has the extremely high incidence of lead poisoning become a matter of grave public concern. The problem is severe throughout the Nation. It is estimated that 225,000 urban children between the ages of 1 and 6 are afflicted with this preventable disease. And in New York City, where the problem is particularly acute, some 30,000 children suffer from lead poisoning.

After learning of the prevalence of this disease, and after studying the problem of detecting and treating lead poisoning, as well as eliminating its cause, I determined that Federal assistance was necessary for the development and implementation of local programs. Therefore, I introduced the Lead-Based Paint Elimination Act of 1969 and other legislation to deal effectively with lead poisoning, and I organized a concerted effort among my colleagues, pediatricians, and local health officials for prompt action.

I called upon the chairmen of the House Banking and Currency and Interstate and Foreign Commerce Committees to hold immediate hearings because of the great need to stem the disease.

On November 12, 1969, my office arranged an informational breakfast for Members of the House and Senate. It was attended also by local health officials, medical experts, and others interested in the lead poisoning problem. The program was conducted by the New York Scientists' Committee for Public Information.

At the breakfast meeting three highly qualified experts discussed various aspects of lead poisoning and its dangers. Dr. J. Julian Chisolm, associate professor of pediatrics at Johns Hopkins School of Medicine, presented clinical observations and consequences of the disease; Dr. Edmund O. Rothschild of the Sloan Kettering Institute reviewed the disease's epidemiology; and Dr. Joel Buxbaum of the Albert Einstein School of Medicine discussed the environmental aspects of lead poisoning.

In order to press the New York City administration to embark on a meaningful local program to combat lead poisoning, I organized the 20th District Committee to Wipe Out Lead Poisoning. In February of this year we sponsored a conference for residents of my congressional district on the problem of lead poisoning: its symptoms, its causes, and its cure.

The need for Federal legislation is reflected in the fact that 19 Members of the House joined me in cosponsoring my legislation aimed at eliminating lead poisoning: Congressmen BRASCO, BURKE of Florida, BURKE of Massachusetts, BURTON of California, BUTTON, DADDARIO, EDWARDS of California, HALPERN, HAWKINS, HORTON, KOCH, MCCARTHY, MIKVA, MURPHY of New York, PODELL, PUCINSKI, ROSENTHAL, SCHEUER, and WOLFF. And it was also introduced separately by 11 other Members: Congressman BARRETT, Congresswoman CHISHOLM, and Congressmen CONYERS, FARBSTEIN, FRASER, FULTON, GREEN, HELSTOSKI, MESKILL, MINISH, and REID.

Senator EDWARD KENNEDY, who joined me in cosponsoring the breakfast, introduced legislation similar to mine in the Senate with 19 cosponsors.

Since the introduction of this legislation I have received a large volume of correspondence from all over the country from State and local health officials, legislators, scientists, pediatricians, and other medical experts urging Federal action and expressing national concern about this environmental health hazard. This concern was also communicated to the House Committee on Banking and Currency, and in July the Subcommittee on Housing held hearings on this problem.

I would like to commend the distinguished chairman of the subcommittee (Mr. BARRETT) for recognizing the seriousness of the problem and steering this important remedial legislation through the Subcommittee on Housing and the full Banking and Currency Committee promptly. Seldom has Congress acted so swiftly in responding to a crucial problem. The fact that we have the Lead-Based Paint Elimination Act before us today is a tribute to the leadership of the chairman of the Housing Subcommittee (Mr. BARRETT). I know that the problem of lead poisoning in the city of Philadelphia, which he represents, is also acute. In that city, in 1969, 122 cases were reported, and there was one death. There were 12 deaths between 1964 and 1967.

The Lead-Based Paint Elimination Act offers an effective means to help combat the problem.

Section 2 of the bill authorizes the Secretary of Housing and Urban Development to make grants to local governments to develop and carry out programs designed to detect the presence of lead-based paints and to require that owners and landlords remove it from interior walls and surfaces. The amount of the grants would not exceed 75 percent of the cost of the local programs. This section is the same as my bill, H.R. 9192.

Section 3 provides for Federal demonstration and research programs to determine the nature and extent of the problem and to determine how presently existing lead-based paint can be removed from the interior surfaces of housing. That is a very sound provision which also

requires that within a year of enactment the Secretary of HUD report to Congress on his findings and recommendations.

Section 4 prohibits the use of lead-based paint in the future construction and rehabilitation of any building or structure which receives any form of Federal aid.

Section 5 of the bill authorizes the Secretary of Health, Education, and Welfare to make grants to local governments to develop and carry out programs to identify and treat individuals afflicted with lead poisoning. Again the amount of the grant would not exceed 75 percent of the cost of the local program. This section is the same as my bill, H.R. 9191.

In both H.R. 9191 and H.R. 9192 I provided that:

> Local programs for the detection and treatment of lead poisoning and for the detection and elimination of lead-based paint afford, to the maximum extent feasible, opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment.

I am pleased that the bill before us recognized the importance of involving local community residents in resolving neighborhood problems.

Section 6, as does my legislation, provides for consultation of the Secretaries of Housing and Urban Development and Health, Education, and Welfare with other department and agency heads.

And section 8 authorizes funds to carry out the purpose of the bill. The bill authorizes $10 million for fiscal years 1971 and 1972 to carry out the paint elimination provisions, of which $2.5 million would be used for demonstration and research. It provides $5 million for fiscal years 1971 and 1972 to carry out the case finding and treatment provisions of the bill.

My legislation provided $13.5 million per year for paint elimination programs, and it provided $7.5 million a year for case finding and treatment. I realize that these sums were not sufficient. The legislation before us provides even less, but it is a meaningful effort to initiate this crucial program.

My third bill, H.R. 11699, is not contained in the legislation before us today. That bill would have required that a local government submit to the Secretary of Housing and Urban Development an effective plan for the elimination of the cause of lead-based paint poisoning as a condition for receiving any Federal funds for housing code enforcement and rehabilitation. It also required that the plans be enforced. Thus, it set up a mechanism by which the Federal Government could be sure that lead-based paint was really being removed from the interiors of housing structures.

I strongly support the passage of this bill. Lead poisoning is not a disease whose origins and cure are unknown.

We know what causes lead poisoning—peeling paint and plaster from the interiors of slum housing.

We know why children become lead poisoned—because they eat the peelings.

We know the cure.

And we know that, unless the source of this disease is eliminated, children will continue to be poisoned.

Children in our urban centers have enough strikes against them as it is. I urge my colleagues to support the Lead-Based Paint Elimination Act and, by doing so, to save these children from the permanent damage and death which lead poisoning causes.

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

Mr. Speaker, I support the enactment of H.R. 19172 as reported by the Committee on Banking and Currency.

The problem of lead-based paint poisoning is a tragedy of our own making which afflicts an unknown number of people. It occurs as a result of small children's propensity to put everything they get their hands on into their mouths. In older properties where chips of paint and plaster containing traces of lead are available these are the items they eat.

Testimony which we received from medical experts disclosed that lead ingested into the body accumulates and that once an accumulation reaches a harmful level there is little that can be done to correct the damage. It follows logically that to reduce or eliminate the probems of this disease we must concentrate on preventing it. The entire thrust of this bill is in that direction.

I think one of the most important provisions in this bill is the education programs which would be assisted under section 5(b). As you might well imagine the principal occupants of these older buildings with peeling paint and plaster are the economically and educationally deprived citizens. Testimony showed us that many local governments and private volunteer organizations are presently engaged in efforts to educate these people about this problem. There is no doubt that the majority of parents are willing and anxious to protect their own children but it was quite apparent that very few were aware of the danger. Some volunteer organizations are doing exemplary work in educating the people who live in these dilapidating structures. The $10 million authorized to be appropriated over the next 2 years will, if used wisely in conjunction with existing efforts, go a long way toward correcting the incidence of lead-based paint poisoning caused by ignorance.

I urge the enactment of H.R. 19172.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me some time?

Mr. BARRETT. I yield the gentleman from Iowa 3 minutes.

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

Mr. Speaker, I would like to ask the gentleman to repeat the cost of this bill. He gave it once, but would the gentleman be good enough to repeat it?

Mr. BARRETT. It would cost $10 million for 1971 and $10 million for 1972, which would go to HUD. Then HEW would get $5 million in each of those years. That is a total of $30 million.

Mr. GROSS. Is that a total cost of $10 million a year for the next 2 years? Or is it $30 million for the next 2 years?

Mr. BARRETT. That would be $10 million to HEW and $20 million to HUD.

Mr. GROSS. Then it is $30 million.

Mr. BARRETT. Yes, sir.

Mr. GROSS. That is worse than I thought.

Let me ask the gentleman another question. Why do not the city health departments take care of this situation?

Mr. BARRETT. That is a very good point. The various cities throughout the country have on-going programs, and they are doing a job, but there has been a great increase in the lead-based paint poisoning of children. There are many children now consuming lead-based paint, causing brain damage and retardation. From our hearings we find there are approximately 200 children dying each year. We believe that there are many more such lead poisoning deaths that have gone unreported.

We came to the conclusion that something must be done and must be done immediately. The longer we stand idly by and not give it consideration, the more tragic the situation will be.

Mr. GROSS. All right. There is less lead-based paint used in this country today than ever in its history; is that not true?

Mr. BARRETT. That is not altogether true, but since World War II there has been a cutback on it.

Mr. GROSS. World War II ended almost 25 years ago.

Mr. BARRETT. If I may make a point for the gentleman, I am sure he would want to know this: Prior to World War II most all of the interiors were painted with lead-based paint. These houses are deteriorating now to the point where the paint is scaling and the plaster is peeling off also. The children have a desire to put things in their mouths, and they are picking up these particles and eating them. This is not detected until such time as they are brought in for a thorough examination, and then it is too late. The children are already suffering brain damage and retardation.

It costs the Government $250,000 to take care of that child through his entire life.

Mr. GROSS. How did we get along so well in this country all through the years and up to this point without spending $30 million on this sort of thing? The gentleman has not answered my question. Why do not the health departments in the cities where this is prevalent, if it is prevalent—and it cannot be very prevalent, on the basis of 200 out of a 200 million population—take care of this situation?

Mr. BARRETT. The cities are trying to take care of it to the best of their means. They are not able financially to take care of it adequately. This is the reason why we are stepping in. If we do not do this the damage will continue. I do not believe the gentleman would want to see these children, particularly in the ghettos

where these houses are greatly deteriorated and where the paint is scaling and the plaster falling off, suffer this damage.

Mr. PATMAN. Mr. Speaker, H.R. 19172, the Lead-Based Paint Elimination Act of 1970, was reported by the Committee on Banking and Currency unanimously. This bill would provide Federal financial assistance through the Department of Housing and Urban Development to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning, and would also provide Federal financial assistance through the Department of Health, Education, and Welfare to detect and to treat the incidents of lead-paint poisoning. The bill would also provide for the establishment of a Federal demonstration and research program to study the extent of the lead-paint poisoning problem around the country and to consider new methods available for the quick removal of lead-based paint from the interior of residential structures. H.R. 19172 would prohibit all future use of lead-based paints in Federal or federally assisted construction or rehabilitation.

In order to remove some doubts as to what the proper definition of lead-based paint is, the committee added an amendment which defines the term lead-based paint. This bill would authorize $10 million for fiscal year 1971 and $10 million for fiscal year 1972 to be appropriated for the Department of Housing and Urban Development to be used for direct Federal grants to help cities and communities eliminate the causes of lead-paint poisoning. The bill also authorizes $5 million each for fiscal years 1971 and 1972 to be appropriated for the Department of Health, Education, and Welfare to provide financial assistance again to local cities and communities, to assist their health programs, to identify and treat incidents of lead-paint poisoning.

Mr. Speaker, I urge the adoption of the bill, H.R. 19172.

Mr. HORTON. Mr. Speaker, the lead-Based Paint Elimination Act, which has concerned me for almost 2 years, is before the House today for a vote. I urge my colleagues to approve this extremely important measure.

The Lead-Based Paint Elimination Act does not call for an extravagent expenditure, yet the good of this bill is immeasurable.

I first became aware of the hazards and the extent of lead-based paint poisoning in 1968 when it was called to my attention by the Urban League in Rochester. Then in July of 1969, I toured the inner-city of Rochester, and saw first-hand the dangers of lead poisoning.

I learned that lead poisoning was often found to be a disease of small children who eat peeled or chipped plaster. It can cause death, brain damage, convulsions, impaired walking and other serious and permanent disabilities. Although the disease can be cured and prevented, it has often gone undetected and there are few preventive programs.

When I returned from my tour, I immediately sponsored three bills to detect lead poisoning, to eliminate its source and to educate the public about its dangers.

In June of this year, I urged that the Lead-Based Paint Elimination Act be reported out of committee for I felt lead based paint poisoning was becoming more acute each day we let pass.

The bill before us today is a combination of two of my bills. It would authorize $30 million over a 2-year period to fight lead poisoning.

The Lead-Based Paint Elimination Act authorizes the Secretary of the Department of Housing and Urban Development to make grants to localities to develop and carry out lead-based paint elimination programs in housing. It also authorizes the Secretary of the Department of Health, Education, and Welfare to make grants to local governments for programs to detect and treat lead poisoning. Thus the bill deals with the source and the prevention of the disease.

In my district, the city of Rochester has taken the initiative in beginning a concerted attack on lead poisoning by organizing an interagency program, emphasizing strict code enforcement and public education. However, the city is hampered by lack of manpower and resources.

The Lead-Based Paint Elimination Act before us today would aid Rochester and other cities throughout the country which are battling with the problem of lead-paint poisoning.

Mr. Speaker, we can no longer allow our children to die or become permanently disabled from a disease that can be readily eliminated. I, therefore, ask my colleagues to approve this measure.

Mr. MINISH. Mr. Speaker, the legislation before us, of which I am a cosponsor, would authorize the Secretary of the Department of Housing and Urban Development to make grants to local governments to carry out intensive programs to eliminate the causes of lead-paint poisoning as well as to develop detection programs. The bill also prohibits the use of leaded paints in all federally assisted construction programs, and requires that communities develop plans for curtailing lead poisoning in order to remain eligible for other Federal housing assistance.

Lead poisoning among young children in our urban centers is a grave problem. These children often eat peeling and chipping paint from the walls of older apartments and houses. Brain damage, mental retardation, cerebral palsy, and even death can result.

Approximately 200 children die from lead poisoning every year, and more than 12,000 are treated by doctors and hospitals. Even these statistics, however, do not illustrate the full extent of the problem. It has been estimated that for every child treated for lead poisoning, 25 are injured, perhaps permanently, but never treated.

In my own congressional district, in the city of Newark, N.J., three children under the age of 6 died from lead poisoning this past summer, and over 60 percent of children tested in a recent city screening program were found to have a body lead content above the maximum safety level.

Mr. Speaker, I urge approval of the Lead-Based Paint Elimination Act of 1970.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania that the House suspend the rules and pass the bill, H.R. 19172, 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.

GENERAL LEAVE TO EXTEND

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

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

There was no objection.

PERMISSION FOR CLERK TO MAKE TECHNICAL CORRECTIONS

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make any technical corrections, such as punctuation and spelling, in the bill.

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

There was no objection.

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19342) to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 19342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Chesapeake and Ohio Canal Development Act."

DEFINITIONS

SEC. 2. As used in this Act—

(a) "Park" means the Chesapeake and Ohio Canal National Historical Park, as herein established.

(b) "Canal" means the Chesapeake and Ohio Canal, including its towpath.

(c) "Secretary" means the Secretary of the Interior.

(d) "State" means any State, and includes the District of Columbia.

(e) "Local government" means any political subdivision of a State, including a county, municipality, city, town, township, or a school or other special district created pursuant to State law.

(f) "Person" means any individual, part-

nership, corporation, private nonprofit organization, or club.

(g) "Landowner" means any person, local government, or State owning, or on reasonable grounds professing to own, lands or interests in lands adjacent to or in the vicinity of the park.

ESTABLISHMENT OF PARK

SEC. 3. (a) In order to preserve and interpret the historic and scenic features of the Chesapeake and Ohio Canal, and to develop the potential of the canal for public recreation, including such restoration as may be needed, there is hereby established the Chesapeake and Ohio Canal National Historical Park, in the States of Maryland and West Virginia and in the District of Columbia. The park, as initially established shall comprise those particular properties in Federal ownership, containing approximately five thousand two hundred and fifty acres, including those properties along the line of the Chesapeake and Ohio Canal in the State of Maryland and appurtenances in the State of West Virginia designated as the Chesapeake and Ohio Canal National Monument, and those properties along the line of the Chesapeake and Ohio Canal between Rock Creek in the District of Columbia and the terminus of the Chesapeake and Ohio Canal National Monument near the mouth of Seneca Creek in the State of Maryland. The boundaries of the park shall be as generally depicted on the drawing entitled "Boundary Map, Proposed Chesapeake and Ohio Canal National Historical Park" (in five sheets, numbered CHOH 91,000, and dated October 1969, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior: *Provided*, That no lands owned by any State shall be included in the boundaries of the park—

(1) unless they are donated to the United States, or

(2) until a written cooperative agreement is negotiated by the Secretary which assures the administration of such lands in accordance with established administrative policies for national parks, and

(3) until the terms and conditions of such donation or cooperative agreement have been forwarded to the Committee on Interior and Insular Affairs of the United States House of Representatives and Senate at least sixty days prior to being executed.

The exact boundaries of the park shall be established, published, and otherwise publicized within eighteen months after the date of this Act and the owners of property other than property lying between the canal and the Potomac River shall be notified within said period as to the extent of their property included in the park.

(b) Within the boundaries of the park, the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, but he shall refrain from acquiring, for two years from the date of the enactment of this Act, any lands designated on the boundary map for acquisition by any State if he has negotiated and consummated a written cooperative agreement with such State pursuant to subsection (a) of this section.

COOPERATIVE AGREEMENTS

SEC. 4. The Secretary shall take into account comprehensive local or State development, land use, or recreational plans affecting or relating to areas in the vicinity of the canal, and shall, wherever practicable, consistent with the purposes of this Act, exercise the authority granted by this Act in a manner which he finds will not conflict with such local or State plans.

ACCESS

SEC. 5. (a) The enactment of this Act shall not affect adversely any valid rights heretofore existing, or any valid permits heretofore issued, within or relating to areas authorized for inclusion in the park.

(b) Other uses of park lands, and utility, highway, and railway crossings, may be authorized under permit by the Secretary, if such uses and crossings are not in conflict with the purposes of the park and are in accord with any requirements found necessary to preserve park values.

(c) Authority is hereby granted for individuals to cross the park by foot at locations designated by the Secretary for the purpose of gaining access to the Potomac River or to non-Federal lands for hunting purposes: *Provided*, That while such individuals are within the boundaries of the park firearms shall be unloaded, bows unstrung, and dogs on leash.

ADVISORY COMMISSION

SEC. 6. (a) There is hereby established a Cheasapeake and Ohio Canal National Historical Park Commission (hereafter in this section referred to as the "Commission").

(b) The Commission shall be composed of nineteen members appointed by the Secretary for terms of five years each, as follows:

(1) Eight members to be appointed from recommendations submitted by the boards of commissioners or the county councils, as the case may be, of Montgomery, Frederick, Washington, and Allegany Counties, Maryland, of which two members shall be appointed from recommendations submitted by each such board or council, as the case may be;

(2) Eight members to be appointed from recommendations submitted by the Governor of the State of Maryland, the Governor of the State of West Virginia, the Governor of the Commonwealth of Virginia, and the Commissioner of the District of Columbia, of which two members shall be appointed from recommendations submitted by each such Governor or Commissioner, as the case may be; and

(3) Three members to be appointed by the Secretary, one of whom shall be designated Chairman of the Commission and two of whom shall be members of regularly constituted conservation organizations.

(c) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Commission shall serve without compensation, as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) The Secretary, or his designee, shall from time to time but at least annually, meet and consult with the Commission on general policies and specific matters related to the administration and development of the park.

(f) The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(g) The Commission shall cease to exist ten years from the effective date of this Act.

ADMINISTRATION AND APPROPRIATIONS

SEC. 7. The Chesapeake and Ohio Canal National Historical Park shall be administered by the Secretary of the Interior in accordance with the Act of August 25, 1916 (30 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

SEC. 8. (a) Any funds that may be available for purposes of administration of the Chesapeake and Ohio Canal property may hereafter be used by the Secretary for the purposes of the park.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed $20,400,000 for land acquisition and not to exceed $17,000,000 (1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

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 myself 10 minutes.

Mr. Speaker, the bill now before the House is the last major park and recreation measure which the House will be considering this session. If enacted, it would authorize the establishment of the C & O Canal National Historical Park in the State of Maryland.

H.R. 19342, as recommended by the Committee on Interior and Insular Affairs, represents the constructive contributions of many Members of the House. No one deserves more credit for this bill than the gentleman from Pennsylvania (Mr. SAYLOR). He first introduced legislation dealing with this area during the 86th Congress and he has remained interested in it in the years that have elapsed since that time. It was his bill—H.R. 658—which served as the basic working document of the Subcommittee on National Parks and Recreation when it considered this matter.

Many others helped to formulate the details of the measure now before the House including the chairman of the full committee (Mr. ASPINALL) and the Members of the Committee on Interior and Insular Affairs. In this case, however, we also had the suggestions of Mr. STRATTON—the sponsor of H.R. 2134—and three of our colleagues from Maryland. We were pleased to have the helpful guidance of our friend and former committee colleague (Mr. MORTON)—author of H.R. 4836—and we were equally pleased to have the favorable testimony of the two Members of Congress most directly involved—Representatives GUDE and BEALL of Maryland—authors of H.R. 11988 and H.R. 17950, respectively.

BACKGROUND

Very briefly, Mr. Speaker, I want to discuss the circumstances which led to the presentation of this legislation today.

Long before the birth of this Nation, many men dreamed of a water route to the frontier. Among them was one George Washington who thought that the tidewaters of the Potomac could be extended westward. In fact, he helped to form the first company to accomplish this objective. Although that company ultimately failed, the idea remained and the Chesapeake & Ohio Co. was formed in 1828 to build the canal from Georgetown in the District of Columbia to Cumberland, Md.

The canal was never, really a financial success even though it persisted for nearly a century. Only in the years after the Civil War did it show any signs of being profitable and those meager profits

were erased when a competitive railroad absorbed its most lucrative traffic. The demise of the canal as a business venture was slow, but conclusive. In 1924, the trustees in bankruptcy ceased all canal operations.

In 1938, the U.S. Government acquired title to the 184.5-mile canal corridor from the National Capitol to Cumberland. Since that time, the part closest to Washington has been partially restored and rewatered by the National Park Service and, in 1961, President Eisenhower established the C & O Canal National Monument under the authority of the Antiquities Act of 1906, but no appropriations for restoration or development have been authorized by the Congress.

NEED

If enacted, H.R. 19342 will represent the first congressional sanction of that Presidential proclamation. It is an important measure because it authorizes the appropriation of the funds needed to make the area achieve its maximum outdoor recreation potential. First, it authorizes the appropriation of $20,400,000 from the Land and Water Conservation Fund for the acquisition of lands and interests in lands. Second, it authorizes the appropriation of $17 million for development and restoration activities in the area.

The members of the Committee on Interior and Insular Affairs agreed that this historic area is worthy of the investment which H.R. 19342 authorizes. Not only will it round out a park area with nationally significant historic values, but it will assure a park adequate to help meet the outdoor recreation demands of the future. Already, the relatively undeveloped area administered by the National Park Service is receiving approximately 2½ million visitor-days of use annually. As other features of the canal are restored and appropriate visitor-use facilities installed, this area will undoubtedly become even more popular.

The C & O Canal National Historical Park can be a place for everyone; the rich and the poor, the black and the white, and the old and the young. Here, visitors can relive a moment of history which itself reflects such a merging of people with different backgrounds. Likewise, visitors in this area can experience the wonders of nature in every season of the year or enjoy the atmosphere of a peaceful place for a multitude of recreational activities.

More and more we are realizing that we need parks near our urban centers. In the last decade, we have made considerable progress toward this end. Places like Fire Island National Seashore in the New York City area, Point Reyes National Seashore near San Francisco, and Indiana Dunes National Lakeshore near Chicago are just a few of the areas established by the Congress in recognition of this need. The C & O Canal National Historical Park is not unlike those areas because it will offer hiking, fishing, boating, canoeing, bicycling, and other recreation opportunities to the residents of the Washington-Baltimore region. In addition, when the historic attractions are restored, this will be a major visitor spot for people from all parts of the country.

FEATURES OF THE BILL

Mr. Speaker, the committee substantially rewrote this bill. We used H.R. 658, by our ranking minority member, as the basic framework of the legislation, but when we finished our deliberations, it seemed appropriate to introduce a clean bill for the consideration of the full committee—even though we knew that some amendments might be required. Basically, this is the bill that is now before the House.

Without going into too much detail, I do want to highlight a few features of the bill. As it is recommended by the committee, the bill establishes the historical park and provides that it shall include approximately 20,239 acres of land. The boundaries of the park are shown on the map, but none of the State lands are to be included unless they are donated or are administered, by agreement, in accordance with national park standards. Under the terms of the bill, the exact boundaries of the park are to be established within 18 months after the enactment of the legislation so that the property owners will know exactly where they stand—and, incidentally, the Federal Government should then know precisely what the State of Maryland will do.

Another important feature of the bill involves access across the park boundaries. Testimony before the committee by the Director of the National Park Service indicated that existing access agreements would be honored and the bill specifically protects valid existing rights. It authorizes the Secretary to issue other permits for utility crossings as long as they do not interfere with park values. Appropriate access to the river and nonpark properties by hunters is provided in the bill, subject, of course, to the prohibition of hunting within the park boundaries.

As has frequently been done, the bill authorizes the creation of an Advisory Commission which will consult with the Secretary. It will comprise 19 members who will serve without compensation, except for expenses incurred in connection with the business of the Commission.

As usual, the committee recommendation contains a maximum ceiling on the amount authorized to be appropriated for land acquisition. If all of the privately held lands are acquired in fee by the Federal Government—122,175 acres—then the total investment is estimated at $20,400,000, but we hope that this can be reduced by the cooperative action by the State of Maryland and by the acquisition of less-than-fee interests where negotiations permit.

The bill also contains a ceiling on the amount authorized to be appropriated for development purposes. As recommended, this amount has been reduced from $47 million to $17 million, because the members of the committee feel that this is the best method of exercising oversight over the program. We fully expect that it will be necessary to increase this authorization within the next 3 years if the proposed development plan is to be fully implemented, but this ceiling will give the committee and the Congress an opportunity to review the progress made with the funds appropriated before acting to increase the ceiling.

CONCLUSION

Mr. Speaker, that summarizes the importance of and features of H.R. 19342, as amended. The members of the Committee on Interior and Insular Affairs considered it carefully and we recommend its approval by the House, as amended.

Now, Mr. Speaker, this concludes my summary. The members of the committee studied this bill and passed it out unanimously.

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

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

Mr. GROSS. I thank the gentleman for yielding.

Did the gentleman say that 12,000 acres would cost $20 million?

Mr. TAYLOR. That is correct.

Mr. GROSS. Is there gold out there in those hills in Maryland? Is there gold or what?

Mr. TAYLOR. I might state to the gentleman from Iowa that I am not sure what type of gold he refers to, but there are some 389 improvements on the property and there are other improvements there. It depends upon what we mean by gold. If we are going to develop parks near the urban centers where they are really needed, we have got to pay high prices for land. We will not be buying only acres, but lots, a great many lots with beautiful views of the river and that will be rather expensive. This is the estimated cost of the land. I would hope we can reduce this cost by taking scenic easements instead of buying it in fee and by cooperating with the State of Maryland which intends to acquire 2,000 acres.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, do I understand that this 12,000 acres will require an expenditure of $47 million to develop?

Mr. TAYLOR. That was the estimate by the Department of the Interior. This is a long shoe string park, reaching more than 160 miles. A good portion of the canal will be restored because we want to emphasize the historical features. However, there will be a great many recreational areas, parking lots and picnic areas as well as other recreational facilities.

Mr. GROSS. Page 6, line 24, indicates it is $47 million for development; is that correct?

Mr. TAYLOR. That was the estimate of the Department of the Interior. This legislation authorizes a total appropriation for development of $17 million. The idea was that they would have to come back and justify any further expenditures for development.

Mr. GROSS. Where is the amendment to this bill? I am reading from page 6, beginning on line 21, that—

There is authorized to be appropriated such sums as necessary to be appropriated not to exceed $20 million for land acquisition and not to exceed $47 million for development at 1970 prices.

Mr. TAYLOR. That has been reduced.

Mr. GROSS. The figure of $47 million

has been reduced to $17 million for development?

Mr. TAYLOR. The committee amendment reduced that figure to $17 million.

Mr. GROSS. Well, the bill number from which I have just read is H.R. 19342 and the report accompanying that bill bears the same number.

At any rate, does the gentleman from North Carolina have any idea what the road to the poorhouse is going to be paved with? Asphalt, cement, gravel, or what? To put up this kind of money it seems to me at this time of financial crisis that faces this country is incredible. I am surprised that the committee keeps putting these bills out. Where do you propose to get the money to do all of this?

Mr. TAYLOR. Let me state to the gentleman from Iowa that the House of Representatives has approved legislation increasing the land and water conservation fund from $200 to $300 million. After this increase was made we saw the green light to authorize some additional recreational projects.

This has been studied thoroughly, and it will provide a great amount of benefit for a tremendous number of people.

I share the concern of the gentleman with respect to so much congressional spending. Every year since I have been in Congress I have voted to spend less total money than the President has recommended. But I do believe spending money for these conservation projects and recreational projects will prove to be in the interest of the people. As we develop parks near our urban centers it will go a long way toward solving the human problems that plague our Nation.

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

Mr. Speaker, today is a very memorable day as far as this piece of legislation affecting the C. & O. Canal is concerned.

Many years ago a group of men headed by the first President of the United States, George Washington, felt that it would be advisable for the people in this area to have a water route into the interior of our country, and particularly into the great Ohio Valley. So they drafted plans for the construction of a canal along the Potomac River until it came near to what is now Cumberland, Md. There it would go by means of a railroad across the mountains into the headwaters of the Monongahela River and down into Pittsburgh.

The canal was started and construction proceeded at a rapid rate. In fact, there were not enough people in this country at that time to even build the canal, and those who were in charge of it went to Ireland, put advertisements in all the Irish papers asking people to come to this country and work on a great project. Many of them came.

Unfortunately, the finances of our country and progress caught up to them. So they completed the canal only as far as Cumberland, Md. It never got as far as Pittsburgh, or the Monongahela River or to the Ohio Valley. But it was a canal that was actively used for a long, long time, and provided a great means of transportation throughout the Potomac Valley.

As the gentleman from North Carolina has stated, the Federal Government acquired this property in the midst of the depression. The B. & O. Railroad at that time was bankrupt. In an effort to solve and pay off some of the obligations to the Federal Government this tract of land was deeded under the Roosevelt administration and became Federal property. It remained Federal property, and still is Federal property.

In the closing days of the Eisenhower administration, President Eisenhower issued an executive order making the C. & O. Canal a national historic monument, and did this under the Antiquities Act. But unfortunately, Congress has had a policy for many, many years that we will not spend money on improvements unless it becomes a unit of the national park system by act of Congress.

When Glenn Beall, Sr., was a Member of the House of Representatives, he was a very, very moving force in attempting to have this canal made a part of the national park system. When he moved from the House to the Senate, he was still very much interested and he attempted to, and did on several occasions, have a bill passed by the other body to try to make this C. & O. Canal a unit of the national park system.

When his son, GLENN BEALL, JR., came to the Congress, he carried on this effort, as his father had, and he was one of the moving forces for a national park because a large portion of this canal is in his congressional district.

Another person who was a great force in this project is the Member of Congress who represents the district just adjacent to Washington, D.C., my good friend, the gentleman from Maryland (Mr. GUDE).

A portion of this canal, and probably the best used portion of this canal, runs through his district. On a number of occasions he has had meetings in his district, getting the people who live along the canal, and the people who own property along the canal, and the various towns and townships and the various county officials together to try to work out a proposition where we can have a viable unit of the national park system.

I am satisfied that without the work of these two men in the field in their own congressional districts, we would not have been able to have the unified support presented by the people of Maryland and the District of Columbia and the various conservation organizations who are in support of this legislation.

Our colleague, the gentleman from Iowa (Mr. GROSS), has called attention to the fact that the Park Service originally asked for $47 million for development. The members of the House Committee on Interior and Insular Affairs felt that this was actually too large a sum of money and too long a program to endorse at once. So we have reduced it by the sum of $30 million which will be enough to take care of the development for the first 5 years. After that, I am frank to tell you, I am sure the Park Service will be back to show our committee what they have done and they will be telling us what they need to complete the remainder.

We have worked out here, and of course in a large part due to the gentlemen from Maryland (Mr. GUDE and Mr. BEALL), an arrangement between the State of Maryland and the Federal Government whereby the State can keep their parks and operate them as units within the national park system.

I am satisfied at long last that we are on the threshold today of creating the C. & O. National Historic Park and would ask the rules be suspended and that the House pass this bill.

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

Mr. SAYLOR. I yield to the gentleman.

Mr. KYL. The gentleman from Pennsylvania spoke about this first authorization for 5 years for development. I think there are a couple of other factors that ought to be mentioned here in that regard. The first is that we would need 5 years experience to see what portions of this area are just naturally going to be used more than other portions so that we would know where to put the kind of development that is needed.

But perhaps of even greater significance—we need some experience to show those places which we will have to protect from overuse lest we destroy what we are really trying to protect by this particular piece of legislation.

Mr. SAYLOR. That is correct and these are some of the reasons why we cut down the request from $47 million and made it only $17 million, at this time.

Mr. GUDE. I thank the gentleman for yielding. I would like to commend the gentleman from Iowa to whom the gentleman from Pennsylvania just yielded. I believe his remarks are very well taken. From the testimony which was gathered before your committee, from conservation and wildlife groups and others, I believe the Park Service is well aware that there must be a balance in this park between wild areas and recreation areas where there will be more intense development. I want to thank the gentleman from Pennsylvania for his leadership. It is typical of his record of service on behalf of the American environment and his long stewardship of our resources.

I also would like to thank the gentleman from North Carolina (Mr. TAYLOR), who conducted the comprehensive hearings, at which a great many individuals, conservation organizations, and representatives of State and local governments contributed their views and support to the park. I am sorry that the gentleman from Colorado, Chairman ASPINALL, cannot be here today, because he gave this legislation his usual careful review and gave it his enthusiastic support. I hope we are going to enact this bill today.

This legislation will create a 20,000-acre national park along the C. & O. Canal and towpath, stretching 184.5 miles along the Potomac River from Washington to Cumberland, Md. More than 7,000 acres are already in the Federal domain.

The canal is dotted with historic lockhouses and other structures dating from a unique chapter in the history of trans-

portation. Indeed, much of our young Nation's history was written along the shores of the canal, where Americans marched westward and fought bloody battles of the Civil War.

Those Members of the House who have joined us on hikes and canoe trips on the canal can testify that the canal offers rich scenic beauty, and recreational opportunities for all ages and tastes. There are opportunities for hiking, jogging, bicycling, horseback riding, fishing, boating, picnics, and camping, as well as miles of uninterrupted wilderness for solitary walks.

And all this lies at the doorstep of a major metropolitan area. This park is not only tailor-made for Secretary Hickel's program of expanding recreational opportunities and open space in urban-suburban areas, but is in fact No. 1 on the list of open space park areas which the administration is proposing for the heavily populated regions of the United States. Local citizens and our visitors can leave the hot sidewalks of Georgetown, step onto the towpath, and stride into green open spaces as far as their energy will carry them. There is no other national park which can serve an urban-suburban area so well.

The bill would authorize $20 million for land acquisition along the canal and $17 million for restoration and necessary public facilities. I believe the committee has set its priorities wisely. The full authorization for the land acquisition program is vital, because land costs along the Potomac are increasing at the rate of 10 percent a year. The committee has reduced, by $30 million, the authorization for restoration and development recommended by the Interior Department. I think this decision was prudent, given budgetary constraints and the need to proceed with caution on further park development. Much of the great appeal of the park lies in the scenery and wildlife it offers undisturbed, in its long stretches of wilderness. Any restoration and development program must be undertaken with scrupulous attention to preserving the natural integrity of the landscape.

I am pleased, too, that the committee has approved provisions directing the Secretary of the Interior Department to take account of State and local development plans in administering the park. This provision, along with the Park Commission established under the bill, form the basis for a partnership which can assure that all jurisdictions and organizations interested in the canal area have a chance to cooperate and contribute to the best possible uses of the park. The Park Service should work in partnership with the State of Maryland, which has already begun the development of park and recreation areas such as Fort Frederick State Park and the Seneca Creek Watershed in Montgomery County.

This legislation has enjoyed the sustained and vigorous suport of a great many citizens and conservation organizations, many of whom have voted with their feet to preserve the canal, on 16 annual hikes of the C. & O. Canal. With your support today, we will be halfway home, and a long step toward a full program of preservation of the Potomac Basin for our children.

Mr. SAYLOR. Mr. Speaker, I yield to the gentleman from Maryland (Mr. BEALL).

Mr. BEALL of Maryland. I thank the gentleman from Pennsylvania for yielding. I, too, would like to join in paying tribute where it is so richly deserved, to the gentleman from Pennsylvania and to the gentleman from North Carolina (Mr. TAYLOR), for the hard work they have put in, both individually and collectively, and to the members of the subcommittee and the members of the full Committee on Interior and Insular Affairs for their support of this legislation.

I certainly appreciate the remarks made by the gentleman from Pennsylvania about my father, who worked for many years in trying to get a bill like this enacted. It is gratifying to me that I am able to be here when it finally passes the House of Representatives. It will be a park not only for a congressional district and for the State, but as a result of this bill today, we will have a new recreational facility available to many people up and down the eastern seaboard and the middle part of the United States of America. It is truly a conservationist's dream.

Perhaps of great significance, too, is the fact that we are preserving for posterity a very important part of our American heritage, and I appreciate all the hard work that has gone into preparing the legislation that is before the House today.

Today is an important one for Marylanders and all those who live and work in the Washington, D.C., area. The C. & O. Canal National Historical Park, as established in H.R. 658, will guarantee that the beautiful area along the canal will be preserved for the enjoyment of many future generations. The legislation is of particular interest to me because the Sixth District, which I represent, included that portion of the Canal lying between Montgomery County, Md., and Cumberland, Md., a distance of over 130 miles.

It is of significance to me also, because the efforts to establish this park area go back to the 1940's when my father was the Representative of the Sixth Congressional District. For years he, and my distinguished colleague from Pennsylvania, Congressman SAYLOR, tried their best to get the legislation through the House of Representatives. Later, Senator Charles MATHIAS, as the Representative of the Sixth District, took up the fight. And now, after so many years of hard work, the passage of this measure is being accomplished.

There is great historical significance in the canal. It is symbolic of an era in American history long since past. At one time it was one of the most important means of transportation because it was operative during a time when our Nation was looking westward for new frontiers.

The development of this historical park is certainly consistent with our national priorities of conservation, scenic preservation, and provision of recreational opportunities. The Potomac River represents an extremely valuable national asset and the establishment of this park is a desirable step toward preserving this great body of water in a State suitable for recreational purposes.

With respect to the bill itself, I want to point out that it creates a C. & O. Canal National Historical Park Commission, which will be composed of representatives of States and local government, as well as the Federal Government. This is extremely important because of the involvement of the people of this area in the history of the canal. It will also help to provide a means for working out access problems to the river which frequently arise.

Under other provisions of the bill, development of the great recreational potential of the canal area will take place. Millions of citizens in the Maryland, Virginia, West Virginia area will be able to take advantage of the new facilities for hiking, biking, boating, or fishing. It will, in addition, provide protection against commercial development of one of the most beautiful areas of the East Coast.

Mr. Speaker, I am delighted that this measure is moving ahead to enactment and I want to commend my colleagues on the Interior Committee for their efforts on this bill.

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

Mr. SAYLOR. I am happy to yield to my colleague, the gentleman from Iowa.

Mr. GROSS. I would like to say something in behalf of posterity by way of a solvent United States of America. I wonder, if we continue what has been going on through the device of borrowing money and spending it and robbing the dollar of its value—we now have a 35-cent dollar—I wonder who is going to look to posterity and the solvency of this country? After all, there may be some virtue in this project and other projects like it in that it may provide a place in which I can pitch my pup tent, a place where I can eke out some kind of existence out there in the timber eating acorns. But the question I really wanted to ask the gentleman is whether the plush International Monetary Fund World Bank Country Club is close enough to be included in the land acquisition for this park?

Mr. SAYLOR. Just let me answer the second question that you have raised first. It is not close enough to be acquired. It was never intended to be acquired as a portion of this park.

Mr. GROSS. It will or it will not be?

Mr. SAYLOR. It will not be.

Mr. GROSS. I am sorry to hear that.

Mr. SAYLOR. I would like to say further to the gentleman from Iowa that he renders a great service to the country by his constant reminder of the condition of our Treasury. I would like to call to his attention a remark of one of our colleagues from the Midwest who a number of years ago came to be just as concerned as the gentleman from Iowa has been and began to question, "Why are we spending so much money on so many of these parks?"

I gave him the best explanation I could, that I thought it was for the bet-

terment of not only the people who are living today but of generations to come.

The gentleman came back after that month's vacation which we had a short while ago. He called me and said he would like to come to my office. Members are always welcome in my office. He came in and said he wanted to apologize to me and through me to all Members of the Congress for the doubts that he had about the policies of the House Committee on Interior and Insular Affairs in creating national parks.

He said:

You know, I have gone out and I have visited some of these national parks this month. I thought there was a great deal of money, but when I saw the parks, I realized it was the greatest investment that Congress has made since I have been a Member. All I can tell you is I will support you in every one you ask for, because you are building not just for today but you are building for the future.

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

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

Mr. GROSS. Mr. Speaker, the gentleman had another illustrious colleague from the State of Pennsylvania and he well remembers that gentleman used to ask the House, "Where are you going to get the money?"

Mr. SAYLOR. I want to say that my good friend Bob Rich dead and gone, also used to say:

Somehow this country seems to be going on, and the country seems to be in a little better shape every day.

This is a viable country. I am not worried about the future in the same way the gentleman from Iowa is.

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

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

Mr. KYL. Mr. Speaker, lest there be a misunderstanding about the very valuable colloquy in which we have been engaging, I think it should be pointed out once again the funds for acquisition and development of these parks do not come from tax funds. It has been the practice of the Appropriations Committee of the House and of the other body to appropriate funds only from the Land and Water Conservation Fund, which is built up, among other things, from the use of fees, so this money is appropriated in a manner different from other categories.

Mr. SAYLOR. Mr. Speaker, this is correct.

BACKGROUND

Years ago, I sponsored legislation recognizing the historical, cultural, and recreational values of the C. & O. Canal. At that time it seemed apparent to me that this valuable resource could provide a magnificent natural setting for the enjoyment, not only of the people living nearby, but for the people of the entire Nation.

Originally, the C. & O. Canal was to stretch from Washington to Pittsburgh, but the money ran out and progress outpaced its construction. Only a little more than halfway to its goal in Pennsylvania, construction of the canal ceased in 1850.

At one time, Mr. Speaker, this man-made intrusion on the Potomac Valley must have been an ugly scar on the landscape, but time and nature have healed the wounds so that this fine relic of the canal building era provides a peaceful and picturesque setting for people of all ages.

THE LEGISLATION

Mr. Speaker, H.R. 19342, if enacted, will establish the C. & O. Canal National Historical Park. Present plans call for an area totalling about 20,240 acres, of which more than 7,000 acres are presently in Federal ownership and almost 1,000 acres are owned by the State of Maryland. In some places, public ownership is confined strictly to the canal and its towpath at the present time; consequently for proper scenic and administrative purposes some lands will have to be acquired. Altogether, about 10,000 acres of privately owned lands are involved.

It is recognized that man has been a part of this scene for many years. In some cases, it will probably be unnecessary to acquire the fee title to a property, because its current use is compatible with the setting and harmonizes with the purposes which this legislation seeks to achieve. In these cases, the Secretary should seek an easement which will assure the continued use of the property in a manner consistent with the park. If it is possible to achieve the park objective with a less-than-fee interest, and if that can be accomplished at a reasonable price, then, by all means, the Secretary should effectuate that economy.

The bill contains the usual language which describes the area by reference to a map. Because of the relatively complex land ownership patterns involved, however, the committee bill also includes a provision requiring the Secretary to establish precise boundaries for the park and to publicize them within 18 months after the date of enactment of this act so that any private property owners involved will be adequately informed. This is not a common provision, Mr. Speaker, but it is one which the members of the committee feel is important, in fairness, to the landowners in this area.

Some of the lands, as I have pointed out, are presently owned by the State of Maryland. The committee understands that the State wishes to retain them and administer them for park and recreation purposes. We have no objection to the continued State operation of these areas as long as they are managed in conformity with national park standards, but we want a clear agreement to this effect before including any State lands within the park boundaries. For this reason, the committee has written into the bill a provision prohibiting the inclusion of any State-owned lands unless they are donated to the Federal Government or until the State and the Secretary enter into a written cooperative agreement with respect to the administration of any State-owned lands within the park. In either event, the committee expects to be advised of the details of the arrangement prior to the execution of any agreement.

No one likes to hunt more than I do, Mr. Speaker, but recreational hunting is not—and should not be—permitted in national parks. This bill is drafted to prohibit hunting on any lands within the park boundaries, but it does provide appropriate guidance for the regulation of hunters who are merely traversing parklands in order to get to the river. The Potomac River is not included in this legislation and will not be subject to administration by the Secretary under the terms of this bill.

Finally, Mr. Speaker, the committee approved the establishment of an advisory commission for this park. As has proven to be the case at many park and recreation areas, this commission can serve a valuable public purpose with a very nominal cost. Members serve without compensation, but they do receive reimbursement for expenses incurred as a result of commission activities.

COST

Land costs in this area will be substantial. Undoubtedly, if legislation like H.R. 19342 had been enacted when I first introduced a bill for this area 11 years ago, a great deal of money could have been saved, but there have been other priorities and problems which have intervened and made that impossible. The fact that it is now possible to give this legislation consideration means that future escalation will be arrested if this authorizing legislation and the appropriations to implement it are approved in the near future.

The committee has recommended a substantial reduction in the development authorization—from $47 to $17 million. We know that the costs for development of this area will exceed the amount contained in this bill, but we concluded that it would be appropriate for the Congress to review progress on the development plan before recommending additional appropriations. The amount contained in the bill is adequate authority for the funds needed for the first 3 years of the development program. I do not think it is good policy to allow a large backlog of authorizations to develop. Under this provision, the National Park Service will have to show us what has been done with the funds appropriated within a reasonable period of time.

CONCLUSION

Mr. Speaker, this legislation will serve two important needs. First, it will assure the preservation and restoration of a nationally significant historic area for all generations of Americans. And second, it will provide a place for the millions of Americans living in this region to enjoy a host of suitable outdoor recreation activities.

I strongly recommend the enactment of H.R. 19342, as amended, and I urge its approval by the Members of this House.

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

Mr. BURKE of Massachusetts. Mr. Speaker, I associate myself with those who support this legislation today.

Mr. Speaker, I would like to inform

Members of the House that today I talked on the telephone with Mr. Thomas Hale Boggs, Jr., of Chevy Chase, Md. He requested that I inform the U.S. Congress of his strong support for H.R. 19342. At this point I include his statement, made part of the hearings record before the Subcommittee on National Parks and Recreation:

STATEMENT OF THOMAS HALE BOGGS, JR.

In the *Historic Preservation Act* of 1966, Congress declared it to be national policy, "that the spirit and direction of the Nation are founded and reflected in its historic past," and "that the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people." In the same year, in the *Model Cities Act* Congress declared ". . . there is a need for timely action to preserve and restore areas, sites, and structures of historic or architectural value in order that these remaining evidences of our past history and heritage shall not be lost or destroyed through the expansion and development of the Nation's urban areas."

It is clear that the expansion and development of the urban areas is now upon us. Because of this increased urbanization and because so many of our natural resources are becoming lost to us, I think it is of great importance that H.R. 658 and related bills be passed.

The Chesapeake and Ohio Canal was built during the great canal building era and is an example of one of the most interesting early phases of our national communication system. As early as 1754 George Washington envisioned a system of river and canal navigation along the Potomac Valley. Until then transportation was confined to the East along the rivers and bays, but with the extension of the frontier to beyond the Allegheny Mountains plans were made to connect the East and West by a navigable waterway. Through the efforts of Washington, the Potomac Company was organized in 1785 to carry out this plan.

Following the success of the Erie Canal, the popularity of the continuous canal idea increased rapidly. In the 1820's and 1830's, during the great canal-building period, more than 4,000 miles of waterways were planned or begun. However, the Potomac Company failed to provide a dependable water route to the West. This, together with the feverish canal building of the time, led to the successful organization of the Chesapeake and Ohio Canal Company in 1828. Anticipating a large share of the trade with the rapidly growing West, promoters in Maryland, Virginia and the District of Columbia planned a canal some 360 miles long. The canal was to connect Georgetown on the Potomac River with Pittsburgh on the Ohio River. President John Quincy Adams lifted the first shovelful of earth on July 4, 1828 and in 1831 water was admitted into the first completed division, the section between Georgetown and Seneca. Soon afterwards, the Chesapeake and Ohio Company encountered financial and legal difficulties. Thus, the proposed route beyond Cumberland which was to cross the Alleghenies to Pittsburgh had to be given up. Navigation of the Canal was begun as the divisions were completed: first, from Georgetown to Seneca in 1831; then to Harpers Ferry in 1833; to near Hancock, Maryland in 1839; and finally to Cumberland in 1850. Canal boats carrying coal, flour, grains, and lumber were seen on the canal until 1924 when loss of traffic to the more modern forms of transportation caused its abandonment.

The Canal is rich in historical significance. It stands as a landmark of early transportation when teams of two or three mules were used to pull the barges up and down the quiet stream. The 74 locks, the aqueducts, the 3,000 foot Paw Paw Tunnel blasted through a mountain, the trim stone lockhouses seen on the Georgetown Division are impressive examples of the architectural and engineering skills of the early canal builders. It was in Cumberland, Maryland, that General Braddock began his march to Pittsburgh during the French and Indian War. At Williamsport, Maryland, the main part of the Confederate Army crossed the Potomac in 1863 . . . on their way to Gettysburg. From the canal, visitors can view Antietam, the site of one of the most deadly battles of the Civil War. It deserves the same status and protection from the encroachments of a developing area such as heavy power lines and highways that these neighboring National Historical sites now enjoy.

With the end of operations in 1924, the canal was abandoned, its preservation left to the people living in the Potomac Valley. In the mid 1950's, there was a resurgence in interest in the shaded canal. Hikes, canoeists, campers, cyclists, wishing some respite from the hot and teeming concrete of the city were found along the quiet cool shady stretch of water. The interest in the canal has been building and last year 1.5 million people of all ages used some segment of the Canal. There is no reason to believe that this renewed interest will cease. The overwhelming growth of our cities and the spirit of the cities, crowded, noisy, pressure ridden—make it more than ever necessary that historical areas be protected and preserved. We need places were people can escape from the city, take quiet walks and sails, enjoy the unending cycle of nature and the historical traditions of the land. I heartily endorse the acquisition of land to make an historical park of the C and O Canal.

I agree with those who say that we must begin immediately to preserve and restore this historic area. The projected population growth of the Potomac Valley suggests an increase to 12 million people in 1985 from a population of 5.3 million today. The canal as it is today nowhere capable of hauling that many people. The Canal is in major need of restoration. Some of the locks are no longer working, the towpath has not been regularly repaired, fallen trees and underbrush are cluttering the area, the aqueducts are crumbling. In order to protect the historic sanctity of the canal these must be repaired.

In addition, more parking lots will be needed, more picnic areas must be made available, boat ramps and boat houses should be provided so that the people will better understand and appreciate the natural beauty and historical significance of the park. The work must begin now. If we delay in purchasing the land, the prices will soar, and the open space now readily available to us will shrink as the giant megalopolis expands.

The plan to restore the Canal must encompass all aspects of our ecological culture. I have purposely avoided using the phrase, "develop the canal" because I think that when discussing natural resources the word "develop" has a perjorative connotation. All aspects of the canal must be taken into consideration before work is started. Upper-most in the plans should be preservation of the total environmental quality of the park area. This would necessitate the cleaning up of the polluted water, the protection of the flowers and wildlife, the preservation of the existing trees and the planting of new ones to insure at least one desperately needed fresh air corridor in and out of the Metropolitan area. This quality and spirit of environment must be maintained and strengthened. In order to do this, all interested parties must be brought together. The architects, engineers, naturalists, historians, and conservationists should have a hand in planning with the National Park Service the Park's restoration and maintenance. The parking lots and other facilities to be added must be done quietly and made to be as unobtrusive as possible. The charm and attraction of the canal is that it is an oasis in the city. It is loved for its lack of pavement, its lack of modern development. What the people want is to look, feel, and be aware of the natural environment. The area between the canal and the Potomac River should be secured against concrete and pavement. Great care must be taken that this remain and become a people's park and not a traffic park. Shuttle services could be run from various points around the Metropolitan Area to reduce the need for expansive gleaming white parking lots and streets.

Today, more than ever before, it is imperative that what limited space we do have, what limited natural beauty we can still enjoy, what historical traditions we can still inspect and instill in others, should be preserved and enhanced and made accessible to a nation starving for a patch of green and a breath of air.

Mr. COHELAN. Mr. Speaker, I rise in full support of H.R. 19342, a bill to establish the Chesapeake & Ohio Canal National Historic Park.

I am most pleased to lend my support to this worthwhile legislation for I have personally enjoyed the beauty and recreational facilities of this area for many years. This bill would provide for the proper development and expansion of this area so as to provide a major attraction for citizens of the Washington area as well as for the millions of Americans who visit our Nation's Capital each year. Future development plans for this area will emphasize the historical aspects of this park as well as preserve the natural beauty of the canal.

This bill serves to make the Chesapeake & Ohio Canal area a meaningful unit of the national park system. Appropriate facilities will be expanded to accommodate the millions of visitors expected in this area annually. Authorized funds will be appropriated to properly develope this area as well as acquire those adjacent lands to the canal that will be needed to assure proper access to, and use and protection of the park.

Mr. Speaker, at this time in our national history when we must make every attempt to improve the quality of life for all Americans in this Nation, I fully support the establishment of the Chesapeake & Ohio Canal National Historic Park. It is my hope that we can establish this park so as to provide a place of beauty and recreation for our generation as well as for our children and grandchildren.

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

The SPEAKER pro tempore. The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 19342, 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.

GENERAL LEAVE TO EXTEND

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

extend their remarks on the bill (H.R. 19342) just passed.

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

There was no objection.

GEOTHERMAL STEAM ACT OF 1970

Mr. EDMONDSON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 368) to authorize the Secretary of the Interior to make disposition of geathermal steam and associated geothermal resources, and for other purposes, as amended.

The Clerk read the bill as follows:

S. 368

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 "Geothermal Steam Act of 1970".

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

(a) "Secretary" means the Secretary of the Interior;

(b) "geothermal lease" means a lease issued under authority of this Act;

(c) "geothermal steam and associated geothermal resources" means (i) all products of geothermal processes, embracing indigenous steam, hot water and hot brines; (ii) steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations; (iii) heat or other associated energy found in geothermal formations; and (iv) any byproduct derived from them;

(d) "byproduct" means any mineral or minerals (exclusive of oil, hydrocarbon gas, and helium) which are found in solution or in association with geothermal steam and which have a value of less than 75 per centum of the value of the geothermal steam or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves;

(e) "known geothermal resources area" means an area in which the geology, nearby discoveries, competitive interests, or other indicia would, in the opinion of the Secretary, engender a belief in men who are experienced in the subject matter that the prospects for extraction of geothermal steam or associated geothermal-resources are good enough to warrant expenditures of money for that purpose.

SEC. 3. Subject to the provisions of section 15 of this Act, the Secretary of the Interior may issue leases for the development and utilization of geothermal steam and associated geothermal resources (1) in lands administered by him, including public, withdrawn, and acquired lands, (2) in any national forest or other lands administered by the Department of Agriculture through the Forest Service, including public, withdrawn, and acquired lands, and (3) in lands which have been conveyed by the United States subject to a reservation to the United States of the geothermal steam and associated geothermal resources therein.

SEC. 4. If lands to be leased under this Act are within any known geothermal resources area, they shall be leased to the highest responsible qualified bidder by competitive bidding under regulations formulated by the Secretary. If the lands to be leased are not within any known geothermal resources area, the qualified person first making application for the lease shall be entitled to a lease of such lands without competitive bidding. Notwithstanding the foregoing, at any time within one hundred and eighty days following the effective date of this Act:

(a) with respect to all lands which were on April 4, 1962, subject to valid leases or permits issued under the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or under the Mineral Leasing Act of Acquired Lands, as amended (30 U.S.C. 351, 358), or to existing mining claims located on or prior to April 4, 1962, the lessees or permittees or claimants or their successors in interest who are qualified to hold geothermal leases shall have the right to convert such leases or permits or claims to geothermal leases covering the same lands;

(b) where there are conflicting claims, leases, or permits therefor embracing the same land, the person who first was issued a lease or permit, or who first recorded the mining claim shall be entitled to first consideration;

(c) with respect to all lands which were on April 4, 1962, the subject of applications for leases or permits under the above Acts, the applicants may convert their applications to applications for geothermal leases having priorities dating from the time of filing of such applications under such Act;

(d) no person shall be permitted to convert mineral leases, permits, applications therefor, or mining claims for more than four geothermal leases; and

(e) the conversion of leases, permits, and mining claims and applications for leases and permits shall be accomplished in accordance with regulations prescribed by the Secretary. No right to conversion to a geothermal lease shall accrue to any person under this section unless such person shows to the reasonable satisfaction of the Secretary that substantial expenditures for the exploration, development, or production of geothermal steam have been made by the applicant who is seeking conversion, on the lands for which a lease is sought or on adjoining, adjacent, or nearby Federal or non-Federal lands.

(f) with respect to lands within any known geothermal resources area and which are subject to a right to conversion to a geothermal lease, such lands shall be leased by competitive bidding: Provided, That, the competitive geothermal lease shall be issued to the person owning the right to conversion to a geothermal lease if he makes payment of an amount equal to the highest bona fide bid for the competitive geothermal lease, plus the rental for the first year, within ten days after he receives written notice from the Secretary of the amount of the highest bid.

SEC. 5. Geothermal leases shall provide for—

(a) a royalty of not less than 10 per centum of the amount or value of steam, or any other form of heat or energy derived from production under the lease and sold or utilized by the lessee;

(b) a royalty of not more than 5 per centum of the value of any byproduct derived from production under the lease and sold or utilized or reasonably susceptible of sale or utilization by the lessee, except that as to any byproduct which is a mineral named in section 1 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181), the rate of royalty for such mineral shall be the same as that provided in that Act and the maximum rate of royalty for such mineral shall not exceed the maximum royalty applicable under that Act;

(c) payment in advance of an annual rental of not less than $1 per acre or fraction thereof for each year of the lease. If there is no well on the leased lands capable of producing geothermal resources in commercial quantities, the failure to pay rental on or before the anniversary date shall terminate the lease by operation of law: *Provided, however,* That whenever the Secretary discovers that the rental payment due under a lease is paid timely but the amount of the payment is deficient because of an error or other reason and the deficiency is nominal, as determined by the Secretary pursuant to regulations prescribed by him, he shall notify the lessee of the deficiency and such lease shall not automatically terminate unless the lessee fails to pay the deficiency within the period prescribed in the notice: *Provided further,* That, where any lease has been terminated automatically by operation of law under this section for failure to pay rental timely and it is shown to the satisfaction of the Secretary of the Interior that the failure to pay timely the lease rental was justifiable or not due to a lack of reasonable diligence, he in his judgment may reinstate the lease if—

(1) a petition for reinstatement, together with the required rental, is filed with the Secretary of the Interior; and

(2) no valid lease has been issued affecting any of the lands in the terminated lease prior to the filing of the petition for reinstatement; and

(d) a minimum royalty of $2 per acre or fraction thereof in lieu of rental payable at the expiration of each lease year for each producing lease, commencing with the lease year beginning on or after the commencement of production in commercial quantities. For the purpose of determining royalties hereunder the value of any geothermal steam and byproduct used by the lessee and not sold and reasonably susceptible of sale shall be determined by the Secretary, who shall take into consideration the cost of exploration and production and the economic value of the resource in terms of its ultimate utilization.

SEC. 6. (a) Geothermal leases shall be for a primary term of ten years. If geothermal steam is produced or utilized in commercial quantities within this term, such lease shall continue for so long thereafter as geothermal steam is produced or utilized in commercial quantities, but such continuation shall not exceed an additional forty years.

(b) If, at the end of such forty years, steam is produced or utilized in commercial quantities and the lands are not needed for other purposes, the lessee shall have a preferential right to a renewal of such lease for a second forty-year term in accordance with such terms and conditions as the Secretary deems appropriate.

(c) Any lease for land on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for five years and so long thereafter, but not more than thirty-five years, as geothermal steam is produced or utilized in commercial quantities. If, at the end of such extended term, steam is being produced or utilized in commercial quantities and the lands are not needed for other purposes, the lessee shall have a preferential right to a renewal of such lease for a second term in accordance with such terms and conditions as the Secretary deems appropriate.

(d) For purposes of subsection (a) of this section, production or utilization of geothermal steam in commercial quantities shall be deemed to include the completion of one or more wells producing or capable of producing geothermal steam in commercial quantities and a bona fide sale of such geothermal steam for delivery to or utilization by a facility or facilities not yet installed but scheduled for installation not later than fifteen years from the date of commencement of the primary term of the lease.

(e) Leases which have extended by reasons of production, or which have produced geothermal steam, and have been determined by the Secretary to be incapable of further commercial production and utilization of geothermal steam may be further extended for a period of not more than five years from the date of such determination but only for so long as one or more valuable byproducts are produced in commercial quantities.

If such byproducts are leasable under the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181, et seq.), or under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–358), and the leasehold is primarily valuable for the production thereof, the lessee shall be entitled to convert his geothermal lease to a mineral lease under, and subject to all the terms and conditions of, such appropriate Act upon application at any time before expiration of the lease extension by reason of byproduct production. The lessee shall be entitled to locate under the mining laws all minerals which are not leasable and which would constitute a byproduct if commercial production or utilization of geothermal steam continued. The lessee in order to acquire the rights herein granted him shall complete the location of mineral claims within ninety days after the termination of the lease for geothermal steam. Any such converted lease or the surface of any mining claim located for geothermal byproducts mineral affecting lands withdrawn or acquired in aid of a function of a Federal department or agency, including the Department of the Interior, shall be subject to such additional terms and conditions as may be prescribed by such department or agency with respect to the additional operations or effects resulting from such conversion upon adequate utilization of the lands for the purpose for which they are administered.

(f) Minerals locatable under the mining laws of the United States in lands subject to a geothermal lease issued under the provisions of this Act which are not associated with the geothermal steam and associated geothermal resources of such lands as defined in section 2(c) herein shall be locatable under said mining laws in accordance with the principles of the Multiple Mineral Development Act (68 Stat. 708; found in 30 U.S.C. 521 et seq.).

SEC. 7. A geothermal lease shall embrace a reasonably compact area of not more than two thousand five hundred and sixty acres, except where a departure therefrom is occasioned by an irregular subdivision or subdivisions. No person, association, or corporation, except as otherwise provided in this Act, shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise, any direct or indirect interest in Federal geothermal leases in any one State exceeding twenty thousand four hundred and eighty acres, including leases acquired under the provisions of section 4 of this Act.

At any time after fifteen years from the effective date of this Act the Secretary, after public hearings, may increase this maximum holding in any one State by regulation, not to exceed fifty-one thousand two hundred acres.

SEC. 8. (a) The Secretary may readjust the terms and conditions, except as otherwise provided herein, of any geothermal lease issued under this Act at not less than ten-year intervals beginning ten years after the date the geothermal steam is produced, as determined by the Secretary. Each geothermal lease issued under this Act shall provide for such readjustment. The Secretary shall give notice of any proposed readjustment of terms and conditions, and, unless the lessee files with the Secretary objection to the proposed terms or relinquishes the lease within thirty days after receipt of such notice, the lessee shall conclusively be deemed to have agreed with such terms and conditions. If the lessee files objections, and no agreement can be reached between the Secretary and the lessee within a period of not less than sixty days, the lease may be terminated by either party.

(b) The Secretary may readjust the rentals and royalties of any geothermal lease issued under this Act at not less than twenty-year intervals beginning thirty-five years after the date geothermal steam is produced, as determined by the Secretary. In the event of any such readjustment neither the rental nor royalty may be increased by more than 50 per centum over the rental or royalty paid during the preceding period, and in no event shall the royalty payable exceed 22½ per centum. Each geothermal lease issue under this Act shall provide for such readjustment. The Secretary shall give notice of any proposed readjustment of rentals and royalties and, unless the lessee files with the Secretary objection to the proposed rentals and royalties or relinquishes the lease within thirty days after receipt of such notice, the lessee shall conclusively be deemed to have agreed with such terms and conditions. If the lessee files objections, and no agreement can be reached between the Secretary and the lessee within a period of not less than sixty days, the lease may be terminated by either party.

(c) Any readjustment of the terms and conditions as to use, protection, or restoration of the surface of any lease of lands withdrawn or acquired in aid of a function of a Federal department or agency other than the Department of the Interior may be made only upon notice to, and with the approval of, such department or agency.

SEC. 9. If the production, use, or conversion of geothermal steam is susceptible of producing a valuable byproduct or byproducts, *including commercially demineralized water for beneficial uses in accordance with applicable State water laws*, the Secretary shall require substantial beneficial production or use thereof unless, in individual circumstances he modifies or waives this requirement in the interest of conservation of natural resources or for other reasons satisfactory to him. However, the production or use of such byproducts shall be subject to the rights of the holders of preexisting leases, claims, or permits covering the same land or the same minerals, if any.

SEC. 10. The holder of any geothermal lease at any time may make and file in the appropriate land office a written relinquishment of all rights under such lease or of any legal subdivision of the area covered by such lease. Such relinquishment shall be effective as of the date of its filing. Thereupon the lessee shall be released of all obligations thereafter accruing under said lease with respect to the lands relinquished, but no such relinquishment shall release such lessee, or his surety or bond, from any liability for breach of any obligation of the lease, other than an obligation to drill, accrued at the date of the relinquishment, or from the continued obligation, in accordance with the applicable lease terms and regulations, (1) to make payment of all accrued rentals and royalties, (2) to place all wells on the relinquished lands in condition for suspension or abandonment, and (3) to protect or restore substantially the surface and surface resources.

SEC. 11. The Secretary, upon application by the lessee, may authorize the lessee to suspend operations and production on a producing lease and he may, on his own motion, in the interest of conservation suspend operations on any lease but in either case he may extend the lease term for the period of any suspension, and he may waive, suspend, or reduce the rental or royalty required in such lease.

SEC. 12. Leases may be terminated by the Secretary for any violation of the regulations or lease terms after thirty days notice provided that such violation is not corrected within the notice period, or in the event the violation is such that it cannot be corrected within the notice period then provided that lessee has not commenced in good faith within said notice period to correct such violation and thereafter to proceed diligently to correct such violation. Lessee shall be entitled to a hearing on the matter of such claimed violation or proposed termination of lease if request for a hearing is made to the Secretary within the thirty-day period after notice. The period for correction of violation or commencement to correct such violation of regulations or of lease terms, as aforesaid, shall be extended to thirty days after the Secretary's decision after such hearing if the Secretary shall find that a violation exists.

SEC. 13. The Secretary may waive, suspend, or reduce the rental or royalty for any lease or portion thereof in the interests of conservation and to encourage the greatest ultimate recovery of geothermal resources, if he determines that this is necessary to promote development or that the lease cannot be successfully operated under the lease terms.

SEC. 14. Subject to the other provisions of this Act, a lessee shall be entitled to use so much of the surface of the land covered by his geothermal lease as may be found by the Secretary to be necessary for the production, utilization, and conservation of geothermal resources.

SEC. 15. (a) Geothermal leases for lands withdrawn or acquired in aid of functions of the Department of the Interior may be issued only under such terms and conditions as the Secretary may prescribe to insure adequate utilization of the lands for the purposes for which they were withdrawn or acquired.

(b) Geothermal leases for lands withdrawn or acquired in aid of functions of the Department of Agriculture may be issued only with the consent of, and subject to such terms and conditions as may be prescribed by, the head of that Department to insure adequate utilization of the lands for the purposes for which they were withdrawn or acquired. Geothermal leases for lands to which section 24 of the Federal Power Act, as amended (16 U.S.C. 818), is applicable, may be issued only with the consent of, and subject to, such terms and conditions as the Federal Power Commission may prescribe to insure adequate utilization of such lands for power and related purposes.

(c) Geothermal leases under this Act shall not be issued for lands administered in accordance with (1) the Act of August 25, 1916 (39 Stat. 535), as amended or supplemented, (2) for lands within a national recreation area, (3) for lands in a fish hatchery administered by the Secretary, wildlife refuge, wildlife range, game range, wildlife management area, waterfowl production area, or for lands acquired or reserved for the protection and conservation of fish and wildlife that are threatened with extinction, (4) for tribally or individually owned Indian trust or restricted lands, within or without the boundaries of Indian reservations.

SEC. 16. Leases under this Act may be issued only to citizens of the United States, associations of such citizens, corporations organized under the laws of the United States or of any State or the District of Columbia, or governmental units, including, without limitation, municipalities.

SEC. 17. Administration of this Act shall be under the principles of multiple use of lands and resources, and geothermal leases shall, insofar as feasible, allow for coexistence of other leases of the same lands for deposits of minerals under the laws applicable to them, for the location and production of claims under the mining laws, and for other uses of the areas covered by them. Operations under such other leases or for such other uses, however, shall not unreasonably interfere with or endanger operations under any lease issued pursuant to this Act, nor shall operations under leases so issued unreasonably interfere with or endanger operations under any lease, license, claim, or

permit issued pursuant to the provisions of any other Act.

SEC. 18. For the purpose of properly conserving the natural resources of any geothermal pool, field, or like area, or any part thereof, lessees thereof and their representatives may unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of such pool, field, or like area, or any part thereof, whenever this is determined and certified by the Secretary to be necessary or advisable in the public interest. The Secretary may in his discretion and with the consent of the holders of leases involved, establish, alter, change, revoke, and make such regulations with reference to such leases in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure reasonable protection of the public interest. He may include in geothermal leases a provision requiring the lessee to operate under such a reasonable cooperative or unit plan, and he may prescribe such a plan under which such lessee shall operate, which shall adequately protect the rights of all parties in interest, including the United States. Any such plan may, in the discretion of the Secretary, provide for vesting in the Secretary or any other person, committee, or Federal or State agency designated therein, authority to alter or modify from time to time the rate of prospecting and development and the quantity and rate of production under such plan. All leases operated under any such plan approved or prescribed by the Secretary shall be excepted in determining holdings or control for the purposes of section 7 of this Act.

When separate tracts cannot be independently developed and operated in conformity with an established well-spacing or development program, any lease, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, under a communization or drilling agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit when determined by the Secretary to be in the public interest, and operations or production pursuant to such an agreement shall be deemed to be operations or production as to each lease committed thereto.

The Secretary is hereby authorized, on such conditions as he may prescribe, to approve operating, drilling, or development contracts made by one or more lessees of geothermal leases, with one or more persons, associations, or corporations whenever, in his discretion, the conservation of natural products or the public convenience or necessity may require or the interests of the United States may be best served thereby. All leases operated under such approved operating, drilling, or development contracts, and interests thereunder, shall be excepted in determining holdings or control under section 7 of this Act.

SEC. 19. Upon request of the Secretary, other Federal departments and agencies shall furnish him with any relevant data then in their possession or knowledge concerning or having bearing upon fair and adequate charges to be made for geothermal steam produced or to be produced for conversion to electric power or other purposes. Data given to any department or agency as confidential under law shall not be furnished in any fashion which identifies or tends to identify the business entity whose activities are the subject of such data or the person or persons who furnished such information.

SEC. 20. All moneys received under this Act from public lands under the jurisdiction of the Secretary shall be disposed of in the same manner as moneys received from the sale of public lands. Moneys received under this Act from other lands shall be disposed of in the same manner as other receipts from such lands.

SEC. 21. (a) Within one hundred and twenty days after the effective date of this Act, the Secretary shall cause to be published in the Federal Register a determination of all lands which were included within any known geothermal resources area on the effective date of the Act. He shall likewise publish in the Federal Register from time to time his determination of other known geothermal resources areas specifying in each case the date the lands were included in such area; and

(b) Geothermal resources in lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States shall not be developed or produced except under geothermal leases made pursuant to this Act. If the Secretary of the Interior finds that such development is imminent, or that production from a well heretofore drilled on such lands is imminent, he shall so report to the Attorney General, and the Attorney General is authorized and directed to institute an appropriate proceeding in the United States district court of the district in which such lands are located, to quiet the title of the United States in such resources, and if the court determines that the reservation of minerals to the United States in the lands involved included the geothermal resources, to enjoin their production otherwise than under the terms of this Act: Provided, That upon an authoritative judicial determination that Federal mineral reservation does not include geothermal steam and associated geothermal resources the duties of the Secretary of the Interior to report and of the Attorney General to institute proceedings, as hereinbefore set forth, shall cease.

SEC. 22. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to its exemption from State water laws.

SEC. 23. (a) All leases under this Act shall be subject to the condition that the lessee will, in conducting his exploration, development, and producing operations, use all reasonable precautions to prevent waste of geothermal steam and associated geothermal resources developed in the lands leased.

(b) Rights to develop and utilize geothermal steam and associated geothermal resources underlying lands owned by the United States may be acquired solely in accordance with the provisions of this Act.

SEC. 24. The Secretary shall prescribe such rules and regulations as he may deem appropriate to carry out the provisions of this Act. Such regulations may include, without limitation, provisions for (a) the prevention of waste, (b) development and conservation of geothermal and other natural resources, (c) the protection of the public interest, (d) assignment, segregation, extension of terms, relinquishment of leases, development contracts, unitization, pooling, and drilling agreements, (e) compensatory royalty agreements, suspension of operations or production, and suspension or reduction of rentals or royalties, (f) the filing of surety bonds to assure compliance with the terms of the lease and to protect surface use and resources, (g) use of the surface by a lessee of the lands embraced in his lease, (h) the maintenance by the lessee of an active development program, and (i) protection of water quality and other environmental qualities.

SEC. 25. As to any land subject to geothermal leasing under section 3 of this Act, all laws which either (a) provide for the disposal of land by patent or other form of conveyance or by grant or by operation of law subject to a reservation of any mineral or (b) prevent or restrict the disposal of such land because of the mineral character of the land, shall hereafter be deemed to embrace geothermal steam and associated geothermal resources as a substance which either must be reserved or must prevent or restrict the disposal of such land, as the case may be. This section shall not be construed to affect grants, patents, or other forms of conveyances made prior to the date of enactment of this Act.

SEC. 26. The first two clauses in section 11 of the Act of August 13, 1954 (68 Stat. 708, 716), are amended to read as follows:

"As used in this Act, 'mineral leasing laws' shall mean the Act of February 25, 1920 (41 Stat. 437); the Act of April 17, 1926 (44 Stat. 301); the Act of February 7, 1927 (44 Stat. 1057); Geothermal Steam Act of 1970, and all Acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing Acts; 'Leasing Act minerals' shall mean all minerals which, upon the effective date of this Act, are provided in the mineral leasing laws to be disposed of thereunder and all geothermal steam and associated geothermal resources which, upon the effective date of the Geothermal Steam Act of 1970, are provided in that Act to be disposed of thereunder;".

SEC. 27. The United States reserves the ownership of and the right to extract under such rules and regulations as the Secretary may prescribe oil, hydrocarbon gas, and helium from all geothermal steam and associated geothermal resources produced from lands leased under this Act in accordance with presently applicable laws: *Provided*, That whenever the right to extract oil, hydrocarbon gas, and helium from geothermal steam and associated geothermal resources produced from such lands is exercised pursuant to this section, it shall be exercised so as to cause no substantial interference with the production of geothermal steam and associated geothermal resources from such lands.

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. EDMONDSON. Mr. Speaker, the purpose of S. 368 is to authorize the Secretary of the Interior to permit the exploration and development of geothermal steam and associated geothermal resources underlying certain public domain lands. Existing Federal law does not provide specific authorization for the development of geothermal steam.

The development of geothermal steam and associated geothermal resources involves the harnessing of the natural heat energy of the earth for the generation of electric power, the production of commercially important mineral byproducts, and, potentially, the development of new fresh water supplies.

In certain areas of relatively recent volcanic activity large pockets of earth heat are found sufficiently near the surface to be usable, with highly specialized equipment, for the production of electric energy. Under present technology, the near-surface heat pockets that have developed are those associated with underground water at high temperatures under great pressures. As these superheated waters are brought nearer the surface, the pressures drop and the water becomes steam energy capable of turning generators for the production of electric

power. In some instances the superheated waters contain valuable minerals in solution that are recoverable.

Further, there is a likelihood that the earth's exploitable, naturally occurring geothermal steam resources may be greatly expandable through use of nuclear technology. This concept envisages that in the absence of natural steam, hot rock formations deep beneath the surface of the earth may be safely penetrable, and by nuclear action produce superheated cavities into which a coolant could be artificially injected to produce high pressure energy usable for the production of electricity. Studies are presently underway to determine the feasibility of this concept, and should this approach prove to be practical and acceptable the potentialities of geothermally produced electricity would be enormously enhanced.

Beginning with the 87th Congress numerous bills to permit the leasing of geothermal steam and associated geothermal resources from Federal lands have been introduced and considered in both bodies of Congress. S. 368 is the latest in a long series of such proposals. The hearings on the present bill and the extensive record developed in connection with the earlier legislation demonstrate quite clearly that the geothermal resources underlying the public lands in the Western States represent a vast reservoir of untapped energy with a potential for relatively pollution-free, economical production of electric power to help overcome the increasingly critical power shortage confronting the Nation.

During the 89th Congress, both the House and Senate considered and passed legislation to make geothermal steam and associated resources on the public lands available for exploration and development. However, this proposal, S. 1674, was vetoed by the President. During the 90th Congress legislation was also considered but it was not presented to the President for approval. S. 368 represents the latest attempt to meet the objections previously raised by the President in his veto message of November 15, 1966. While S. 368 was not recommended by the Department of the Interior, it is, in my opinion, an eminently fair and workable proposal.

S. 368, as amended by the committee, provides statutory authority for the Secretary of the Interior to issue leases for the development of geothermal steam and the associated geothermal steam resources underlying the public lands in much the same manner as he is now authorized to lease land for the development of their oil and gas deposits under the Mineral Leasing Act of 1920.

Size leases: Each lease will embrace a reasonably compact area of not more than 2,560 acres, and the total that any lessee may hold in any one State is limited to 20,480 acres. After 15 years of experience under the legislation, the Secretary may by regulation increase the maximum holding in any one State to not to exceed 51,200 acres.

Based on testimony received by the committee, this acreage is not excessive if private enterprise is to be encouraged to explore for and develop this new resource. By way of contrast, existing law—30 United States Code 184—establishes acreage limitations for coal at 46,080 per lessee per State and at 246,080 in the case of oil or gas leases.

Issuance of leases: If the lands involved in a proposed lease lie within a known geothermal resources area, the lease must be issued to the highest responsible qualified bidder by competitive bidding under regulations formulated by the Secretary. Lands not within any known geothermal resources area—otherwise known as wildcat lands—will be leased to the first qualified person making application for the lease without competitive bidding.

This feature of the bill is patterned after the existing law governing the leasing of oil and gas deposits.

Grandfather provision: Section 4 of the bill, as amended by the committee, provides that with respect to lands which were on April 4, 1962, subject to valid leases or permits issued under the Mineral Leasing Acts, or subject to existing mining claims located on or prior to April 4, 1962, and with respect to lands which were on that date the subject of applications for leases or permits under such acts, the holders of such rights and applications who are otherwise qualified to hold geothermal leases shall have the right, within 180 days after the effective date of the act, to convert their leases, permits, claims, or applications into geothermal leases or applications for leases covering the same lands.

However, such conversion rights are narrowly circumscribed. No one would be permitted to convert existing leases or claims into more than four geothermal steam leases, making a maximum of 10,240 acres subject to such conversion. In addition, anyone seeking conversion of existing leases or claims, located within a known geothermal resource area, must meet the highest bonafide competitive bid for the geothermal steam lease.

In these respects S. 368, as amended by this committee, differs from the bill as passed by the Senate. The conversion date in the Senate bill was September 7, 1965, rather than April 4, 1962. The Senate bill restricted conversion to two leases per State and four leases in the United States, and it did not require one seeking conversion to meet the highest competitive bid.

In addition to the requirement to meet the highest competitive bid, the conversion rights granted by the bill would be exercisable only in accordance with regulations prescribed by the Secretary, and no right of conversion would accrue to any person unless he demonstrates to the Secretary's reasonable satisfaction that he has made substantial expenditures for the exploration, development, or production of geothermal steam on the lands for which he seeks a lease or on adjoining, adjacent, or nearby Federal or non-Federal lands.

This right for conversion has long been the principal point of disagreement between the legislative and executive branches, and it was one of the main reasons for the veto in the 89th Congress. The committee is of the opinion that those individuals who pioneered during the early years to develop geothermal steam under the existing law established equitable claims and should have a priority under any new legislation. S. 368, as amended, provides such a priority. However, by requiring one who is seeking conversion to meet the highest competitive bid there can be no charge of giveaway and the public interest is fully protected.

It appears appropriate to point out that the conversion provision in S. 368, as now amended, is in complete accord with the recommendations of the Public Land Law Review Commission.

Rent and royalties: As amended by the committee a lease issued pursuant to S. 368 provides for a royalty of not less than 10 percent of the amount or values of steam, or any other form of heat or energy derived from production under the lease. This is double the minimum rental provided for in the bill as passed by the Senate. While this is a substantial increase, the committee feels it justifiable in view of the customary minimum rental of 12½ percent for noncompetitive oil and gas leases issued under provision of the Mineral Leasing Act.

In the case of byproduct minerals, a maximum royalty of 5 percent is provided, except as otherwise provided by the Mineral Leasing Acts, which acts are made controlling as to the leaseable minerals. Each lease will also be subject to an annual rental of not less than $1 per acre, and a minimum royalty of $2 per acre after commencement of commercial production.

Duration of leases: The bill provides that each geothermal lease shall be for a primary term of 10 years. If steam is produced or utilized in commercial quantities within this term, the lease will continue for so long thereafter as such production or utilization continues, but not to exceed an additional 40 years. If at the end of such 40 years steam continues to be produced in commercial quantities, and the land is not needed for other purposes, the lessee is given a preferential right to a renewal of the lease for a second 40-year period in accordance with such terms and conditions as the Secretary deems appropriate. Leases extended by reason of production and later found to be incapable of further steam production but capable of commercially valuable byproduct production would be convertible to mineral leases under the Mineral Leasing Acts, or to location under the mining laws.

Readjustment of lease terms: The bill provides that the Secretary may readjust the terms and conditions, other than the rentals and royalties, of any geothermal lease at not less than 10-year intervals beginning 10 years after the date geothermal steam is produced. Rents and royalties, on the other hand, will be readjustable by the Secretary at not less than 20-year intervals beginning 35 years after the date geothermal steam is produced. In the event of a readjustment, neither the rental nor the royalty may be increased by more than 50 percent over the rental or royalty paid during the previous period, and in no event may the royalty exceed 22½ percent. Provision is made for notice to the lessee of any proposed readjustment of lease terms.

Beneficial use of water: In recognition of the possibility that substantial amounts of usable water may, in certain areas, be associated with geothermal steam, the committee adopted an amendment which includes commercially demineralized water as one of the by-products that may have value, and the Secretary may require its production or use in circumstances where warranted. Such use or production of water would be in accordance with applicable State water laws.

Ownership of geothermal steam in surface patents: In order to obtain an authoritative judicial determination of the ownership of geothermal resources in lands the surface of which has passed from Federal ownership with a reservation of minerals to the United States, a new section was adopted by the committee. This directs the Attorney General to initiate an appropriate proceeding to quiet the title of the United States to such resources if and when development of such resources occurs or is imminent. At issue is the ownership of geothermal steam on more than 35 million acres of land the surface of which has passed from Federal ownership but with a reservation of minerals to the United States. The development of geothermal resources in these lands will be retarded until the question of ownership is determined.

It is my considered opinion that the legislative branch has made every reasonable effort to work out a bill acceptable to the executive departments, that will permit development of this new resource, and that will at the same time afford full protection to the public interest. This new source of energy is needed and it is needed now. Enactment of legislation to permit development of this new energy resource should not be further delayed. I urge the enactment of S. 368, as amended.

Mr. Speaker, this is a bill which has been before the Congress for some years. It is a bill with tremendous potential to help relieve a very serious power shortage we have in this country. It is a bill that should provide revenues to our Government at a time when we very seriously need additional revenues in order to reduce our deficits and to help meet the expenses of Government.

I believe the objections which were raised in the veto message which greeted the bill at the time of its last passage have been substantially met by the amendments that have been adopted by the committee, and I hope the bill can be overwhelmingly approved by the House.

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

Mr. EDMONDSON. I am glad to yield to the distinguished gentleman from Iowa.

Mr. GROSS. Did I correctly understand the gentleman to say that this bill carries no authorization for funds?

Mr. EDMONDSON. The gentleman is absolutely correct. This is a bill to enable the Government to lease land for the purpose of geothermal steam development. It will produce revenue for the Government. It will require no outlay that I know of. It is a revenue producer.

Mr. GROSS. May I suggest to the gentleman, this would be a good way for the Committee on Interior and Insular Affairs to close out its business for this year, on a note of this kind. In the past 2 weeks, I do not know how many hundreds of millions of dollars the Committee on Interior and Insular Affairs has requested from the Federal Treasury. I just suggest that this might be a good place to end the activities of the committee, on the very happy note that in this bill at this time you are not asking for additional funds.

Mr. EDMONDSON. I thank the gentleman for his remarks. He is always constructive and he had a wonderful sense of timing. I believe he has made a very appropriate suggestion.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. BARING).

Mr. BARING. Mr. Speaker, I stand in support of legislation to develop geothermal steam resources in the United States and I am especially hopeful for scientific study to progress toward the use of this energy for industry and the general public.

I want to point out that there is evidence from Federal Government departments supporting the fact that the use of geothermal steam as a power resource is feasible and practical.

I feel there is a possibility that power generated from our underground steam resources could be vital as a backup power source for current power supply outlets. With the expanded growth in the Far West of these United States, I believe there is even a priority for this legislation to be approved by Congress in order to assist in the assurance of future possible sources of power supplies. Also, there are untold unknown uses for geothermal steam resources, of which Congress and the scientific community may become aware of with proper processing and approval of a viable geothermal steam development bill.

It is certain there would be accompanying byproducts which would evolve from this legislation which could result in an economically valuable power supply.

Approval of this legislation, of course, would involve the obvious use of the Public Lands of this Nation. In respect to that, today's geothermal steam bill provides for leases to private industry and/or individuals to be awarded by bidding. Royalties would be allowed the developers on the value of steam power resources located and a royalty could also be recognized on the value of any byproducts.

These geothermal steam leases would be authorized through the Office of the Secretary of the Interior.

I feel that this geothermal steam bill, as amended and as the form in which it was turned out of the House Interior and Insular Affairs Committee, is a proper bill. I feel it is imperative that it be enacted. Perhaps other modifications can be made later following analysis of initial investigations into the development of geothermal steam resources.

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

Mr. Speaker, I take this opportunity to pay tribute to our colleague from California (Mr. HOSMER). The gentleman from California (Mr. HOSMER) has been a member of the Committee on Interior and Insular Affairs since he was elected in 1952. From that time down to the present he has been a member who has been very interested in geothermal steam. In fact, he has been, I believe, the moving force so far as our committee is concerned. It was his idea which was first passed by the House and then the Senate, and vetoed by the then President of the United States.

We passed another bill in the next session of Congress trying to correct the things which the President said in his veto message and once again it came up with a veto. This did not disturb our friend from California (Mr. HOSMER). He is one who firmly believes—and I am happy to concur with him—that geothermal steam is a resource of the United States which should be used. Other countries are putting it to beneficial use. Because of the vetoes of the prior President, this asset has been wasted from time immemorial and particularly in the last 5 years since we have had the two vetoes. I would suggest if there is any real credit to be given for this measure that it go to our colleague from California (Mr. HOSMER).

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

Mr. SAYLOR. I am happy to yield to the gentleman.

Mr. HOSMER. I wish to thank the gentleman for his very kind and overgenerous remarks. The bill itself in its present form may not be quite what all of us wish. Perhaps in the legislative process we might perfect it even further than it has been perfected at the present moment.

Again I thank the gentleman for his kind remarks.

Mr. SAYLOR. Mr. Speaker, I rise in support of S. 368. At the present time there is no statute that specifically provides for the development of geothermal steam on Federal lands. Some people have attempted to stretch the mining and mineral leasing laws and make them apply to geothermal steam, but the Department of the Interior has concluded that those laws do not apply. That is a proper conclusion, in my opinion, because those laws do not adequately cover the needs of a geothermal leasing program. We therefore need legislation such as this bill to handle a resource that is assuming increasing importance to the Nation as a whole.

The use of geothermal steam as a source of energy is not new. Italy, New Zealand, Japan, and Iceland have all successfully developed it. Italy, in particular, has had a going operation at Larderello for many years and has proven the feasibility of harnessing this unique power source and putting it to beneficial use. Other countries are rapidly expanding their knowledge and capability to utilize this resource.

In the United States, however, geothermal steam was not generally regarded as suitable for commercial development until quite recently. However, in the last 15 years there has been substantial interest in its potential for com-

mercial development of electrical power and, secondarily, for the recovery of minerals associated with the steam. This interest has been centered in the Western States and particularly in California, where there is an on-going operation on privately owned land. Extensive exploration work has also been carried out in Nevada, and interest is extending to Oregon, Idaho, Utah, and other Western States which appear to have a potential for the development of geothermal energy. According to the Department of the Interior, the presently known geothermal resources of the Nation embrace an estimated 1,350,000 acres of land in the West.

The one significant commercial development of geothermal steam power in the United States is located at the Geysers in Sonoma County, Calif., some 90 miles north of San Francisco. There, some power companies have developed steam wells which now supply energy to generating facilities of the Pacific Gas and Electric Co. which, in turn, produce approximately 84,000 kilowatts of electric power. And, according to recent reports, Pacific Gas and Electric Co. expects to have over 600 megawatts of generating capability operating on natural steam from fumaroles at the Geysers by the end of 1975.

Geothermal power is assuming such significance as a feasible, available source of economical electric energy that a United Nations Symposium on the Development and Utilization of Geothermal Resources has just been held at Pisa, Italy. The United Nations is reported to have sent technical assistance missions to some 19 nations to assess their geothermal energy potentials.

Geothermal power, therefore, stands out as a potentially invaluable untapped natural resource. It becomes particularly attractive in this age of growing consciousness of environmental hazards and increasing awareness of the necessity to develop new resources to help meet the Nation's future energy requirements. The Nation's geothermal resources promise to be a relatively pollution-free source of energy, and their development should be encouraged.

Legislation similar to this was considered in both the 89th and 90th Congresses. The present bill has been developed in an effort to meet some of the objections raised by the executive branch, and I believe that it is both fair and workable. It will provide a carefully drafted framework to encourage industry to develop this new resource, and at the same time it will fully protect the public interest.

The bill is patterned after the Mineral Leasing Act of 1920, which applies to leases of oil, gas, and certain other minerals. It is, nevertheless, tailored to the needs of this new resource. The size of each lease is limited, and the number of leases that may be held by one person is restricted, in order to avoid monopolistic control of the resource.

Leases must be issued on the basis of competitive bids if the land is within a known geothermal resource area. This will assure payment to the Government of a fair price.

A minimum royalty is required both for steam and for any mineral byproducts that may be produced. Minimum rentals are also prescribed. Furthermore, in view of evolving technology for this new resource, and the lack of experience as a basis for formulating judgments, the bill specifically provides for a readjustment of lease terms at periodic intervals. In this manner, the legitimate interests of both the Government and the industry can be accommodated and reconciled.

Finally, the bill provides for the development and use of any mineral byproducts and any demineralized water that occur from the development of the geothermal steam resource.

One of the most controversial provisions in prior bills—and this provision was criticized by the former President in his veto message—was the so-called grandfather clause. This permits a person who had a mineral lease or a mining claim on April 4, 1962, to convert his lease or claim into a geothermal steam lease under this bill, if he is otherwise qualified. However, the provisions of the bill with respect to the number of leases, acreage limitations, and competitive bidding will apply. In the case of competitive bidding, the beneficiary of the grandfather clause will be required to meet the high bid. Moreover, before invoking this clause, a person must show that he has made substantial expenditures for the exploration or development of geothermal steam. I am satisfied that these provisions fully protect the public interest and prevent any semblance of a giveaway. It is only fair that these pioneers in developing the geothermal steam industry should be allowed to get the benefits of their early efforts if the public will not be prejudiced.

There has been a controversy about the cutoff date in this grandfather clause. The Interior and Insular Affairs Committee used the date of April 4, 1962, which is the date the first legislation on this subject was introduced in the House. After that date, everyone was on notice that no geothermal steam rights could be acquired under the mining and mineral leasing laws, and they therefore proceeded at their own risk, knowing that specific leasing legislation would ultimately be enacted. It is only fair that they receive no special protection after that date. Incidentally, this is the cutoff date recommended by the Public Land Law Review Commission.

The date used by the Senate was September 7, 1965, which was the date the first legislation on this subject passed either the House or Senate. I believe the industry was put on notice when the bill was introduced, and not when it passed one House.

Mr. Speaker, I believe the need for this legislation is clear, and that the provisions of the bill, as amended by our committee, are fair to all concerned. I urge the enactment of the bill, as amended.

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

Mr. SAYLOR. I am happy to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I would like to join my colleague from Pennsylvania in acknowledging the leadership that the gentleman from California (Mr. HOSMER) has shown on this subject from the very first. Because of the position that he holds on the Committee on Interior and Insular Affairs and also on the Joint Committee on Atomic Energy, he has been one who has been endowed with a keen understanding of the power problems of this country and the need for solving them through the use of geothermal steam. He has made a great contribution with regard to this proposal from the very first.

I may say the same with regard to my colleague from Nevada, the Hon. WALTER BARING, who has been keenly interested pushing this legislation and constructively urging improvements to the legislation which has been advanced for many, many months.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I would like to thank the gentleman in the well, Mr. SAYLOR, Mr. EDMONDSON, Mr. BARING, Mr. ASPINALL and my California colleague, Mr. HOSMER, for advancing this very important energy conservation proposal through Committee and now to the floor of the House.

As the committee members know, I have the largest single operating production unit in the Nation in my California congressional district, just east of Geyserville, in Sonoma County. This geyser has been productive for some years and is currently producing sufficient power to generate some 84,000 kilowatts of electricity.

Quite frankly, I believe that this legislative proposal is one of the finest to be enacted by the Congress this session, since it will make possible the development of an economic power source, that will, in the course of time, provide electrical energy for our Nation's people without polluting the air or in any way adversely affecting the total environment.

This legislation tends to utilize a natural resource by converting its energy from steam wells into vitally needed electrical energy.

This type of pollution-free energy production must be encouraged on the over 1 million acres of Federal lands located in the Western United States, if that area is to avoid the power blackouts that have plagued the East in recent weeks. Without resorting to the construction of a number of other types of electrical producing units, which utilize fossil and other types of fuels that tend to pollute the air we breathe, there will simply not be sufficient generating capacity in the West in the years to come.

This legislation does not, I wish to emphasize, give the Department of Interior a "carte blanche" to develop all of the lands that fall under its purview, but that development is, of necessity, strictly limited, restricting it to other than parks, recreation areas, wildlife refuges, national monuments, and so forth.

Again, I want to strongly urge passage of the legislation now before us.

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

Mr. SAYLOR. I am happy to yield to my good friend from Iowa.

Mr. KYL. Mr. Speaker, I thank the gentleman for yielding, because I think there is a unique opportunity this afternoon to pay a little tribute in another direction which is most deserving. We have had a gross number of bills on the suspension calendar this afternoon, and we have had some Gross comments on these various bills. It becomes necessary in reviewing legislation, as it is tested in the courts and in other places, to look at the legislative history of the bills as we pass them in the Congress. Today again the gentleman from the Third District of Iowa, Mr. H. R. GROSS, who has read the bills, who has read the reports, who has read much of the hearings on all of these bills covering a vast number of subjects, is here, diligent as always, asking questions and making comments so that there is indeed some legislative history of value to go with these bills. I think we have a great debt to pay to this fine gentleman from Iowa.

I thank the gentleman for yielding.

Mr. SAYLOR. Mr. Speaker, I would like to close by saying to my colleague from Iowa (Mr. GROSS) that this is the last bill that the House Committee on Interior and Insular Affairs will report in the second session of the 91st Congress, provided they will let us get out of here.

If we come back, we may have some more. But we close with a money maker and not a money spender.

Mr. EDMONDSON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I want to state that I certainly support this bill.

I am aware of these geothermal resources, particularly in the northern part of California up in the district of our colleague, the gentleman from California (Mr. DON H. CLAUSEN). There are also others available I think in other parts of California.

Mr. Speaker, my interest in this legislation is based upon my deep interest in an adequate supply of electricity.

I have said before on this floor and I say again today, we have got to double the capacity that we now have for generating electricity within the next 10 years. And, then, we have got to double that in the following 10 years. We have got to do this in order to supply the electrical energy that is necessary in this country.

Mr. Speaker, I am for the production of electrical energy, whether it be from geothermal sources, from underground heat pockets such as this bill deals with, whether it be from uranium, whether it be from coal, oil, or gas. In other words, we are going to need every kilowatt we can generate from all these basic resources of heat and energy.

Mr. Speaker, I also wish to compliment my friend and colleague, the gentleman from California (Mr. HOSMER) because I know of his long years of interest in this particular source of energy. Also, his deep feeling that we need to do what I have said, which is to utilize and develop every kilowatt of electricity that we can possibly do so from every source, including the geothermal source.

Mr. EDMONDSON. I thank the gentleman from California.

Mr. Speaker, I would like to thank also another distinguished Californian, the gentleman from California (Mr. JOHNSON), for his interest in this legislation and the work he has put into it and the constructive suggestions he has made concerning it.

Mr. JOHNSON of California. Mr. Speaker, children often say "the third time is a charm." I sincerely hope this is true in the case of the legislation we have before us today.

In four consecutive Congresses—the 88th, the 89th, the 90th, and now the 91st Congress—we have had before us legislation which would promote the development on Federal public lands of a new and unique natural resource—geothermal steam.

This is a resource with great potential, but which remains untapped because of the lack of Federal enabling legislation.

We have tried to enact this legislation in the past. In the 89th Congress we almost succeeded, but were shot down by a Presidential veto. Today I rise as author of H.R. 7481 to support S. 368 which has been reported to the House of Representatives by the Committee on Interior and Insular Affairs.

The importance of such a move to the people of California—and especially to those whom I represent in Congress—can be demonstrated readily. You will recall that at the present time some 1 million acres of public land have been withdrawn from all entry because they are potentially valuable for geothermal resources. Of these 1,050,000 areas located in five Western States, 838,000 are in California. Of these 838,000 acres in California, 615,000 are in the Second Congressional District.

So you can see that when we talk about public lands with known geothermal value, approximately 60 percent of those so identified in the entire Nation are located in the Second Congressional District.

All this acreage has been withdrawn by the Department of Interior for any type of sale or entry, a move which could have an extremely serious impact upon the utilization of these lands and upon the economy of the region.

S. 368 is much the same as the legislation considered by this Congress before, so we are, in effect, plowing the same ground for the third time.

Congress has been plowing this ground since 1963 when it first conducted an extensive study of the geothermal resources of the United States. During the 89th Congress the Subcommittee on Mines and Mining held exhaustive hearings on the proposal and the result was a good bill—a bill that represented 5 years of discussion and debate among legislative and executive branches of Government and private industry. This bill was approved by both Houses of Congress, but was vetoed. I felt then the Preident was not advised correctly by his people concerning the history of the legislation or the development of geothermal resources. Nor, for that matter, was he informed accurately about the provisions of the legislation.

It was a good bill, and I sincerely hope the legislation we consider here today will be consistent with the traditional leasing policy relating to Federal lands as provided in the Mineral Leasing Act, as well as be acceptable to the executive branch of Government.

During the period Congress has considered proposals for utilizing geothermal resources, and in some instances for some years before, considerable interest has been shown in these resources by those in private industry. Several have been willing to cooperate and furnish the necessary capital and technical capabilities required to explore the potential of these resources in our public lands.

Pioneer exploration efforts which have been financed and undertaken heretofore by private citizens and firms have developed valuable early geothermal and geophysical data which will shorten the leadtime period which will be required before actual geothermal energy production can commence after Congress passes a geothermal leasing act—and Congress should appropriately recognize these early pioneering efforts.

In addition, earlier and more efficient development of geothermal resources on private lands will result from the inclusion of a "grandfather clause."

If we grant conversion rights to the pioneer operators, they will then be able to immediately begin to develop blocks of acreage theretofore acquired which included both Federal and privately owned land, interspersed.

It should also be noted that the Public Land Law Review Commission, headed by the distinguished chairman of the Interior and Insular Affairs Committee, came to the same conclusion in its comprehensive study of the situation. I quote the recommendations made by the committee on page 136 of its recently issued report:

> Congress should provide a specific policy of leasing geothermal resources in which fair and reasonable consideration is given to the equities of holders of asserted prior rights who expended money and effort.

State and local government support this legislation from the Governor and his full cabinet on down.

I, therefore, respectfully urge approval of legislation which will permit the geothermal resources of our public lands to offer our Nation new mineral wealth and a valuable new source of low-cost energy which may be developed economically and without contamination of our atmosphere, recognizing the contribution that geothermal industry pioneers have made in the past.

Thank you.

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

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

The SPEAKER pro tempore (Mr. BOLAND). The question is on the motion offered by the gentleman from Oklahoma (Mr. EDMONDSON) that the House suspend the rules and pass the bill S. 368, 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.

GENERAL LEAVE TO EXTEND

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that all Members wishing to do so may have 5 legislative days in which to revise and extend their remarks in connection with this legislation.

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

There was no objection.

ADDITION TO LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have taken this time for the purpose of asking the distinguished majority leader if there is any change in the program for this week.

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

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

Mr. ALBERT. Mr. Speaker, I am happy that the distinguished minority leader has made this inquiry, because I do want to announce an addition to the program for this week. We hope to start, as previously announced, the crime bill tomorrow, and will plan to take up the rule on that bill tomorrow, even though it requires a two-thirds vote, assuming of course, that a rule is granted.

We intend to follow the Organized Crime Control Act with the Department of Defense appropriations bill for fiscal year 1971. The committee did not think, when we announced the program last week, that it could be ready, but it has since determined that it can be ready with that bill. This is one of the major bills of the session, and we will immediately follow the crime bill with the Department of Defense appropriation bill.

Mr. GERALD R. FORD. Mr. Speaker, might I ask the distinguished majority leader if my understanding is correct, as follows:

First, tomorrow, I heard rumors that the maritime legislation conference report would be ready and brought up.

Mr. ALBERT. There are two conference reports that I know of, and that is one of them, and also the State-Justice-Commerce Departments appropriation conference report will be brought up tomorrow.

Mr. GERALD R. FORD. Both of those, if ready, would come up first; is that right?

Mr. ALBERT. That is correct.

Mr. GERALD R. FORD. Then the rule on the crime bill?

Mr. ALBERT. That is correct.

Mr. GERALD R. FORD. Then the crime bill general debate?

Mr. ALBERT. The crime bill, and if we should get through with the crime bill before the end of the day on Wednesday, we would go on with the program as previously announced. We will not reach the appropriation bill until Thursday.

Mr. GERALD R. FORD. And then finish that appropriation bill either Thursday or Friday?

Mr. ALBERT. Thursday or Friday, hopefully Thursday.

Mr. GROSS. Mr. Speaker, if the gentleman will yield, I am not clear as to what will require a two-thirds vote.

Mr. ALBERT. The adoption of the rule on the same day it is reported on the crime bill.

Mr. GROSS. I see. I thank the gentleman for yielding.

Mr. GERALD R. FORD. I yield back the balance of my time.

JOINT SESSION OF CONGRESS ON PRISONERS OF WAR MUST BE FOLLOWED BY DEEDS

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

Mr. BRINKLEY. Mr. Speaker, the words from the joint session of Congress on prisoners of war must be followed by deeds.

As I listened to the address of Frank Borman, I thought of the POW exhibits only a few dozen yards away in the crypt of the Capitol. They serve to emphasize to the American people the horrendous cruelty of the Vietcong and intensify the sense of urgency that so many of us feel.

In my Dateline Washington column for August, Mr. Speaker, I wrote of that urgency and would like to share my thoughts with my colleagues in the Congress:

PRISONERS OF WAR

It would be well if every American citizen could see an exhibit which is temporarily on display in the crypt of the Capitol. The crypt was originally designed to hold the remains of George Washington, but when he stated in his will that he wished to be buried at Mount Vernon with his wife, the nation acceded to his request. Now the crypt area is used for displays of historical matter, such as a permanent one on the structural development and additions to the Capitol.

Of the exhibits currently on display the one sponsored by H. Ross Perot, the Texas millionaire, is the one which captured my particular attention. Mr. Perot and a group of designers developed the idea of an exhibit realistically depicting the Vietcong prison camps. In conjunction with the Department of Defense, realism has been frighteningly achieved.

It is shocking to see how cruelly our men are treated. There are two displays in the exhibit: One shows an emaciated American GI, sitting on a cot in a cell too dirty for description. A bloody rat is on the floor and cockroaches climb the walls and eat at the meager food he is allotted. This American—he could be literally the boy next door, your son or mine—has been beaten till his legs are black, his hair has fallen out.

The second display is equally as horrifying: A man—one of our fellow Americans—lies in a Bamboo cage hardly large enough for a dog to stand in. His stomach is bloated and he has been incarcerated in the cage during rain, flies and heat for five years, without medical attention! This was once an average, healthy American boy with the prospect of a bright future. Needless to say, if he survives his confinement, his life will never again be the same.

Because of these atrocious conditions, I joined other Members of Congress in writing a joint letter to the North Viet Nam Chief of State, Pham Van Dong, as follows:

"As Members of the United States House of Representatives, we are directing an appeal to your humanity and that of your nation in the matter of our prisoners of war.

"It is with a growing sense of outrage that the American people and the Members of Congress view your nation's continued insensibility to the feelings of the families of these prisoners. You have disregarded basic standards of human decency and morality in your nation's continued refusal to abide by the terms of the Geneva Convention. That Convention requires you to publish the names of those prisoners in your custody, to provide them with proper food and medical care, to permit inspections of your prisoner of war facilities, and to allow the free flow of mail between prisoners and their families.

"As Members of the House of Representatives, we do not now attempt to debate the merits of present American policies in Southeast Asia. Many of us hold differing views on such policies but we are united in our insistence that you exercise compassion and humanity to those of our sons who are in your custody. This concern far transcends questions of international politics; it recognizes a kindred humanity apart from consideration of race, color, or political persuasion.

"The families of these men and a concerned American people look to you, as the leader of your nation, to respond to our plea."

If Pham Van Dong is not civilized enough to heed this urgent communication, then we should all resolve to use the strongest measures at our disposal to compel him to do so. These prisoners of war need their Nation's backing desperately and the need is sufficient to justify great risk in their behalf.

BEVILL PAYS TRIBUTE TO AMERICAN MEN AND WOMEN SERVING IN THE ARMED FORCES

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

Mr. BEVILL. Mr. Speaker, many of my colleagues in this body are veterans of wars and conflicts and, even now, many are reservists representing various branches of military service.

This is the kind of patriotism that we share with our ancestors and a challenge that they accepted before us.

And, despite the clamor of a minority of youngsters, it is still being carried on in the finest tradition by a majority of our young people.

As an example, I want to cite the very proud and efficient pilots who are doing such a find job in Vietnam. They represent all services, but many of them are trained in helicopters and fixed wing aircraft at the Army Aviation Center at Fort Rucker, Ala.

My good friend, the Honorable GEORGE ANDREWS, is justly proud that Fort Rucker is in his district. But the thousands of young men who have been trained and are still being trained there are from all parts of this great Nation.

During a recent visit to this training facility, I saw how young men and their machines can take and control miles of enemy real estate in a very short period of time with a minimum loss of lives.

I saw how these men have the capability of carrying out this mission in any kind of weather, night or day. Natural land obstacles anywhere on earth can be overcome by these airmobile assault units.

Those of us who were involved in earlier wars will recall that these obstacles

and the weather prompted much discussion.

A fact equally as significant, I think, is the new technology developed and being used by the officers and men at the Army Aviation Center. You frequently see it demonstrated in television news clips from Vietnam.

Incidentally, nearly every pilot who is graduated goes to Vietnam. When he returns, he is quite frequently used as an instructor or in a hardware development or tactical training role.

Is is amazing how rapidly these young men master the equipment.

I think, Mr. Speaker, that our military men from Alabama and from the other States are doing a splendid job in Vietnam and in other parts of the free world. They are fully aware of their obligation to the United States, they are aware of the political constraints, and they are responsive to the needs of the host country where they serve.

I want to pay tribute to these young men and women from across these United States who are serving so well.

REPRESENTATIVE FUQUA INTRODUCES BILL TO ELIMINATE EXISTING 6-PERCENT LIMITATION ON INTEREST PAID ON BONDS OR TEMPORARY BORROWINGS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

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

Mr. FUQUA. Mr. Speaker, I am today introducing a bill that would eliminate an existing 6-percent limitation on interest which may be paid upon bonds issued or temporary borrowings of the Washington Metropolitan Area Transit Authority.

The Washington Metropolitan Area Transit Authority is an interstate compact agency created by agreement, with the consent of Congress, by and between Maryland, Virginia, and the District of Columbia pursuant to Public Law 89–774 approved November 6, 1966. In accordance with the terms of the compact as originally agreed to by the parties and consented to by the Congress, bonds issued by the authority, as well as its temporary borrowings, are expressly limited to an interest rate "not to exceed 6 percent per annum." In light of the climate existing in the financial community in recent times, this limitation imposed upon the authority has become unrealistic. With these factors in mind, the authority proposed earlier this year to the Virginia General Assembly that these interest rate limitations be removed in order that the authority might market its bonds on schedule under the most favorable current market conditions. This action was consistent with action taken by many State legislatures in the past year or two with respect to municipal bond issues in order to permit issuance of bonds for similar capital improvements. The Virginia General Assembly enacted such legislation in its last session and similar legislation is pending in the Maryland General Assembly. The legislatures of both Maryland and Virginia in their last session eliminated a similar statutory interest rate limitation upon borrowings of municipalities in those States. During the past few weeks, the voters of Fairfax County in Virginia approved the issuance of previously authorized bonds by the county at rates of interest in excess of 6 percent, if necessary, to provide funds in support of their obligations to the regional transit system.

Since an interstate compact, is essentially a contractual agreement between two or more States, an amendment of that agreement must be in substantially the identical form passed in each of the signatory jurisdictions. Virginia, having already passed such a compact amendment eliminating the interest rate restriction, it is essential that the State of Maryland and the District of Columbia enact legislation in substantially the same form.

Passage of the legislation will enable the authority, as part of its financial program, to issue, over a period of years, $880 million of revenue bonds to help finance construction of the regional rapid rail transit system. The initial issuance of these bonds is planned for spring of 1971 and the proceeds thereof are necessary in order to adhere to the existing schedule of construction of the regional rapid rail transit system.

Although current market conditions appear to be improved, it is considered prudent to remove the interest rate restriction so that the authority may be assured that regardless of market conditions at the time of any specific issue of its bonds or notes, it will not be precluded from consummating a sale solely due to an interest rate limitation.

In the interest of furthering the rapid transit objective, without delay, I urge the passage of this legislation.

UNEMPLOYMENT RISES TO A TOTAL AVERAGE OF 5.5 PERCENT

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. BURKE of Massachusetts. Mr. Speaker, as unemployment rises to a national average of 5.5 percent I believe it would be beneficial to the Members of the U.S. Congress to read some of the stories that are appearing in our national press. I am also including some facts and figures relating to nonrubber footwear imports. We hear some glib-tongued people attacking the trade legislation about to come up for debate on the House floor. At no time have any of these people expressed a concern for the plight of the American worker who has lost his job. In New England the footwear and textile industry face extinction, the electronic industry has been mortally wounded, the bicycle industry and candy firms are in trouble, over 170,000 people in Massachusetts are unemployed. The closing of firms continue, the figures on unemployment accelerate. Those who deal in fantasy, who disregard a drop in our trade balance from $7 billion in 1965 to $1.3 billion in 1969 are now about to play Russian roulette with our Nation's economy. The mild provisions in the trade bill, which attempt to bring order out of chaos, are being strongly attacked by those who have not taken the time to read the bill:

IMPORTS, JANUARY–AUGUST 1970

A total of 16,166,700 pairs of non-rubber footwear were imported into this country in August—22.1% above last August. Imports for the first eight months of 1970 totaled 168,753,100 pairs—an increase of 21.3% over the some period last year. The f.o.b. value to date of non-rubber footwear imports totaled $372,321,900—a 29.8% increase over the same period last year.

All major types of imports showed increases:

LEATHER AND VINYL FOOTWEAR FIRST 8 MONTHS

	Percent change 8 months 1970/1969	Average value per pair	Estimated retail value
Mens and boys, leather	+12.8	$4.38	$14.19
Mens and boys, vinyl	+66.5	1.14	3.69
Womens and misses, leather	+26.8	3.23	10.47
Womens and misses, vinyl	+11.7	.87	2.82
Childrens and infants, leather	+18.8	1.46	4.73
Childrens and infants, vinyl	+11.1	.76	2.46

OUTLOOK FOR THE YEAR

Based on the first eight months of 1970, imports of non-rubber footwear:

(1) Will total 237,200,000 pairs.

(2) Will be worth $557,500,000 at the f.o.b. level.

(3) Will be worth $903,150,000 at the wholesale level.

(4) Will be worth $1,806,300,000 at the retail level.

IMPORTS BULLETIN

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

[In thousand pairs; in thousands of dollars]

Type of footwear	August 1970, pairs	Percent change 1970/1969	8 months, 1970 Pairs	8 months, 1970 Dollar value	8 months, 1970 Average dollar value per pair	Percent change, 1970/1969 Pairs	Percent change, 1970/1969 Dollar value
Leather and vinyl—total	16,166.7	+22.1	160,661.9	360,549.1	2.24	+19.5	+27.7
Leather, excluding slippers	7,511.0	+20.6	85,020.8	292,487.3	3.44	+22.1	+26.3
Mens, youths, boys	2,271.0	+7.6	23,102.5	101,139.3	4.38	+12.8	+19.7
Womens, misses	4,687.4	+28.3	54,809.4	176,785.7	3.23	+26.8	+33.2
Childrens, infants	255.4	+40.6	4,854.5	7,085.3	1.46	+18.8	+11.8
Moccasins	44.7	−27.2	389.9	416.2	1.07	−13.5	−23.9
Other leather (including work and athletic)	252.5	+15.5	1,864.5	7,060.8	3.79	+36.0	−5.5

IMPORTS BULLETIN—Continued

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR—Continued

[In thousand pairs; in thousands of dollars]

Type of footwear	August 1970, pairs	Percent change 1970/1969	8 months, 1970 Pairs	Dollar value	Average dollar value per pair	Percent change, 1970/1969 Pairs	Dollar value
Slippers	21.3	−52.2	164.1	401.6	2.45	−26.8	−9.4
Vinyl supported uppers	8,634.4	+23.9	75,477.0	67,660.2	.90	+16.9	+34.6
Mens and boys	1,398.8	+75.4	11,005.4	12,548.7	1.14	+66.5	+68.1
Womens and misses	6,449.7	+18.3	56,978.4	49,543.5	.87	+11.7	+29.5
Childrens and infants	660.2	+19.8	6,391.1	4,875.9	.76	+11.1	+24.4
Soft soles	125.7	−23.5	1,102.1	692.1	.63	−10.7	+9.2
Other nonrubber types—total	1,298.2	+98.9	8,091.2	11,772.8	1.46	+74.3	+151.7
Wood	268.7	+200.0	3,079.4	7,790.6	2.53	+364.7	+393.5
Fabric uppers	953.1	+103.3	4,395.6	3,146.1	.72	+28.0	+27.0
Other, not elsewhere specified	78.4	−17.5	616.2	836.1	1.36	+13.0	+34.6
Nonrubber footwear—total	17,465.0	+25.7	168,753.1	372,321.9	2.21	+21.3	+29.8
Rubber soled fabric uppers	4,701.5	+44.6	32,208.4	27,122.7	.84	+4.7	+17.8
Grand total—all types	22,166.4	+29.3	200,961.5	399,444.6	$1.99	+18.3	+28.9

Note.—Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories, and slipper socks. Rubber-soled fabric upper footwear includes non-American selling price types.

Source: American Footwear Manufacturers Association estimates from Census raw data. For further detailed information, address you inquiries to the association, room 302, 342 Madison Ave., New York, N.Y. 10017.

[From the Patriot Ledger, Oct. 1, 1970]

(By Dean C. Miller)

NEW YORK.—On percentage, the current business recession has hit the business executive harder than the blue collar worker.

An estimated 394,000 executives currently are unemployed, up 74 per cent from last year, according to a recent study by the Council of Better Business Bureaus, Inc., New York.

Many of them are in a state of job shock. They flounder around in an overcrowded job market.

[From the Wall Street Journal, Oct. 5, 1970]

NIXON HOPES DASHED: RISE IN SEPTEMBER JOBLESS RATE TO 5.5 PERCENT SHARPENS ELECTION ISSUE

[From Bay State Business, Sept. 30, 1970]

THIRTEEN SHOE FIRMS SHUT SINCE JANUARY IN SIX-STATE AREA

A total of thirteen shoe manufacturing plants in New England have been closed down in the January-September 1970 period, and the majority have gone out of business according to the New England Footwear Assn. These companies employed 2,655 workers at the time they ceased operations, and had peak employment of 3,670 workers.

Closings of shoe plants in the January-September 1970 period in the three major shoe states in New England amounted to: six companies in Massachusetts, employing 1,110 workers; four in New Hampshire employing 1,000 workers; and three in Maine, employing 545 workers.

"In virtually every closing, the heads of these companies stated that the major factor in their decision to cease operations was the extreme competition from imported foreign footwear," said Maxwell Field, NEFA's Executive Vice President.

[From the Boston Herald Traveler, Oct. 2, 1970]

SYLVANIA TO CLOSE FOUR NORTHEAST SEMICONDUCTOR PLANTS

Sylvania Electric Products, Inc., announced yesterday that it will phase out, over a three-month period, most of its semi-conductor manufacturing operations. The move will affect more than 1,000 workers in New England, including 685 at the company's Woburn and Waltham plants.

"The decision was made to terminate much of our semiconductor manufacturing," Sylvania's president Garlan Morse said, "because there is no indication that . . . stability will supplant the disorderly conditions that have characterized this branch of the electronics industry for many years."

Four plants will be shut by the production halt: Woburn, employing 550; Waltham, 135; Bangor, Me., 100, and Hillsboro, N.H., 450.

Morse said the phase-out would be completed by Dec. 1 when the plants will close.

"In pursuing this course, we are not unmindful of the impact which this action will have on our employes," Morse said. He added that Sylvania will enlist the assistance of appropriate governmental agencies at both state and community levels to augment in-company efforts to find suitable employment for employes who cannot be absorbed in other Sylvania facilities.

The semiconductor operations to be phased out represent slightly more than two per cent of Sylvania's total sales. The products to be discontinued are integrated circuits, diodes and rectifiers.

A statement released by the company did not elaborate on what the "disorderly conditions" were affecting the industry, but a spokesman for the Associated Industries of Massachusetts (AIM) said last night Morse was referring to competition from lower costing imports.

Robert A. Chadbourne, AIM's executive vice president, said the electronics industry has "for years" been fighting competition from foreign nations whose products are made more cheaply.

"Most people," he said, "haven't been thinking about this sort of competition—they've been watching the textile industry suffer—but the electronics industry is facing this same sort of problem."

The competition, Chadbourne said, comes primarily from the Far East—South Korea, Taiwan and Japan.

Despite efforts on the part of the industry, Congress has not raised tariffs or set import quotas on electronics imports, he said.

Chadbourne said he was "certainly dismayed to hear the news." He said 550 jobs was "a substantial payroll loss," but added that "these people have proven they are retrainable for work in other phases of the electronics industry." He said he wasn't sure, however, what job opportunities there were "in the short term."

Chadbourne said the Sylvania plant, located on Rte. 128, has a relatively new building on a substantial piece of property. "It's a prime location," he said, "Our challenge now is what to put in its place. It will take a long time to put something there that will generate that many jobs."

Latest figures from the Mass. Division of Employment Security show that some 40,000 jobs have been lost in the manufacturing sector between August, 1969 and August, 1970.

Of this number, 54 per cent have been lost because of defense spending cutbacks. The pending loss of the Sylvania jobs in Woburn and Waltham, will bring the figure of electronics jobs lost to more than 7,000 in the same time period.

ASSOCIATION OF FEDERAL INVESTIGATOR'S SEMINAR FOR INVESTIGATIVE AND ENFORCEMENT PERSONNEL

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

Mr. FASCELL. Mr. Speaker, for the past year the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, which I chair, has conducted a Government-wide inquiry into the adequacy of Federal training programs for investigative personnel. On August 12, 1970, the House Committee on Government Operations issued a report based on the subcommittee's investigation. The report—"Unmet Training Needs of the Federal Investigator and the Consolidated Federal Law Enforcement Training Center," House Report No. 91–1429—recommends fundamental changes in investigative training policy at the Federal level. Implementation of the report's recommendations will result in a greatly improved Federal investigative effort and resultant benefits to the causes of consumer and environment protection, control of organized crime, enforcement of health and safety laws, among many other vital Federal efforts.

The Association of Federal Investigators made substantial contributions to the committee's record. As part of its continuing education and training program, the association recently conducted its fourth annual investigative and enforcement seminar.

I am sure my colleagues will be interested in the scope of the program, which I include hereafter and the high quality of the persons who are presenting the

seminar subjects. It is clear that enforcement and investigation is emerging as a special profession in which the Association of Federal Investigators are taking a leading part.

The program follows:

PROGRAM SCHEDULE

TUESDAY, SEPTEMBER 22, 1970

9:00 a.m. Welcome and Orientation.

9:15 a.m. Keynote Address.

Mr. Kimbell Johnson, director, Bureau of Personnel Investigation, U.S. Civil Service Commission.

10:00 a.m. "Communications: Written and Verbal Investigative Reports."

Dr. James Bostain, Foreign Service Institute, Department of State.

A discussion of communications as an integral part of the investigation decision process.

12:00. Luncheon.

1:30 p.m. "Suitability Factors."

Dr. Lee Buchannan, Psychiatrist, Department of Agriculture.

An Analysis of the factors considered in determining suitability for federal employment.

3:15 p.m. "Security Systems Planning" (Personnel Design-Devices).

Panel—American Society for Industrial Security.

Mr. Edward J. Kaiser, Manager of Government Relations, American District Telegraph Company.

Mr. Quinton N. Marsh, Auditor-Security Officer, American Security and Trust Company.

Mr. Carl C. Sims, Director of Security and Safety, Gallaudet College.

4:30 p.m. Adjournment.

WEDNESDAY, SEPTEMBER 23, 1970

9:00 a.m. "Organized Crime and Corrupt Practices."

Mr. Henry Petersen, Deputy Assistant Attorney General, Criminal Division, Department of Justice.

A review of the Federal Effort Against Organized Crime.

10:45 a.m. "A new Look at the Old Drug Laws."

Mr. Donald E. Miller, Chief Counsel, Bureau of Narcotics and Dangerous Drugs.

Brief Summary of old laws and an explanation of the new proposed law.

12:00 p.m. Luncheon.

1:30 p.m. "The Computer in Security and Investigations."

Mr. H. G. A. Hall, Marketing Representative, International Business Machine Company.

Data Processing as it relates to law enforcement and investigations with attention to the history and future of computers in investigations.

3:30 p.m. Integrity of Federal Agency Programs and Personnel.

Mr. Nathaniel E. Kossack, Inspector General, U.S. Department of Agriculture.

The image of a federal agency and its creditability with the public is established and measured by the integrity of its programs and personnel. Mr. Kossack will discuss some of the problems encountered and suggested solutions in achieving these goals.

4:30 p.m. Adjournment.

THURSDAY, SEPTEMBER 24, 1970

9:00 a.m. "Vital and Ever increasing contribution of Forensic Science in the Investigation and Prosecution of Criminal Cases".

Mr. John W. Gunn, Jr., Chief, Laboratory Operations Division, Bureau of Narcotics and Dangerous Drugs.

Discussion of what Forensic Science encompasses and what Forensic Scientist can and cannot do.

10:45 a.m. "Electronic Surveillance."

Mr. Frank J. Jameson, Vice President of Special Operations, Bell and Howell Company.

A Practical Demonstration of Electronic Equipment.

12:00 p.m. Luncheon.

1:30 p.m. "The Courts Focus on the Investigator."

Mr. Michael Sonnenreich, Deputy Chief Counsel, Bureau of Narcotics and Dangerous Drugs.

A discussion of the growing complexity of the area of consent searches, recent Supreme Court decisions defining items subject to seizure during the course of reasonable search. A review of the Supreme Court's last term regarding new trends in criminal law.

3:45 p.m. "Professionalism in Investigations and Enforcement."

Mr. John V. Moran, President, Association of Federal Investigators.

Developing the Concept that Investigations and Enforcement is an Emerging Separate Profession.

4:30 p.m. Adjournment.

SEMINAR OBJECTIVES

This seminar will emphasize key areas and typical problems encountered in investigations and enforcement and provide a forum whereby participants may bring special problems to class and acquire new ideas and insights from the seminar leaders and other participants. The material discussed will focus on basic principals as well as recent issues and developments in each of the areas covered. This program is of especial value in developing concepts and practices that investigations and enforcement is an emerging separate profession.

AIR TRAGEDY BEING FULLY INVESTIGATED

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

Mr. SHRIVER. Mr. Speaker, a terrible air tragedy last Friday afternoon, October 2, 1970, involving the Wichita State University football team, has cast a pall of sorrow on the campus, the community of Wichita, and the State of Kansas. It has been described as the worst disaster in American sports history. Words are not adequate to bring consolation or comfort at this time to the families and loved ones of those who were killed or injured in Friday's crash.

Thirty-four persons were killed in the crash, and 10 are listed as injured, some seriously, as a result of the disaster involving the chartered Martin 4-0-4 twin-engine plane high in the mountains of Colorado.

Many of my friends were aboard that ill-fated flight. Among the dead were Head Coach Ben Wilson and Mrs. Wilson; Athletic Director Bert Katzenmeyer and Mrs. Katzenmeyer; State Representative Ray King of Hesston and Mrs. King; and Dr. Carl Fahrbach, dean of admissions at the university.

A second charter aircraft, carrying 22 players, six assistant coaches and six other persons landed safely at Logan Utah. Wichita State was to have played Utah State in Logan on Saturday.

This evening a memorial service has been planned by the Student Government Association and university officials in Cessna Stadium on the Wichita State University campus, and I plan to be present to pay honor to the brave young men and our other friends who were lost last weekend.

I have remained in close touch with officials of the National Transportation Safety Board which is responsible for the investigation of this crash. I also have discussed the investigation with officials of the Federal Aviation Administration. They have assured me that all aspects of this disaster, with its heavy loss of life, will be thoroughly investigated.

Mrs. Shriver and I were in Wichita over the weekend. We were on the campus Friday evening shortly after news of the tragedy reached home. At that time, we expressed our personal sorrow, shock, and sympathy to the families and to the university community. We pray that God will comfort them in their bereavement.

AUTO-SAFETY—BUMPERS

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

Mr. SCHWENGEL. Mr. Speaker, at a time when much interest is being shown in the problems of highway safety, and the tremendous economic and social consequences of auto accidents, it is only appropriate that special attention be given to the problem of the bumpers being used on our motor vehicles. A recent study by the Department of Transportation indicates that approximately 40 percent of all accidents are the type classified as "rear end" collisions. Testimony by representatives of Allstate Insurance Co. translate this figure into dollars. Mr. Robert Leys, vice president of Allstate, testified before the National Highway Safety Bureau that upgrading of bumpers could result in ultimate savings to the American public of "almost $1 billion annually." Designing and constructing bumpers able to withstand an impact of 5 miles per hour would result in savings to Allstate policyholders alone of nearly $42,452,000.

Even more significant than the economic loss resulting from poorly designed bumpers if the physical and emotional damage suffered by passengers and drivers. One of the most frequent injuries sustained in rear end collisions is the one commonly referred to as "whiplash." We are all aware of the extreme pain and discomfort resulting from this type of injury, as well as the long healing period required. Because of the extremely painful and frustrating nature of this type of injury, the effect on family and co-workers is also a significant factor.

To return to the economic consequences, the Insurance Institute for Highway Safety has recently concluded tests on the damage suffered by 1970 autos as a result of various low speed crashes. These tests revealed that an average of $484.79 in damages was sustained in front to rear crashes at 10 miles per hour. At 5 miles per hour, the average damage for rear end crashes was $171.46 and $183.65 for front end crashes. Presumably, a bumper properly designed

to withstand crashes at this speed would at least significantly reduce, if not eliminate this senseless loss.

Mr. Speaker, in order to put an end to this senseless loss, both in terms of human suffering and economic loss, I recently introduced a bill, H.R. 19127, which will require the Secretary of Transportation to promulgate new safety standards which will require that motor vehicles be able to withstand crashes of 10 miles per hour without sustaining property damage or injury to the occupants of the vehicle. I introduce this bill somewhat reluctantly because I feel the Secretary of Transportation has sufficient authority to issue the necessary regulations. However, in view of the inaction by the National Highway Safety Bureau on this problem, I feel that mandatory legislation is the only way to get things moving on this important problem.

Let us look at the bureau's record on bumpers. On October 14, 1967, they issued an advance notice of proposed rulemaking with respect to a standard bumper height and bumper effectiveness. No further action was taken until April 2 of this year when a public meeting was held. The notice of the public meeting stated:

It is expected that the information presented at the meeting will aid the prompt development of a final rule in this area.

Five months have passed since the meeting, and we still have no notice of proposed rulemaking. This problem is too important to sit on the shelf any longer. It is time to have bumpers become more a protection rather than more pretty. It is time to make our bumpers operational, not ornamental. It is time to have bumpers that will take bumps rather than take lives.

There are two ways to make this improvement. One is to get the great talent in the ranks of those who manufacture our automobiles applied and used to make bumpers be bumpers. The second way to assure action on the question is to pass H.R. 19127.

H.R. 19127

A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require motor vehicle safety standards relating to the ability of the vehicle to withstand certain collisions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392) is amended by adding at the end thereof the following subsection:

"(1) The Secretary shall prescribe such motor vehicle safety standards under this section as may be necessary to insure that motor vehicles manufactured after January 1, 1972, will be able to withstand a collision (either front or rear) with an immovable object at speeds up to and including ten miles per hour without sustaining property damage or injury to the occupants of such vehicle."

ROGERS ASKS PRESIDENT TO SIGN COMMUNICABLE DISEASE BILL ON CHILD HEALTH DAY

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

Mr. ROGERS of Florida. Mr. Speaker, I was pleased to learn that the other body has unanimously passed by a vote of 74 to 0 the House-Senate Conference Report on the Communicable Disease Act Amendments of 1970, thus sending this very important measure to the President for his signature. The House had previously voted 292 to 2 in favor of the conference report.

I think that it is most appropriate that on Child Health Day the President has the opportunity to visably show his concern with the health of this Nation's children by signing into law the communicable disease amendments.

Because of this, I have wired the President and asked that he use this occasion to turn this legislation into law. In doing so, I join Dr. Paul B. Cornely, the president of the American Public Health Association, who has also sent such a message to our President.

In addition, I would like to include in the RECORD a column by Washington Star writer Judith Randal on the bill. I think that it sets out the importance that this measure has to the health of the children of our Nation.

DO NOT VETO THE DISEASE CONTROL BILL

(By Judith Randal)

Time and again, when testifying on health matters in the House or Senate, administration witnesses have said they neither want nor need special authority to carry out a given program becauses legal authority already exists.

To have Congress single out some particular problem for money and attention, they argue, would undermine broad-gauged legislation permitting states to decide for themselves how to use their share of federal health funds. If this so-called "Partnership for Health" is to work, they insist, if red tape is to be cut to a minimum and local needs met, Congress should leave well enough alone.

So it is that one of the measures President Nixon soon may veto is a bill—passed by Congress with only a single dissenting vote—that would authorize $165 million over the next 21 months for the control of communicable disease.

To put it bluntly, it is hard to imagine anything that would make less sense from any point of view.

For one thing, although the Partnership for Health legislation was passed during the Johnson administration, the states have been so slow to plug into the program that it will be at least two more years before their plans for communicable disease control are ready to render service to any meaningful extent.

For another, even if plans already were in place, money is so scarce these days that seemingly mundane matters like vaccinations against polio, diphtheria and measles—not to mention prophylatic measures to control the spread of tuberculosis and venereal disease—likely would fall to the bottom of the priority heap or be dealt with in a manner short of the known need. Authority and the means to implement it are simply not the same thing.

Meanwhile, there is abundant evidence that communicable disease is a growing public health problem. There has been twice as much diphtheria this year as last, with outbreaks in Chicago, Miami and three Texas cities, principally San Antonio where 108 cases had been reported as of yesterday. Sample surveys show that while most people over 40 have been immunized, many younger people have not.

Polio is up, too. An estimated 4 million Americans under 20 have not received the vaccine, and the Center for Disease Control in Atlanta has no funds to stockpile it should there be an epidemic. Half a million cases of gonorrhea were reported last year, 200,000 more than in 1965.

When tuberculosis was discovered among congressional dining room employes not long ago and free detection tests were offered, 25 percent of those screened were found to be latently infected. And 23 million across the country are thought to be susceptible. This despite the fact that a year of medication in such cases will prevent the threatened onset of active TB.

Assuming that budgetary constraints underlie the potential presidential veto, it is important to consider the inflationary effect of neglect. For every 10,000 children who get measles, for example, 60 will develop complications requiring hospitalization at $50 to $100 a day (one of these will die) and three will become mentally retarded at an eventual cost to their families and society of $100,000 each for special training and custodial care.

All this could be avoided by an outlay of $20,000 for every 100,000 children immunized. Yet reported cases of measles—always lower than the actual number—have doubled since the vaccine assistance act expired in 1969 and an estimated 11 million youngsters are now risking the disease.

Similarly, many infants are requiring expensive treatment and some are dying or parmanently impaired because their mothers do not have access to a vaccine which prevents the life-threatening anemia known as Rh disease. (Though not a communicable disorder in the classic sense—being due to genes rather than germs—provisions for it are included in the proposed bill.)

The list could go on and on.

An epidemic of baby-damaging rubella, or German measles, is expected within a year. If, in accord with the administration's present plan, only 10 million of the 50 million children who should be vaccinated to prevent the spread of the disease to pregnant women are treated, the first of these babies—blind, deaf, retarded or with a combination of these and other defects should be born just in time for the 1972 election.

The estimated lifetime cost of caring for children born after the 1964 epidemic, when no vaccine had yet been developed, is $2.6 billion. The implications are obvious.

Millions of dollars and the working lives of many scientists have been invested in finding ways to prevent communicable disease. Germs respect neither state boundaries nor social class—in an air age, they are dispersed more rapidly than ever before.

What seems to have been forgotten by the administration, in its zeal to trim the budget, is that tired but still apt adage: An ounce of prevention is worth a pound of cure.

CINCINNATI REDS WIN NATIONAL LEAGUE PENNANT

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

Mr. CLANCY. Mr. Speaker, I take this time to announce to the Member of the House that the Cincinnati Reds have just won the National League pennant. This is a great victory for a very, very fine young ball club. We offer them our sincere congratulations, and extend to them our best wishes in the World Series.

Everybody that can get away from this elongated session would be welcome in Cincinnati on the weekend.

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

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

Mr. ARENDS. Could the gentleman tell us where we can get tickets?

Mr. CLANCY. I understand you may get tickets by writing to the Cincinnati Baseball Club. If I would have an extra ticket I would be very happy to furnish one to the gentleman.

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

FOOD STAMPS FOR STRIKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 20 minutes.

Mr. ASHBROOK. Mr. Speaker, the question is often raised "Why should the Government provide economic assistance in the form of food stamps for strikers?" The question can best be answered by the simple assertion, "Right or wrong, the U.S. Congress specifically authorized it." This is the only answer that you can give to those who question this seeming inappropriate use of taxpayers' money to subsidize one side of a strike that should be in the private, collective-bargaining sphere of our economy.

To put the Government on the economic side of either the striker or the business in such a dispute is unfair. I have always opposed this but, unfortunately, a majority of my colleagues have seen the issue differently. To give food stamps to strikers also seems to violate the basic argument which was originally given for the passage of the food-stamp law. Strikers are not on welfare, they are not indigent. They have suffered a cut in income but it is at their insistence, not the Government's, since they choose to use the economic weapon of a strike to enforce their demands in collective-bargaining negotiations. Why, then, put the Government on one side against the other?

The 1964 Food Stamp Act, Public Law 88–525, specified in its title that its principal goal was to "provide for improved levels of nutrition among low-income households." President Johnson, in his March 16, 1964, message on poverty, urged the Congress to adopt the food stamp program "to protect those who are especially vulnerable to the ravages of poverty."

The legislative intent of Congress was clearly directed toward the involuntary poor and needy.

When the House had before it the conference report on the 1968 food stamp amendments, Chairman POAGE brought to the floor a report signed only by Democrats. None of the House Republican conferees signed the conference report, which I include at this point in the RECORD:

CONFERENCE REPORT (H. REPT. NO. 1908)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3068) to amend the Food Stamp Act of 1964, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That subsection (a) of section 16 of the Food Stamp Act of 1964 is amended (A) by deleting from the first sentence the phrase "not in excess of $225,000,000 for the fiscal year ending June 30, 1969" and inserting in lieu thereof the following: "not in excess of $315,000,000 for the fiscal year ending June 30, 1969; not in excess of $340,000,000 for the fiscal year ending June 30, 1970; not in excess of $170,000,000 for the six months ending December 31, 1970"; (B) by changing the word "year" at the end of such first sentence to "period"; and (C) by adding at the end of the subsection the following sentence: "On or before January 20 of each year, the Secretary shall submit to Congress a report setting forth operations under this Act during the preceding calendar year and projecting needs for the ensuing calendar year."

And the House agree to the same.

W. R. POAGE,
E. C. GATHINGS,
GRAHAM PURCELL,
THOMAS S. FOLEY,
Managers on the Part of the House.

ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
HERMAN E. TALMADGE,
B. EVERETT JORDAN,
GEORGE D. AIKEN,
MILTON R. YOUNG,
J. CALEB BOGGS,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 3068, to extend the Food Stamp Act of 1964, as amended, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

1. *Expiration date.*—The Senate bill did not extend the expiration date of the appropriation authorization of the act beyond June 30, 1969. The House bill extended this authorization to June 30, 1972. The conference substitute extends this authorization to December 31, 1970.

2. *Authorization.*—The Senate bill increased the appropriation authorization in fiscal year 1969 by $20 million to $245 million. The House bill authorized "such sums as may be necessary" for fiscal year 1969 and each of the 3 subsequent fiscal years. The conference substitute provides for an increase in authorization of $90 million making a total authorization of $315 million for fiscal year 1969, an authorization of $340 million for fiscal 1970, and an authorization of $170 million for the first 6 months of fiscal 1971.

3. *Strikers and students eligibility.*—The House bill made strikers and students ineligible to participate in the food stamp program under certain conditions. The conference substitute deletes this House provision and leaves the determination of eligibility to be made under the existing law.

4. The Senate receded from its disagreement to the amendment of the House to require progress reports of the Secretary of Agriculture on or before January 20 of each year. The conference substitute requires reports to Congress by such date setting forth operations under the act during the preceding calendar year and projecting needs for the ensuing calendar year.

W. R. POAGE,
E. C. GATHINGS,
GRAHAM PURCELL,
THOMAS S. FOLEY,
Managers on the Part of the House.

As the report of the conference managers indicated, the original House bill made strikers and students ineligible to participate in the food-stamp program under certain conditions. The conference substitute deleted the House provision and made a wholesale authorization of payment to strikers and students for the first time.

As Representative CATHERINE MAY, one of the Republican conferees stated to the House:

Mr. Speaker, in the conference committee, and I was a conferee, I supported two of the changes that were agreed to in conference between the House version and the Senate version of the bill. That was the 1½-year extension as opposed to a 3-year extension, and the amount of money we agreed on to appropriate for this program for that time.

But I did not sign the conference report because of the removal of what is being referred to as the Teague amendment which excludes food stamps use for strikers and college students.

Mr. Speaker, in 1964 Congress changed the status of the food stamp program from a pilot project authorized by the executive branch to a full-scale national program authorized by law. Even a cursory review of the debate on the bill at that time reveals that Congress intended the program to aid the involuntarily poor, not those who voluntarily, for one reason or another have temporarily reduced their short-run earning power to increase it over the long run. Congress did not intend to provide program benefits for students and strikers.

Time and again during consideration of this legislation then, it was pointed out that the program was intended to help the needy—the unemployed, the unemployable, families on welfare, mothers with dependent children, the aged, the blind and disabled—in short, those people who through no fault or choice of their own are involuntarily the victims of incomes inadequate to provide them with the quality, quantity and kind of food necessary to assure a proper diet.

Apparently, this was not spelled out clearly enough in the law itself in 1964, but the House recently took an important step toward rectifying this situation by approving on July 30 of this year, the provision prohibiting the use of food stamps either to aid education or to support labor disputes. Now, however, the House must again reaffirm this principle in order to achieve its incorporation into the law.

Mrs. MAY went on to point out, quite correctly I believe, the following:

Students and those involved in labor disputes have far more alternatives for financial assistance than do mothers with dependent children, families on welfare, the unemployable, and other involuntarily poor and needy people. Strikers have access to special funds provided by their unions, and ordinarily, they have a salable skill and assurance of work in the future. Students have a multiplicity of sources of financial assistance—loans, fellowships, scholarships, GI programs, work-study programs, and many others. Every food stamp dollar provided to strikers and students means there is one less for someone more genuinely in need. It has been said that this amendment is a "cruel" one. Well, is it not cruel to reduce the help which can be offered to the aged, the blind, the disabled, widowed mothers with large families?

Congressman CHARLES TEAGUE, another Republican conferee, told the House during this debate which, Mr. Speaker, is contained in the CONGRESSIONAL RECORD,

volume 114, part 21, pages 28001 through 28010:

Mr. Speaker, at the appropriate time I shall make a motion to recommit this conference report with instructions. The Members are all familiar with the issues, I believe, so I shall be very brief.

You may recall that when this measure was before us in the House bill I offered an amendment which was adopted on a teller vote, and stayed in the bill as we passed it, to prohibit distribution of food stamps to strikers and college students.

Primarily, I am interested in the use of this device to subsidize strikes. To me this is not an antilabor position at all. The strike may be entirely justified, but all unions, I believe, have funds they have accumulated designed to take care of their members who are in need when they are on strike.

The overall amount of money limit in the program, as it has been in the past, and as it will be in the future, is restricted, so if we use food stamps to allow strikers who may with good cause be trying to get their hourly wages raised from $3.75 to $4 per hour, we may be taking literally the food out of the mouths of people who are really in need. . . .

Mr. TEAGUE of California did offer his motion to recommit and the House retreated from its position of July 1968, when the bill originally passed on our side of the Capitol. The vote was a close 158 yea to 187 nay defeat on a record vote which I include at this point:

[From the CONGRESSIONAL RECORD, House, vol. 114, pt. 21, p. 28008]

MOTION TO RECOMMIT OFFERED BY MR. TEAGUE OF CALIFORNIA

Mr. TEAGUE of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. TEAGUE of California. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

"Mr. Teague of California moves to recommit the conference report on S.3068 to the Committee of Conference with instructions to the Managers on the part of the House to insist on the following provisions of the House amendment to such bill:

"Section 5(b) of such Act is amended by adding at the end thereof the following: 'Notwithstanding any other provision of law, any person who is engaged in a strike, labor dispute, or voluntary work stoppage shall be ineligible to participate in any food stamp program established pursuant to this Act; *Provided*, That if any such person was eligible for and was receiving food stamp assistance pursuant to the provisions of this Act prior to the existence of a strike, labor dispute, or voluntary work stoppage, such person shall not be ineligible for participation in the food stamp program solely as a result of engaging in such strike, labor dispute, or voluntary work stoppage. Notwithstanding any other provision of law, any person who is a student attending an institution of higher learning shall be ineligible to participate in any food stamp program established pursuant to this Act: *Provided further*, That if any such person was eligible for and was receiving food stamp assistance pursuant to the provisions of this Act prior to being enrolled as a student at an institution of higher learning, such person shall not be ineligible for participation in the food stamp program solely as the result of being a student attending an institution of higher learning.'"

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

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

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

The SPEAKER. Evidently a quorum is not present.

The 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 158, nays 187, not voting 86, as follows:

[Roll No. 352]

YEAS—158

Abbitt, Abernethy, Adair, Andrews, Ala., Andrews, N. Dak., Arends, Ashbrook, Ayres, Bates, Belcher, Berry, Betts, Bow, Bray, Brinkley, Brock.

Brotzman, Broyhill, N.C., Broyhill, Va., Buchanan, Burke, Fla., Burleson, Bush, Byrnes, Wis., Cabell, Carter, Cederberg, Chamberlain, Clausen, Don H., Clawson, Del, Cleveland, Collier.

Collins, Colmer, Cramer, Davis, Wis., Dellenback, Denney, Derwinski, Devine, Dole, Dorn, Dowdy, Downing, Duncan, Edwards, Ala., Erlenborn, Esch.

Eshleman, Findley, Ford, Gerald R., Fountain, Fuqua, Galifianakis, Gardner, Gettys, Goodling, Griffin, Gross, Gubser, Hagan, Haley, Hall, Hammerschmidt.

Hardy, Harsha, Henderson, Hunt, Hutchinson, Jarman, Johnson, Pa., Jonas, Jones, N.C., Keith, King, N.Y., Kleppe, Kornegay, Kuykendall, Kyl, Langen, Latta, Lennon, Lipscomb, Lloyd.

McClory, McCloskey, McMillan, MacGregor, Mahon, Marsh, Martin, Mathias, Calif., May, Mayne, Meskill, Michel, Miller, Ohio, Mize, Montgomery, Myers, Nelsen, Nichols, O'Neal, Ga.

Passman, Patman, Pirnie, Poff, Price, Tex., Purcell, Quie, Quillen, Railsback, Reifel, Reinecke, Riegle, Roberts, Robison, Rogers, Fla., Roth, Rumsfeld, Schadeberg.

Scherle, Schneebeli, Schwengel, Scott, Selden, Sikes, Skubitz, Smith, Calif., Smith, N.Y., Smith, Okla., Springer, Steiger, Ariz., Steiger, Wis., Stephens, Stuckey, Taft, Talcott, Taylor, Teague, Calif.

Thompson, Ga., Tuck, Utt, Vander Jagt, Watkins, Watson, Whalley, Whitener, Whitten, Wiggins, Williams, Pa., Wilson, Bob, Winn, Wyatt, Wylie, Wyman, Zion.

NAYS—187

Adams, Addabbo, Albert, Anderson, Ill., Anderson, Tenn., Annunzio, Barrett, Bennett, Bevill, Bingham, Blatnik, Boland, Bolton.

Gray, Green, Oreg., Green, Pa., Griffiths, Grover, Gude, Hamilton, Hanley, Hanna, Harvey, Hathaway, Hechler, W. Va., Helstoski, Hicks.

O'Neill, Mass., Ottinger, Patten, Pelly, Pepper, Perkins, Philbin, Pickle, Pike, Poage, Podell, Price, Ill., Pryor, Pucinski.

Brademas, Brasco, Brooks, Brown, Mich., Burke, Mass., Burton, Calif., Button, Byrne, Pa., Cahill, Carey, Casey, Celler, Clark, Conable, Conte, Corbett, Culver, Cunningham, Daniels, de la Garza, Delaney, Dent, and Diggs.

Dingell, Donohue, Dulski, Dwyer, Eckhardt, Edmondson, Edwards, Calif., Eilberg, Evans, Colo., Everett, Fallon, Fascell, Feighan, Fino, Flood, Foley, Fraser, Frelinghuysen, Friedel, Fulton, Pa., Fulton, Tenn., Garmatz, Gathings, Giaimo, Gibbons, Gilbert, and Gonzalez.

Holifield, Horton, Howard, Hungate, Ichord, Irwin, Joelson, Johnson, Calif., Jones, Ala., Jones, Mo., Karth, Kastenmeier, Kazen, Kee Kelly, Kirwan, Kluczynski, Kupperman, Kyros, Long, Md., McCarthy, McDade, McEwen, and McFall.

Macdonald, Mass., Machen, Madden, Mathias, Md., Matsunaga, Meeds, Miller, Calif., Mills, Mink, Monagan, Moorhead, Morgan, Morris, N. Mex., Morse, Mass., Morton, Mosher, Moss, Murphy, Ill., Murphy, N.Y., Natcher, Nix, O'Hara, Ill., O'Hara, Mich., O'Konski, and Olsen.

Randall, Rees, Reid, N.Y., Reuss, Rhodes, Pa., Rodino, Rogers, Colo., Ronan, Rooney, N.Y., Rooney, Pa., Rosenthal, Roush, Roybal, Ruppe, St Germain, St. Onge, Sandman, Saylor, Scheuer, Shipley, Slack, Smith, Iowa, Stafford, Staggers, Stanton, and Steed.

Stubblefield, Sullivan, Tenzer, Thompson, N.J., Tiernan, Udall, Van Deerlin, Vanik, Vigorito, Waldie, Wampler, Whalen, White, Widnall, Wilson, Charles H. Wolff, Wydler, Yates, Young, Zablocki, Zwach.

NOT VOTING—86

Ashley, Ashmore, Aspinall, Baring, Battin, Bell, Biester, Blackburn, Blanton, Boggs, Bolling, Broomfield, Brown, Calif., Brown, Ohio, Burton, Utah.

Clancy, Cohelan, Conyers, Corman, Cowger, Curtis, Daddario, Davis, Ga., Dawson, Dickinson, Dow, Evins, Tenn., Farbstein, Fisher, Flynt.

Ford, William D., Gallagher, Gurney, Halleck, Halpern, Hansen, Idaho, Hansen, Wash., Harrison, Hawkins, Hays, Hébert, Heckler, Mass., Herlong, Hosmer, Hull.

Jacobs, Karsten, King, Calif., Laird, Landrum, Leggett, Long, La., Lukens, McClure, McCulloch, McDonald, Mich., Mailliard, Minish.

Minshall, Moore, Nedzi, Pettis, Pollock, Rarick, Reid, Ill., Resnick, Rhodes, Ariz., Rivers, Rostenkowski, Roudebush, Ryan, Satterfield, Schweiker.

Shriver, Sisk, Snyder, Stratton, Teague, Tex., Thomson, Wis., Tunney, Ullman, Waggonner, Walker, Watts, Willis, Wright.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Fisher for, with Mr. Minish against.

Mr. Satterfield for, with Mr. Leggett against.

Mr. Ashmore for, with Mr. Moore against.

Mr. Flynt for, with Mr. Aspinall against.

Mr. Battin for, with Mrs. Heckler of Massachusetts against.

Mr. Brown of Ohio for, with Mr. Farbstein against.

Mr. Laird for, with Mr. Hull against.

Mr. Dickinson for, with Mr. Rostenkowski against.

Mr. Rhodes or Arizona for, with Mr. Stratton against.

Until further notice:

Mr. Cohelan with Mrs. Reid of Illinois.

Mr. Nedzi with Mr. Broomfield.

Mr. Evins of Tennessee with Mr. Mailliard.

Mr. Rivers with Mr. Thomson of Wisconsin.

Mr. Ford, William D. with Mr. Gurney.

Mr. Hébert with Mr. Minshall.

Mr. Hawkins with Mr. Bell.

Mr. Long of Louisiana with Mr. McClure.

Mr. Teague of Texas with Mr. Hansen.

Mr. Jacobs with Mr. Burton of Utah.

Mr. Blanton with Mr. Blackburn.

Mr. Brown of California with Mr. McDonald of Michigan.

Mr. Daddario with Mr. Clancy.

Mr. Davis of Georgia with Mr. Curtis.

Mrs. Hansen of Washington with Mr. Halleck.

Mr. Dow with Mr. Snyder.

Mr. Hays with Mr. Roudebush.

Mr. Gallagher with Mr. Conyers.

Mr. Sisk with Mr. Hansen of Idaho.

Mr. Ryan with Mr. Pollock.

Mr. Landrum with Mr. Lukens.

Mr. Watts with Mr. Halpern.

Mr. Wright with Mr. Hosmer.

Mr. Willis with Mr. Pettis.

Mr. Tunney with Mr. Schweiker.

Mr. Walker with Mr. Shriver.

Mr. King of California with McCulloch.

Mr. Wellman with Mr. Boggs.

Mr. Baring with Mr. Ashley.

Mr. Corman with Mr. Conyers.
Mr. Resnick with Mr. Dawson.
Mr. Rarick with Mr. Herlong.
The result of the vote was announced as above recorded.

And so, Mr. Speaker, giving food stamps to strikers just did not happen. It is the result of a specific vote by a majority of our elected legislators. Those who see the issue differently should take note and make their views known to those who voted on the prevailing side.

The House then adopted the conference report by a 245-to-98 margin. While I still voted against the bill, it easily carried after our efforts to delete the striker and student authorization failed. Many have criticized those who voted for the bill on the final passage but I would point out that criticism, if due—and I think it is, should be directed at the vote on the Teague motion to recommit. Here the issue was clearcut. Here the overall life or death of the program was not at stake but rather its unwarranted expansion into questionable areas.

Today, the House by an overwhelming vote adopted House Joint Resolution 388. In fact, Mr. Speaker, I was one of only nine Members who opposed its passage. There were many issues involved and good and compelling reasons which it should have been supported. However, there was one clause that is most interesting in the light of what I have been saying this afternoon. In addition to providing for continuing appropriations, which may be justified, it made in order that the food-stamp program authorization in the Second Supplemental Appropriation Act of 1970, "chargeable to the amount appropriated under this head in H.R. 17923 when enacted, is hereby increased from $300 million to $600 million, and the period of availability thereof is hereby extended from October 31, 1970, to January 31, 1970."

One does not have to be too bright, Mr. Speaker, to recognize that this extra $300 million may very well be headed not for the poor and needy but for the General Motors strikers and others who may be out of work by their own voluntary action. The whole sordid picture is one which certainly has not done the U.S. Congress proud.

HOW LONG TO LICENSE A NUCLEAR POWERPLANT?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 5 minutes.

Mr. HOSMER. Mr. Speaker, with the growing national awareness of our electric power shortage—occasioned by recent brownouts and blackouts on the east coast—the distinguished chairman of the Joint Committee on Atomic Energy, the gentleman from California (Mr. HOLIFIELD), and I have addressed a letter to the Chairman of the Atomic Energy Commission indicating our dismay over the time it takes to license a nuclear powerplant.

In this letter, the chairman and I indicate that we feel that this is a matter of significant national concern and that the staff of the Joint Committee will look into the matter in detail in the near future.

The letter follows:

JOINT COMMITTEE ON ATOMIC ENERGY,
Washington, D.C., September 24, 1970.

Hon. GLENN T. SEABORG,
Chairman, U.S. Atomic Energy Commission, Washington, D.C.

DEAR DR. SEABORG: We have been observing with dismay what appear to be indications of serious deficiencies in AEC's procedural and administrative mechanism for the licensing of nuclear power plants.

A few years ago a 7-to-9-month interval was the normal span between the submittal of an application for a construction permit and the regulatory decision regarding the issuance of the permit. Now the processing time is closer to 18 months and approaching 24 months in some cases.

At the operating license stage, when delays can be extremely costly in terms of dollars as well as the need to meet the energy requirements of large sections of this country, inordinate amounts of time seem to be consumed unnecessarily as a consequence of the licensing process or its implementation.

Of course we have in mind only delays that contribute nothing to health and safety, including environmental considerations.

We are concerned that orderly, beneficial licensing procedure appears to be degenerating, and perhaps even to have broken down. In contested cases all semblance of order seems to be disappearing. Procedural and legal questions appear to pop up at any time and at all stages, and to be treated by the Boards in such a way as to stymie required substantive presentations. We understand, for example, that ordinarily in contested cases large numbers of management and technical personnel have to waste hundreds of hours attending Board hearings in order to be on hand when, from time to time, safety or related technical issues are heard.

Our unease is intensified by the uncomfortable feeling we have from the apparent absence of any special consideration by the Commission of the current licensing situation and recent trends. The pounds of formal paper our staff receives and the information we get concerning the conduct of hearings seem to us to highlight a number of significant problem areas that ought to be examined critically.

We are not sure we appreciate the net contribution that can be derived from the miscellaneous comments made by all the various agencies pursuant to the National Environmental Policy Act. If comments from agency "B" affect the substance of the comments from agency "A", does agency "A" respond anew? Does anyone coordinate and capitalize on all the comments? What is the Commission planning to do about recommendations to amend the Atomic Energy Act in the light of environmental considerations and the National Environmental Policy Act?

We are instructing the Committee staff to look into this entire matter, and are assigning it a high priority in the tentative scheduling of Committee business. We would like to be brought up to date on the Commission's views and plans in regard to the licensing situation.

Sincerely yours,

CHET HOLIFIELD,
Chairman.
CRAIG HOSMER.

U.S. MARCH FOR VICTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 30 minutes.

Mr. RARICK. Mr. Speaker, on Saturday, October 3, thousands of concerned Americans assembled in Washington, D.C., for a march and rally at the Washington Monument. Their purpose was to petition their Government for grievances by seeking an end to the war in Vietnam through victory.

I include a list of the speakers and the speech delivered by myself and that of Maj. Gen. Thomas A. Lane:

SPEAKERS FOR THE MARCH FOR VICTORY RALLY

Speakers are listed with the titles of speeches they gave.

A Congressman With the Issue: Hon. John Rarick, Representative, Louisiana.

Strategy for Victory: Thomas A. Lane, Major General, United States Army, Retired.

Death of a Nation: Mr. John Stormer, Author, None Dare Call It Treason.

The President Speaks: Mr. Edgar C. Bundy, Executive Secretary, Church League of America.

Russia as Usual: Mr. Peter Koltypin, Chairman, Freedom for Russia.

Righteousness in a Nation: Dr. Corbett Mask, President, America Baptist Association.

Victory Under God: Dr. Carl McIntire, Chairman, U.S. March For Victory; President, International Council of Christian Churches.

The Heart of America: Rev. Wes Auger, Representative of 20th Century Reformation Hour.

We Want To Go Home: Mr. John Kang of Taipei, Formosa; Vice-General Secretary, World Christian Anti-Communist Association.

Central America Wants Freedom: Mr. Edgar de Leon Vargas; Congressman, Guatemala.

Latin America Speaks: Dr. Israel Gueiros of Brazil; President, Latin American Alliance of Christian Churches; Vice-President, International Council of Christian Churches.

Africa Wants Victory: Rev. A. D. Obot of Nigeria, President, West Africa Council of Christian Churches; Executive Committee, International Council of Christian Churches.

Europe Can Fight: Ds. J. C. Maris of The Netherlands; General Secretary, International Council of Christian Churches.

SPEECH OF HON. JOHN R. RARICK, MEMBER OF CONGRESS, SIXTH DISTRICT OF LOUISIANA, OCTOBER 3, 1970, AT THE U.S. MARCH FOR VICTORY IN THE CITY OF WASHINGTON, D.C.

My Fellow Patriots: We are again assembled in our nation's capital, standing up for our country and demanding that something be done about Vietnam. We are here today to demand again an end to the war in the shortest time possible—with the least lost of additional lives—the least waste of additional tax dollars. That objective can only be obtained through victory. A victory policy at this time would be the greatest deterrent to the growing threat of war in the Middle East.

I believe in peace through victory and that is why I am standing with you here today for America. I refuse to believe that the love of our country has deteriorated so far that to be right one has to go left.

Since our last March for Victory in April—roughly six months ago—because there has been no change in the direction of our politically motivated leaders, 2,604 Americans have been reported killed in action in Vietnam, 17,618 men have been wounded, and 1,422 are reported missing in action—or prisoners of war. And because our leaders have refused to act decisively to end the war, we are no closer to peace today than we were six months ago.

We are led to believe that we can appease, compromise, and negotiate an honorable and just peace and a return of our POW's. Our

past experience proves the contrary to be true. History has shown that a nation that does not win its wars, does not free or recover its POW's.

I'm glad my country believed in victory in World War II—I'd hate to think that I might still be in a German prison camp 25 years later while our diplomats talked peace and negotiated with Hitler.

In World War II the greatest morale builder we had was the promise that the sooner we won the war, the sooner we'd all get to go home. But our country quit winning when our leaders got into wars for peace rather than for freedom.

Today, our diplomats continue to talk and negotiate—and negotiate and talk, but American men still continue to die and will continue to die as long as we are willing to pay this price for appeasement and defeatism. Our diplomatic blunderers have become so defeatist conscious that in their directives they even discourage mention of the word "victory" because to them it sounds too militaristic.

Yet, our leaders continue to listen to their internationally oriented advisors, more concerned about what a handful of Communist dictators think of our world image rather than what we as Americans think of ourselves—or moreso what our red-blooded youth think of us parents for letting the decision-makers get away with.

Many collegiate solutions and rationalizations are offered for ending the Viet Nam conflict but all are idealistic rather than realistic because, for one reason, none can explain how we would ever regain our captured prisoners of war by retreating from the battlefield.

What is wrong with victory over atheistic Communism? What is wrong with winning a truly lasting peace? What is wrong with wanting other people to be free?

The answer to the Viet Nam war, in fact the answer to the Communist threat against the free world, is not in massive spending of taxpayers' dollars—more sophisticated weapons, more men under arms—the answer is a proper application of our God-given talents—American ingenuity and courage. All we need is for our leaders to show some intestinal fortitude—spelled G–U–T–S, guts!

Some have said that this March is held at the wrong time, for the wrong reason, in the wrong place, and sponsored by the wrong man.

With 50,000 American men already dead, leadership lacking in the courage to do what must be done, and with many elections only 30 days off—could there be a better time?

How many politicians up for election on November 3rd would invite our President who toasted the courage and independence of the Communist dictator of Yugoslavia, to come into his District or his State and tell his constituents, "I need this man to come to Washington to fight for me as a member of my team." That is, unless the members of the Republican party now intend to make a play for the New Mobe—Yippie Vote.

It is tragic that at this crucial time the Commander in Chief of our fighting forces may have become a handicap to his own party.

Mr. Nixon himself, in 1964, before he was elected President, declared that victory over Communism is essential for a survival of freedom. Nothing has changed but the President. We are told that the "dear friends of Hanoi" groups are mobilizing for political action to defeat Congressmen who will not pledge themselves to defeatism.

As Christian Americans we have a moral duty to defeat those candidates of defeatism who say that we must not win or can't win over Communism. Our March is for freedom—our cause is right.

The Communists in Hanoi, Moscow, and Peiping know full well that their battle for world conquest will not be won in wars of liberation in far-off jungles or deserts or in small insurrections. The Communist strategists know the world will be won at freedom's most vulnerable spot, and that spot is right here in Washington, D.C. This is where the decision makers, the Congressmen, and the Supreme Court judges work, even if most fear to live here. The Communists know this—the communications media know this. The place for the March is right. This is where victory will be won or lost.

As for the March being organized by a Christian minister, if our leaders have become so misguided by indecision that they cannot or will not lead, and if our politicians vascillate—lacking the courage of American conviction, then it's time—it's time for Christian people to awaken, to become evangelical, to use what freedom we have to come forward and stand up for our country. What other segment of our society fears no wrath of man, only fear of God? If those in our establishment have become captive, who else in our land can restore morality and respect to a country that has lost its direction—to the greatness that belongs not to our politicians but to our people?

I say that nothing is more fittingly proper and American than that a man of God, Dr. McIntire, accepted the role of leadership among Christian Patriots to lead this March.

As a young farm boy, I learned early in life that the only things to be found in the middle of the road are yellow lines and dead skunks.

Those of you present here today are not of the silent majority. A silent majority never saved any country—never won any freedom—never stopped tyranny. Where the flames of freedom still burn in our world it is because of small organized dedicated minorities of free men and not silent majorities.

The reason we are here today and the reason our country is at the crossroads is because of the silent majority. The silent majority remained silent when they should have spoken—the silent majority influenced elections because they did not turn out and vote. The silent majority was more afraid of losing personal vanity than of losing their freedom—the silent majority is also in government where it sits back and says nothing, goes along and votes with the crowd rather than rock the boat. The silent majority are those of our Judiciary who simply join in unconscionable decisions because they fear being made conspicious if they dissent or stand up for what is right. The silent majority have stood by while 50,000 of our men have been killed in Viet Nam.

In the words of Tom Anderson, "Silence at a time like this is not golden—it's yellow."

It was the silent majority of nations that did nothing when the armed might of imperialistic communism invaded and extinguished the flames of freedom in the nations of Estonia, Latvia, Lithuania, the Ukraine, Byelorussia, Armenia, Turkestan, Moldavia, Albania, Bulgaria, North Korea, North Vietnam, Rumania, Tibet, Czechoslovakia, Hungary, Poland, East Germany, and Yugoslavia. It was the silent majority that stood idly by and said nothing as Germany was taken over by the paper hanger Schickelgrubber. It was the silent majority that ridiculed Patrick Henry as an extremist and trouble maker. And it was the silent majority that did nothing as they watched Jesus Christ crucified.

The leadership and direction of our country is morally bankrupt—we have become a leaderless government reacting only to pressure groups—there will be no change unless it originates with you the people. The odds are high but so are the stakes—our freedom and the freedom of our children.

As Christians, we are taught not to be silent but to be vocal—we are commanded to love—to be *for*—God, Honor, Liberty, and Country. And we are for Victory, when we know our cause is just.

We are commanded to testify, to bear witness of our actions of love—to stand up and be counted.

What greater witness can we bear than this tremendous Rally for an end to the war in Viet Nam by Victory? We must remember that we live in a nation where public opinion molders are a part of the establishment and are hostile to the truth. We must, therefore, spread the word ourselves to every corner of our land. Our leaders must hear our voices—must know our common resolve, We again issue our call for victory.

We demand an end to the War in Southeast Asia. We demand peace through Victory, in Vietnam and Victory over Communist imperialism and tyranny and over Communist suppression of human rights wherever it is found.

With our prayers—with God's help, we shall not be denied.

A Strategy for Victory

(By Maj. Gen. Thomas A. Lane)

When General Douglas MacArthur warned the Congress nineteen years ago that in war, there is no substitute for victory, he spoke a truth confirmed by all human experience. He saw clearly that the Truman administration was then leading this country into a bloody stalemate in Korea which was to continue for two more years.

Just as a bullseye is surrounded by a thousand misses, every truth is surrounded by a thousand errors. In Korea, the Truman administration embraced the twin errors that the war could be moderated by our restraint and that it could be ended by negotiation. These two theses were sheer self-deception, the products of wishful thinking. There was no historical evidence to support them. The tragic experience of the Korean War once more condemned them.

When the Korean War was virtually ended by our great victory at Inchon, we threw that victory away by promising to allow sanctuary to the enemy in Manchuria. That imprudence precipitated the Red Chinese invasion and the years of slaughter which followed.

When our armies had once again turned the tide and were on the threshold of a new victory in Korea, President Truman stopped our offensive and began negotiations with the enemy at Panmunjon. For two years, while our men continued to die in a war they were forbidden to win, the dreary mockery of peace negotiations at Panmunjon continued.

As I observed these tragic events, I came to this conclusion: "The Democratic Party is unfit to govern this country." The lives of our youth and the substance of our people were being wasted in a war which General MacArthur had won in 1950 and which our political leaders had encouraged the enemy to renew. The bible says "When the leaders have no vision, the people perish." Americans were dying in Korea, but Russians were not dying there. From his post in the Kremlin, Stalin saw this war as it was—his victory.

The Democratic Party learned nothing from its experience in Korea. In 1961, I saw President Kennedy repeating step by step the very errors which President Truman had made in Korea. He neutralized Laos in the mistaken belief that our withdrawal from Laos would be emulated by North Vietnam. When instead the North Vietnamese used Laos as an avenue for the attack on South Vietnam, President Kennedy forbade South Vietnam to strike back at the aggressors in Laos. Like President Truman in Korea, he gave the enemy a sanctuary from which to attack South Vietnam. He made the defense of South Vietnam impossible. President Johnson sent half a million Americans to

South Vietnam but he never defended the country effectively because he never ended the enemy sanctuary.

The Johnson leadership was marked by a frantic and futile quest for peace. The President had failed to grasp the most elementary requirements of peace.

Because negotiations at the conclusion of past wars had been called peace conferences, our leaders grasped at the absurd notion that war could be ended simply by calling a peace conference. They misjudged and misrepresented history.

In the past, wars had been settled on the battlefield. The so-called peace conference was merely the meeting at which the victor imposed his terms on the vanquished.

In war, you don't ask for a "peace conference" unless you intend to surrender. This practical reality is apparent today at the Paris peace conference. Since we asked for the meeting, North Vietnam is dictating the terms of surrender. It tells us to get out of South Vietnam and to deliver our ally to communist rule. Leonid Breshnev warns us to accept the terms. Our own pacifists are screaming at our President to surrender.

Thus, the pretense of successive administrations that we are negotiating an honorable peace at Paris is cynical deception of the American people. Without prior military victory, the talks at Paris can produce only dishonorable surrender or continuing war.

Let it be clear to all Americans that never before in history has war been waged with such disastrous ineptitude as the United States has shown in Vietnam. We have faced an enemy across the western border of South Vietnam, in Laos and Cambodia. The enemy lines of communications came in from the flanks where they could easily be severed. But our political leaders have prohibited this simplest of battlefield actions, a move which would end the war quickly and finally.

In Vietnam, our fighting men have performed magnificently. They have won every battle. They have driven the enemy from every battlefield. But they are coming home defeated, their sacrifices wasted, because our country has been led by politicians who renounced victory.

This year we saw our combined American and South Vietnamese forces strike and destroy the enemy sanctuaries in Cambodia in a two-month campaign which also severed the enemy line of communications from Sihanoukville. The consequence of that campaign is that the war in the southern provinces of South Vietnam is virtually ended.

We know that in another two months our combined forces could similarly destroy the enemy bases in southern Laos, after our presidential protection of those enemy bases is lifted. Then the war in South Vietnam would be ended, the free countries of Southeast Asia would defend themselves and all American forces could come home.

President Nixon has chosen instead to continue the Laotian sanctuary, to continue the war of attrition, to continue the talks at Paris. He has now been in office twenty months. He has been talking at Paris almost as long as President Truman talked at Panmunjon. As in the Korean War, the fighting continues while diplomats talk. Our side is still having about 400 men killed in action every week, just as we did when Lyndon Johnson was President.

It is unconscionable to continue this slaughter while we hold the power to end it summarily with military victory. Only the President of the United States keeps our side from knocking out the enemy in Laos and ending the war.

Observing the present course of policy, we cannot escape the conclusion that the Republican Party too is unfit to govern this country. It lacks the vision or the courage to do what the security of our country requires.

Our country is indeed in a sad state when both political parties have proven unequal to the task of government. But that is our situation. That is why we are at war.

What can one citizen do in matters of such vital concern to our country? The opportunity is at hand. One month from today, we shall elect a new House of Representatives and one-third of the United States Senate. This is the citizens opportunity to give direction to government.

We have in the Congress men like John Rarick of Louisiana who are wise and courageous, men who are not subservient to the dictation of a misguided party leadership. This war continues only because we don't have enough such leaders in the Congress.

This year, let your single-minded purpose be to elect candidates who stand boldly for Victory in Vietnam. If a candidate does not stand squarely on this issue, there is nothing he can do for this country which would warrant sending him to Congress. If he does stand for victory, stand with him, for he is a man of vission and of courage.

The issue in this election is not one of political party. It is whether this nation will adhere to the wisdom which made it great or will decay in timidity and corruption. Only the American people can provide the answer.

On the battlefield at Gettysburg, President Lincoln prayed "that these honored dead shall not have died in vain." Let that be our resolution today for our men who died in Vietnam. Let us honor them with the victory for which they fought.

SHORTAGES BEING MANUFACTURED FOR HEATING OILS DISGRACEFUL PERFORMANCE

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the RECORD and to include editorials.)

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to bring to the attention of the Members of the U.S. Congress an editorial that appeared in the Quincy Patriot Ledger on October 2, 1970. This editorial expresses my sentiments in their entirety. I also wish to include a news story that appeared in the same newspaper on September 5, 1970. The weak answers being handed out by the Nixon administration on the shortages being manufactured for heating fuels is one of the most disgraceful performances in the history of our great Nation.

I have been reliably informed that oil suppliers in Canada can furnish up to 300,000 barrels of oil a day for the United States without placing their own supplies in jeopardy.

Remove the quotas and the law of supply and demand will prevail, prices will drop and areas of our country now plagued with shortages will receive the kind of relief necessary.

The above-mentioned articles follow:

A BONE FOR NEW ENGLAND

Among the Nixon Administration's recommendations on easing the New England fuel shortage is an appeal to the consuming public to conserve the use of energy, promising that federal agencies will set an example.

They are.

In fact, there seems to be too little energy being expended in Washington on the New England fuel shortage.

Having previously set a limit on foreign competition for the home heating oil market at 9 per cent of the estimated total demand in New England when the price of foreign oil was much lower, the Administration now is increasing import quotas on a kind of "buy while you freeze" plan. That is, there will be an extension of the "special" quota of 40,000 barrels a day of No. 2 fuel oil used for home heating, and during the cold months New England can even import twice as much—provided the area "pays it back" by having lower imports during the warmer months.

This may or may not lead to an oil price free-for-all during the winter months. Industrial and commercial users, remember, will be competing with the homeowner for No. 2 oil, since the heavier residual oil is in short supply.

Domestic producers are pointing to the scarcity of residual oil as a nasty example of what happens when the nation becomes reliant on foreign sources of supply. Residual import quotas for several years have been so high that they are virtually free.

The fact is that domestic producers didn't care about producing residual oil because of its low price, and instead produced more of the higher-priced light oils.

The domestic industry, in short, abandoned the residual market to foreign producers, while being protected from foreign competition by import quotas on higher-priced lighter oils—skimming the top off the market.

Now that oil prices are up in general because of transportation and supply problems, coupled with increasing demand, the government is temporarily permitting New England to have more imports.

It's little wonder there is bipartisan grumbling from the New England congressional delegation. And why shouldn't there be grumbling when government policy has resulted first in higher prices here than in other areas of the country, and now shortage-plus-higher-prices? The delegation wants to meet with President Nixon soon to discuss the matter—and the sooner the better.

BURKE DEMANDS LIFT OF CANADIAN OIL IMPORT QUOTA

WASHINGTON.—Rep. James A. Burke, D-Milton, who last month asked the President's Oil Policy Committee what it planned to do to ease the danger of oil shortages in New England and received no answer, Friday "demanded" that the committee lift "all import quotas on all types of oil from Canada.

UNCONSCIONABLE

"The oil shortages facing New England during the coming winter months are unconscionable," he said in a telegram to Oil Policy Committee head George A. Lincoln. "And I demand that appropriate steps be taken to lift the Canadian quotas immediately," he added.

Burke wrote Lincoln Aug. 13, explaining that he and other New England congressmen were concerned about potential winter oil shortage. He asked the director to outline the steps his committee planned to take to avoid the shortage. His letter concluded with: "I am gravely concerned about this matter, and if the proper answers are not forthcoming I will urge termination of these quotas forthwith."

Lincoln did not reply to Burke's letter, and Burke kept his promise with the most strongly worded protest and demand made by any New England congressman in the delegation's year-long battle against the quotas.

In his most recent telegram, Burke said there is no justification for import quotas

on Canadian oil. He dismissed the argument that imports would endanger the national security. "In fact the removal of such quotas national security would be aided," his telegram said.

The administration has contended that the import quotas encourage domestic oil companies to find and produce their own oil, and dependence on foreign oil would weaken this country in time of war, because its oil supplies could be cut off.

Burke does not agree with this theory, but even if it were correct, he says, no war could cut oil supplies from Canada.

SPEAKER McCORMACK HONORED BY CAPITOL HILL FIRST FRIDAY CLUB

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to share with my colleagues in the House an award which was presented to our beloved Speaker JOHN W. MCCORMACK by the Capitol Hill First Friday Club on Friday, October 2, 1970.

The Resident Commissioner of Puerto Rico, the Honorable JORGE L. CÓRDOVA, presented a plaque from the First Friday Club to the Speaker which read:

CAPITOL HILL FIRST FRIDAY CLUB,
WASHINGTON, D.C.

To the Honorable John W. McCormack, Speaker of the U.S. House of Representatives.

In recognition of his acclaimed dedication to God, country, family and his perservering lifetime objective "to improve the quality of life for his fellow men everywhere."

President Harry M. Livingston, of the Capitol Hill First Friday Club, presided, assisted by the Honorable GILBERT GUDE.

Among the honored guests was the Most Reverend Luigi Raimondi, the apostolic delegate to the United States as well as the Honorable FRANK ANNUNZIO, whose remarks on this occasion follow:

REMARKS OF HON. FRANK ANNUNZIO

Your Excellency, Reverend Fathers, Mr. Speaker, Honored Guests, my colleagues in the House, thank you for being here today.

I am delighted to have the honor today to introduce an outstanding and distinguished American. As one who has served in the Congress of the United States for the last six years and as one who regards himself as a younger member, I must in all candor say that Speaker McCormack's leadership and wise counsel have inspired me to do the best possible job for the people of my District and the people of America.

Mr. Speaker, your own example of hard work and dedication to your legislative responsibility was the example that I followed. The people of America will always remember your dedicated service to your country. You served our nation at a time when we were challenged by totalitarian forces throughout the world. You were the leader of your party. Because of your devotion to duty and your untiring efforts in a leadership role in the House of Representatives, today our country is stronger economically and militarily, and our people are better fed, better housed, and better educated.

It is a privilege for me to have this opportunity to pay tribute to you. You have always been fair, just and impartial. Your personal consideration for the members of the Congress has earned the gratitude of all of us and has, in turn, inspired our heartfelt affection and support.

All of us know of the deep religious faith of the Speaker, of his charity and compassion, of his devotion to his wife, to his church, his religion and his beloved country. He has been a tower of strength over the many, many years sponsoring and taking an active part in the functions of the First Friday Club.

Ladies and gentlemen, it is a genuine pleasure for me to present our distinguished Speaker—a great American who loves his country and loves the House of Representatives which for 42 years he has served so well—Speaker McCormack.

DISSENTING VIEWS ON S. 30, THE ORGANIZED CRIME CONTROL ACT

(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, the House this week will undertake consideration of S. 30, the Organized Crime Control Act of 1970. My distinguished colleagues, Mr. CONYERS from Michigan and Mr. MIKVA from Illinois, and I have expressed our very serious reservations in our dissenting views on this bill. Since there has been some difficulty in obtaining copies of the committee report—House Report No. 91–1549—I am inserting our views in the RECORD.

S. 30 should not be passed. It is rife with provisions violative of the Constitution. It rides roughshod over due process. And what is more, it is an ineffectual tool with which to combat the very real problem of organized crime in America.

On behalf of myself and my colleagues with whom I joined in dissent—the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. MIKVA)—I urge the other Members of this House to read with the utmost care the views we have expressed. Even minimal consideration for the Constitution requires no less.

Our dissenting views follow:

DISSENTING VIEWS OF REPRESENTATIVE JOHN CONYERS, JR., REPRESENTATIVE ABNER MIKVA, REPRESENTATIVE WILLIAM F. RYAN, ON THE ORGANIZED CRIME CONTROL ACT

This bill is another dreary episode in the ponderous assault on freedom. It employs the spirit of repression extant in some quarters as a substitute for the Constitution, custom, and reason. And if all that were not enough, it won't work: it is more likely to catch poachers and prostitutes than it is to catch pushers and pimps.

The statement that opposition to the Organized Crime Control Act can in no way be equated with softness on crime is so obvious that it virtually belies utterance. But given the climate of national vituperation in which this bill was bred, it merits iteration. We all react with outrage to the massive assault being leveled on decent citizens by both organized crime and by street criminals. We all are determined to defeat that assault. In fact, we, more than many of our colleagues, have particular knowledge of the depradations of crime: we all represent major metropolitan areas—the loci of crime in America. It is our constituents who are, with far more frequency than the citizens of the farms and towns and small cities of the Nation, the victims of violent crime—of muggings, robberies, extortion, and murder.

We are dismayed that this oversold bill does so little to redress this situation, even as it rips off large chunks of the Constitution. We are committed to the maintenance of constitutional liberties, and to the cultivation of a system of law enforcement which maximizes effectiveness and efficiency, rather than a repressive shotgun which shoots down innocent and guilty with equal diffidence. We think our Constitution and the needs of law enforcement need not be—and cannot be—at odds.

In opposing this bill, we act with a special sense of the needs of our constituents and with a particular awareness of the severity of crime in the streets. We believe that our constituents—and all Americans—are entitled to receive from their representatives cures and not placebos—particularly placebos wrapped in the coating of the offensive and even unconstitutional trappings that accompany the Organized Crime Control Act bill.

We want to make several points immediately clear about the Organized Crime Control Act bill.

This bill is not the answer to crime in the streets—the muggings, the robberies, the rapes.

This bill is not an answer to the complex problem of juvenile crime.

This bill is not an answer to the destructive penal system which breeds criminals.

This bill is not an answer to the massive backlog of cases besetting the courts—a backlog which in such large measure accounts for criminals roaming free.

In sum, the Organized Crime Control Act is no answer to the hundreds of thousands of criminal acts which are terrorizing this country. It is aimed—at least ostensibly—at organized crime, and any person who sees in its passage the turning of the tide against the street crime which is the vital, immediate concern of every American family suffers faulty vision.

Even so, were this bill an intelligent, reasonable approach to the problem of organized crime, we would gladly support it. As Government officials, we are especially offended at the frequent links between organized crime and politics; and we are deeply concerned about infiltration of legitimate business by organized crime. But, intentionally or otherwise, this bill directly assaults the liberties and rights of all Americans, while only ineptly flailing out at organized crime.

We commend the committee for having considerably improved upon the Senate version of this bill by modifying and deleting at least some of the offensive provisions of that piece of legislation. The result, however, is a "scissors and paste" cosmetizing job that cannot overcome the basic defects of the bill. As Mr. Justice Brandeis wrote in *Olmstead* v. *United States*, 277 U.S. 438, 485 (1928):

"Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example * * *. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution * * *."

Four titles of this bill are particularly egregious: Title I—Special Grand Jury, title VII—Litigation Concerning Sources of Evidence, title IX—Racketeer Influenced and Corrupt Organizations, and title X—Dangerous Special Offender Sentencing. Several other titles also raise serious problems.

TITLE I

Title I authorizes special grand juries to be created at the instance of the Attorney General. These special grand juries have the power not only to indict, but also to submit to the court of their district reports when

the evidence is insufficient to warrant an indictment. These reports are to be issued.

"(1) Concerning noncriminal misconduct, malfeasance, or misfeasance in office involving organized criminal activity by an appointed public officer or employee as the basis for a recommendation of removal or disciplinary action; or (2) regarding organized crime conditions in the district." (emphasis added)

In brief, this title proposes to create official bodies bedecked with the power to accuse, while leaving the accused bereft of any effective means of rebuttal. This is hardly less than sanctified calumny. And in case anyone might quarrel with our characterization of these special grand jury reporting powers, he might first ponder why the Senate version of this bill was amended by the House committee to exclude elected officials from the reach of these mini-star chambers.

Title I purports to erect procedural safeguards to protect the noncriminal accused—such as the right to appear before the grand jury and to bring witnesses; a right to respond, and a right to appeal. Anyone familiar with the way grand juries operate knows that these protections are illusory. The nature of the special grand jury makes this even more so.

Firstly, the district court is required to make an unchallenged report (or one sustained on appeal) public if it finds the report is supported by a "preponderance of the evidence." Presumably, any appeal which a named party can take will be adjudicated on this standard and on procedural regularity. In fact, this means that both the initial district court and the appellate court control over the reports is going to be practically nonexistent.

This is so because the bill does not require that only credible, or relevant, or legally admissible evidence be considered. The evidence can be made up of hearsay, unconstitutionally obtained evidence, opinions, unsubstantiated slander, and prejudicial casuistry. So a standard ostensibly geared to some appreciation of the rights of the noncriminal accused is really completely nebulous.

Moreover, the whole reason for providing the right of appeal is to quash smear campaigns. Yet, grand jury proceedings are notorious for the ease with which the press gains access to their conclusions. And even if the press should miss at that point, the taking of an appeal virtually will insure public disclosure that the appellant has been accused.

Still another procedural flaw—but again, one with very severe substantive ramifications—lies in the supposed safeguard of allowing the person whom the grand jury has decided to name as being guilty of noncriminal misconduct to appear and produce a "reasonable" number of witnesses. By the time this occurs, the jury has already made up its collective mind and so the accused carries the burden of convincing it to change its conclusion. Yet, he cannot confront the witnesses against him and subject them to cross-examination. Nor does it appear that he even has the right to be apprised of the evidence on which the special grand jury has based its conclusion that he is guilty of noncriminal misconduct. "Prove to us that you're not guilty of anything no matter what anyone has told us" seems to be the groundrule of this frightening version of the game "I've Got a Secret."

No particular prescience is needed to forecast the public's reaction to a special grand jury's report that an appointed official—through official, but not criminal—misconduct has been helping organized crime. He is going to be branded as an accomplice of organized crime. As the New York Court of Appeals said in *Wood* v. *Hughes*, 9 N.Y. 2d 144, 154, 173 N.E. 2d 21, 26 (1961):

"In the public mind, accusation by report is indistinguishable from accusation by indictment and subjects those against whom it is directed to the same public condemnation and opprobrium as if they had been indicted."

The ordinary grand jury is permitted to sidestep many due process procedural guarantees—representation by counsel, confrontation, public hearing, and the like. But this is because it is only the start of the legal proceedings against a person. The regular grand jury can only return an indictment; the "grand jury merely investigates and reports. It does not try." *Hannah* v. *Larche*, 363 U.S. 420, 449 (1960). Mr. Justice Frankfurter, concurring in *Hannah* wrote:

"Were the Commission exercising an accusatory function, were its duty to find that named individuals were responsible for wrongful deprivation of voting rights and to advertise such finding or to serve as part of the process of criminal prosecution, the rigorous protections relevant to criminal prosecutions might well be the controlling starting point for assessing the protection which the Commission's procedure provides." *Id.*, 488.

We would particularly note the Court's opinion in *Greene* v. *McElroy*, 360 U.S. 474 (1959), which involved the validity of an inquiry conducted for the purpose of determining whether the security clearance of a particular person was to be revoked. A denial of clearance would shut him off from the opportunity of access to a wide field of employment, as well as causing him to lose his current job. The Court said:

"Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealously. We have formalized these protections in the requirement of confrontation and cross-examination. This Court has been zealous to protect these rights from erosion. *It has spoken out not only in criminal cases . . . but also in all types of cases where administrative and regulatory actions were under scrutiny* . . . Nor, as it has been pointed out, has Congress ignored these fundamental requirements in enacting regulatory legislation. *Id.*, 496–97" (emphasis added).

Title I is very properly concerned with official corruption. But the avenue it chooses to combatting this vice deprives both the innocent and the "guilty" of basic rights of due process. Surely, we need not corrupt civil liberties in order to combat corruption in public office.

TITLE VII

Title VII has been considerably improved over the version which was included in the bill which passed the other body. However, philosophically, it remains perhaps the most distressing provision of this bill. It demonstrates an antipathy toward, and impatience with, the exercise of constitutional rights which reflects another grim chapter in the attempts to uplift expediency to the level of constitutional legitimacy.

The title imposes a statute of limitations on the exercise of the right to challenge the admissibility of illegally obtained evidence. It does this by adding a new section to chapter 23 of title 18 of the United States Code, which provides, in section 3504(3), that in any trial, hearings, or other proceeding.

"No claim shall be considered that evidence of an event is inadmissible on the ground that such evidence was obtained by the exploitation of an unlawful act occurring prior to June 19, 1968, if such event occurred more than 5 years after such allegedly unlawful act."

We are aware that, as a practical matter, this provision will not have great application, since it does not apply to acts involving the obtaining of evidence which occurred after June 19, 1968. But any essay at foreclosing the exercise of a constitutional right must be rejected, whether it is of wide applicability or otherwise. Both in terms of its own operation, and as precedent for subsequent efforts by the government, this encroachment is dangerous.

Statutes of limitations have validity because they bar stale claims; the provision here would bar defenses. As the report on the Organized Crime Control Act of the Association of the Bar of the City of New York states, at page 24:

"It may be reasonable to preclude the commencing of litigation after a given period of time—either because the defendant should not be forced to answer, nor the courts to hear, charges which can only be substantiated by evidence weakened by time, or because the plaintiff has been negligent in failing to bring suit earlier. It would be a novel application of this logic, however, to allow the defendant to be brought to trial and at the same time to hamper his defense by precluding him from raising constitutional issues which might otherwise be available to him."

Title VII represents the kind of insidious erosion of constitutional protections which is always justified by the contention that the diminution of liberty is negligible, or insignificant. We do not regard the fourth amendment as susceptible to characterization by either of these terms, nor do we regard this title as anything less than an invidious assault upon that amendment.

TITLE IX

Title IX, entitled Racketeer Influenced and Corrupt Organizations, seeks to stymie organized crime's growing infiltration of legitimate business.

But it runs amuck. It embodies poor draftsmanship, and it employs penalties and investigative procedures which are both abusive and pregnant with the potential for abuse.

Prohibited activites

Section 1962 of title IX defines prohibited activities. Subsection (a) provides that:

"It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce."

Thus, as to racketeering, the following must be established for a prohibited activity to exist: two or more separate acts of racketeering activity, thereby establishing the "pattern," and the direct or indirect use or investment of the gains derived therefrom. This burden imposed upon the prosecution seems perverse, since the very reason why we have thus far been so unsuccessful in striking at organized crime lies in the difficulty of even securing one conviction. Here, the prosecution, absent any prior conviction, would have to prove beyond a reasonable doubt two illegal acts in order to establish the "pattern." Yet, if it could secure even one conviction, it would not need this section.

What is more, the massive infiltration by organized crime of legitimate business is a consequence of the difficulty of tracing the path from illegal gains to investment of them. Yet, this burden of tracing is also im-

posed upon the prosecution by section 1962 (a)'s language. And, if this path could in fact be traced, then the investor could be prosecuted under existing Federal law, anyway, for income tax evasion, as well as for State offenses in many cases.

Thus, in their zealousness to get at organized crime, the drafters of this bill have employed language which may only succeed in erecting a procedure to insulate its operants from successful prosecution under this title.

Unlawful debt

Similar inept draftsmanship resides in the failure to provide a workable definition for one of the most important terms in title IX—"unlawful debt." Use or investment of funds collected on an unlawful debt constitutes a prohibited activity under section 1962, and is punishable under section 1963. But the definition of the term, as provided in section 1961(6) creates two problems. This section reads:

"(6) "unlawful debt" means a debt (A) incurred or contracted in gambling activity which was in violation of the law of the United States, a State or political subdivision thereof, or which is unenforceable under State or Federal law in whole or in part as to principal or interest because of the laws relating to usury, and (B) which was incurred in connection with the business of gambling in violation of the law of the United States, a State or political subdivision thereof, or the business of lending money or a thing of value at a rate usurious under State or Federal law, where the usurious rate is at least twice the enforceable rate; * * *"

This provision, by employing the words "a State," raises both very difficult jurisdictional problems, and substantive problems arising from the creation of a Federal law of gambling and of usury. For example, a transaction may have connections with two or more States; in one, it is legal, in another not. Innocent action in one State will be the premise for establishing the collection of an "unlawful debt" in another State under title IX. Which State's laws are to govern?

Then, there is also the problem that arises because the use of the words "a State" creates Federal laws of gambling and usury. The language implies a standard geared to the most stringent State law, and apparently will make collection and use of funds derived from a debt incurred in the business of gambling in Nevada the premise for establishing an unlawful act, because other States outlaw such businesses. Similarly, a loan at 12 percent interest may be legal in State Y, but because 6 percent is the maximum nonusurious interest rate in State X, collection of the debt in State X by a citizen of State Y from a fellow citizen of that State will constitute collection of an "unlawful debt."

This inept draftsmanship gives some indication of much of the quality of this bill. In observing the patchwork collection of these provisions—admirable in their intent to fight organized crime, but seriously compromised by virtue of the barriers they erect to effective implementation—we are reminded of Chief Justice Burger's admonition in his State of the Judiciary address of August 10. In noting the burdens the courts face, the Chief Justice said:

"The difficulty lies in our tendency to meet new and legitimate demands with new laws which are passed without adequate consideration of the consequences in terms of caseloads."

Undue penalties

Section 1962 opens the door to 20 years in prison, a $25,000 fine, and forfeiture of property, all because a man won $1,000 on two separate instances in a gambling game. It does so by prohibiting the use or investment of funds either directly or indirectly. The so-called racketeer need not directly use this $1,000 to buy a business in order to run afoul of the title. The mere fact that this $1,000 enabled him to utilize another, legally obtained $1,000 to buy the business, rather than necessary food and clothing, brings him within the ambit of "indirect" use.

The potential for abuse here by the most flimsy argumentation—abetted beforehand by newspaper notoriety that the defendant is an organized crime member—very seriously outweighs the benefits of convicting the man. Granted, we may welcome an organized crime member's conviction, but the title makes no discrete segregation of mobsters. It is a tool to be employed for all.

Indeed, another section of the title—section 1964(c)—provides invitation for disgruntled and malicious competitors to harass innocent businessmen engaged in interstate commerce by authorizing private damage suits. A competitor need only raise the claim that his rival has derived gains from two games of poker, and, because this title prohibits even the "indirect use" of such gains—a provision with tremendous outreach—litigation is begun. What a protracted, expensive trial may not succeed in doing, the adverse publicity may well accomplish—destruction of the rival's business.

The erection of the penalty of forfeiture represents similar over-reaching, made that much more severe by the "indirect use" bootstrap which can lift the prosecution into a conviction. The convicted offender is to be compelled to forfeit all interest, direct or indirect, in any enterprise which he has obtained, controls, or in which he participates, by use of funds derived from a "pattern of racketeering activity" or collection of an "unlawful debt."

Criminal forfeiture and corruption of blood were outlawed by the First Congress, in 1790. The present statute, 18 U.S.C. 3563, provides: "No conviction or judgment shall work corruption of blood or any forfeiture of estate." Under the broad gauged language of title IX, we leave that 180-year-old standard. We think the potential scope for deprivation of property by criminal forfeiture constitutes a threat to legitimate business far beyond what should be the ken of a bill aimed at organized crime.

Moreover, not only does criminal forfeiture unduly penalize the man who may simply have engaged in two separate poker games and thereby subjected himself to accusation for having engaged in a "pattern of racketeering activity." It also leaves far too uncertain the rights of entirely blameless citizens and organizations. A minor legislative bow in their direction is made in section 1963(c), which states that "The United States shall dispose of all such property (which has been forfeited to it) as soon as commercially feasible, making due provision for the rights of innocent persons." But the seizure and sale by the Government of property which was used as collateral by the offender for a legitimate loan may well leave an unsecured creditor out of luck, or sale by the Government of a forfeited business on a stagnant market may well undercut innocent competitors or customers.

Even the Justice Department's comment on this measure establishing criminal forfeiture—a measure which overturns an act of the same Congress which proposed to the States for ratification the Bill of Rights—is pallid endorsement, compared to its espousal of numerous other repressive features of this bill. By letter of August 11, 1969, from Richard Kleindienst, Deputy Attorney General, to the Honorable John L. McClellan, chairman, Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, U.S. Senate, the Justice Department's position was stated thusly:

"It is felt that this revival of the concept of forfeiture as a criminal penalty, limited as it is in section 1963(a) to one's interest in the enterprise which is the subject of the specific offense involved here, and not extending to any other property of the convicted offender, is a matter of congressional wisdom rather than a constitutional power."

We perceive little "wisdom" in reviving criminal forfeiture after its 180-year dormancy, particularly when it is couched in the loose language of title IX. We seem to fight corruption of business with corruption of blood, which is neither wise nor constitutional.

Administrative fishing expeditions

Finally, we find very significant potential for administrative abuse in section 1968 of title IX, which authorizes civil investigations. In effect, the Attorney General is given carte blanche to engage in fishing expeditions, unfettered even by the controls of a grand jury's proceeding. This section opens the books of virtually every business to Government search, and makes the Attorney General the Grand Chatelain of American enterprise.

Specifically, the language of section 1968 reads:

"(a) Whenever the Attorney General has reason to believe that any person or enterprise may be in possession, custody, or control of any documentary materials relevant to a racketeering investigation, he may, prior to the institution of a civil or criminal proceeding thereon, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for investigation."

It seems somewhat perverse that the widest type of faith in grand juries is reposed in title I's creation of special grand juries authorized to investigate noncriminal conduct, while at the same time, this provision of title IX totally ignores the role of the grand jury.

The grand jury, adopted as a safeguard against "hasty, malicious, and oppressive action," *Ex parte Bain*, 121 U.S. 1, 12, at least allows a citizen or enterprise which has opposed aganst it the power of the Federal Government to seek the protection of the supervising court. Section 1968 retracts that protection and makes every business subject to harassment and abuse. And, again, the so-called protective provisions of title IX are totally illusory.

Title IX should not be adopted. It both fails to do effectively what it sets out to do and succeeds in doing far too much what it should not do. The rights of property and person need not conflict with the effective combatting of crime, notwithstanding that title IX would have them do so.

TITLE X

Title X deploys the powers of the government to seek incarceration of so-called dangerous special offenders for up to 25 years. In doing so, due process is denied. Were mobsters the only victims of this assault on the Constitution, we would still object. The fact that all defendants are the prey of its provisions makes the title even more indefensible, since even the overzealousness of the drafters to stem organized crime fails as the minimal justification of good intentions it might otherwise provide.

As the report of the Association of the Bar of the City of New York states, at page 34-35:

"(S)ince the effect of this title might be to increase a sentence from 2 to * * * (25) years in an individual case, due process demands adequate protection for the defendant subject to such penalties. * * * We think that it is unlikely that the proposed procedures would pass constitutional muster.

It is unnecessary, however, to determine what constitutional protections are required in a proceeding such as this—whether a full adversary proceeding and jury trial or something less is required—because we believe that the safeguards contained in this title are patently inadequate."

The dangerous special offender procedure is initiated by the prosecutor filing with the

court, a reasonable time before trial or acceptance of a plea of guilty or nolo contendere on a felony charge, notice specifying that the defendant is a dangerous special offender. This allegation is not an issue before the trial court. After the plea or a guilty verdict, the court is to hold a hearing, and at this juncture, the issue of the defendant's subjection to title X comes to the fore.

Section 3575 provides a two-step definition for "dangerous special offender." First, special offender is defined in subsection (e) to be a defendant who (1) has been convicted of two or more offenses punishable by death or imprisonment for more than 1 year, one of which has occurred within the past 5 years, and for one of which he has been imprisoned; or (2) has committed the present felony as part of a criminal pattern of conduct which "constituted a substantial source of his income, and in which he manifested a special skill or expertise;" or (3) has committed the felony as part of a conspiracy with three or more to "engage in a pattern of conduct criminal under applicable law" and played some kind of active role, or used force or bribes in all of part of such conspiracy.

Then, a special offender may be deemed dangerous "if a period of confinement longer than that provided for such felony is required for the protection of the public from further criminal conduct by the defendant."

Despite the complexity of definitions in section 3575(e), and the complexity of verbiage in which the sentencing function of the court and the review function of the appellant court are couched, title X is, in blunt language, an end run around due process. Prof. Peter Low aptly stated the matter in his testimony before the Senate subcommittee on this bill:

"It may well be possible under this act to convict a defendant of a minor felony carrying only a 2-year maximum sentence, charge him at the same time with being a professional offender, find him to be such an offender on the basis of information to which he does not have access, and sentence him to * * * (25) years.

"* * * The whole proceeding smacks of one which is motivated by an inability to prove beyond a reasonable doubt to a jury in open court the facts on which the sentence is based."—Senate Hearings, 190–191.

The operative language for this grim gutting of liberty is provided in that portion of subsection (b) of section 3575 which reads:

"If it appears by a preponderance of the information submitted during the trial of such felony and the sentencing hearing and so much of the presentence report as the court relies upon, that the defendant is a dangerous special offender, the court shall sentence the defendant to imprisonment for an appropriate term not to exceed 25 years and not disproportionate in severity to the maximum term otherwise authorized by law for such felony."

To impose the special dangerous offender sentence, the judge will have to make a number of determinations—dangerousness, as determined by the need of the public for protection, and special offender status, as determined by any of the three definitions the title provides.

In doing so, the judge will in effect be ruling on a new charge leading to criminal punishment, *Specht* v. *Patterson*, 386 U.S. 605, 610 (1967), for far more is involved than the traditional assessment of whether the defendant engaged in a proscribed course of conduct. *Witherspoon* v. *Illinois*, 391 U.S. 510, 522, n. 20 (1968). The function of the judge in title X, although it may be disguised as a sentencing role, is in reality, to assess guilt. And this is the very function which is denied a judge acting outside the bounds of required rules of evidence. This eminently important point is explicated by a case which some have cited as support for title X's procedure—*Williams* v. *New York*, 337 U.S. 241 (1949)—where Mr. Justice Black delivered the majority opinion:

"In a trial before verdict the issue is whether a defendant is guilty of having engaged in certain criminal conduct of which he has been specifically accused. Rules of evidence have been fashioned from criminal trials which narrowly confine the trial contest to evidence that is strictly relevant to the particular offense charged. * * * A sentencing judge, however, is not confined to the narrow issue of guilt. His task, within fixed statutory or constitutional limits, is to determine the type and extent of punishment after the issue of guilt has been determined. * * * "—*Id.*, 246–47.

It is, in fact, guilt which the judge determines under title X. For he is authorized—encouraged—to look at the defendant's past acts to find a "pattern" of criminal conduct, and the only required nexus between the past acts and the present one need be "similar purposes, results, participants, victims, or methods of commission. * * *" He may take into account almost any past conviction—no matter how trivial—in reaching the conclusion that a pattern exists. He may consider the defendant's special skill and expertise—a phrase defined in the widest terms in section 3575(e)(3). He may take into account a conspiracy of which the felony was a part, even though the defendant may not have been convicted, or even charged with, that conspiracy.

This procedure might be less a parody of justice were the defendant accorded adequate due process rights. But he is not. A "preponderance of the information" is the standard by which the next 25 years of his life are to be geared. Again, the report of the Association of the Bar of the City of New York very precisely presents the problem, at page 35:

"The trial court is directed to base its findings on a "preponderance of the information," yet the sentencing decision may be far more critical than the initial determination of guilt or innocence which must be made on the basis of admissible evidence and beyond a reasonable doubt. "Information" of all kinds, not only hearsay and rumor but also, presumably, the fruits of unlawful searches or illegal wiretapping, could be used and the defendant sentenced to * * * (25) years without any of the real protections afforded by a jury trial."

To insure that the judge is aware that he may employ all sorts of data which would be inadmissible at trial, section 3577 provides that "no limitation shall be placed on the information concerning the background, character, and conduct" of the defendant.

The parody does not even stop at this point. For, despite the purported protections provided the defendant, the simple fact of the matter is that he may not even gain an opportunity to be apprised of the information on which the trial judge bases his conclusion that he is a dangerous special offender.

Granted, the defendant is accorded the rights of counsel, compulsory process, and cross-examination "of such witnesses as appear at this hearing." But, these are paper rights. Cross-examination of a probation officer who prepared a presentence report can hardly be equated with cross-examination of the sources of that report.

Finally, almost as a gratuitous final blow at due process, this title permits an inference of guilt to be drawn, by virtue of section 3575(e)(3), from the fact that the defendant "has had in his own name or under his control income or property not explained as derived from a source other than (criminal) conduct." This clearly violates the fifth amendment privilege against self-incrimination by penalizing the defendant for refusing to testify. See, generally, *Marchetti* v. *United States*, 390 U.S. 39 (1968). Moreover, there is simply insufficient constitutional nexus between unexplained income and the presumption that it must have come from an illegal source. Cf., *Leary* v. *United States*, 395 U.S. 6 (1969); *United States* v. *Romano*, 382 U.S. 136 (1965).

Section 3576 authorizes the defendant and the Government to appeal both the imposition and the length of a "dangerous special offender" sentence. When the government appeals, the appeals court is empowered to impose any sentence which the trial court could have imposed, including both increases in the length of the sentence and reversal of the decision that the defendant was not a dangerous special offender.

We do not believe that the Government should be given the power to have sentences increased on appeal. We strongly agree with the recommendations of the advisory committee of the American Bar Association's Project on Minimum Standards for Justice which, while endorsing appellate review, recommended that the appellate court have no power to increase the sentence on appeal, no matter which side initiates the appeal. ABA Standards on Appellate Review of Sentences 3.4 (tentative draft 1967).

The procedure contained in title X would raise serious constitutional problems of both due process and double jeopardy. Those who support title X cite *North Carolina* v. *Pearce*, 395 U.S. 711 (1969). We think they err.

The Court in *Pearce* did not hold that all sentence could be increased on appeal. It held only that:

"A judge is not constitutionally precluded * * * from imposing a new sentence, whether greater or less than the original sentence in light of events subsequent to the first trial * * * The reasons for his doing so must affirmatively appeal. Those reasons must be based on objective information concerning identifiable conduct on the part of the defendant occurring after the time of the original sentencing."—*Id.*, 723, 726.

Thus, *Pearce* pointed to posttrial actions. Title X points to pretrial actions.

Moreover, the central thrust of the *Pearce* decision was that the defendant must not be penalized for seeking appeal. Ostensibly, the provisions in title X which limit increase to those cases in which the Government appeals and require the Government to file its appeal 5 days before the defendant's time for appeal expires, preclude the possibility of penalty. Pragmatically, they do not. The defendant will still be subject to Government pressure, for there is nothing to prevent the Government from routinely filing appeals to be pursued only if the defendant appeals—thus evading the protective time limit entirely. But even more important is the bargaining leverage which this power would give the Government over the defendant's decision whether or not to plead guilty and whether or not to appeal both his conviction and his sentence. As the ABA advisory committee put it in the commentary on the draft standards:

"The existence of such a power could well have the effect of preventing the defendant from appealing even on the merits of his conviction. The ability to seek an increase could be a powerful club, the very existence of which—even assuming its good faith use—might induce a defendant to leave well enough alone." (ABA Standards on Appellate Review of Sentences 57 (1967)).

In addition to authorizing the Government to seek an increase in the length of the original sentence, title X permits the Government to appeal the "imposition" of the sentence. This would permit the Government to seek appellate reversal of the trial court decision that the defendant is not a dangerous special offender. As we have pointed out, the decision that a defendant is a dangerous special offender constitutes in fact a guilty verdict on substantive criminal charges. Viewed in this light, the decision that a

defendant is not such an offender cannot be distinguished in any meaningful way from an acquittal. It is crystal clear that the double jeopardy clause prohibits the Government from appealing an acquittal. *Kepner* v. *United States*, 195 U.S. 100 (1904) *Cf., Green* v. *United States*, 355 U.S. 184 (1957). The fact that this whole proceeding has been disguised as "sentencing" should not permit the Government to do so here.

Again, the impact on the "bargaining" would be enormous. Almost every defendant could be frightened out of an appeal no matter how meritorious, if the Government agreed to avoid seeking review on the "dangerous special offender" charge.

Title X, were it not such a dangerous special offender itself, would be ludicrous, the product of a caveman's course on the Constitution. As it is, it contravenes the Constitution, it substitutes revenge for reason, and it flaunts the concept of fair treatment. It is parody of justice made tragic by the damage it will do—to individuals, and more important, to our system of rule by law.

OTHER TITLES

The titles we have discussed above appear to be the most objectionable portions of the Organized Crime Control Act. However, there are aspects of the other titles which also raise serious questions which mandate rejection of this bill.

We think these, too, reflect the regrettable result of an eager gesture toward combating crime, divorced from sufficient consideration of the problems of implementation.

Title II

Title II proposes to supplant the absolute immunity granted to those forced to sacrifice their fifth amendment right to remain silent, for transaction, or use, immunity. This departure is premised on the views of some attorneys and legal scholars that *Counselman* v. *Hitchcock*, 142 U.S. 547 (1892) (which set the requirement at absolute immunity) has been overruled by *Murphy* v. *Waterfront Commission*, 378 U.S. 52 (1964).

Without arguing the merits of the dispute concerning the relationship of *Counselman* and *Murphy*, we seriously question the wisdom of legislative change in this field. The courts have fashioned the rules concerning immunity, and we feel the changes being molded should continue to reside within their purview.

Moreover, we question whether due regard has been given the constitutional protection of the fifth amendment in the fashioning of this title.

Title VI

Title VI likewise has a desirable aim—In this case, enabling the Government to preserve testimony in a criminal proceeding by authorizing the taking of pretrial depositions. However, as is so typical of much of this bill, inadequate regard for the defendant—and we emphasize that we are talking about the defendant who may well be innocent—is a hallmark. We think that the report of the Association of the Bar of the City of New York on the Organized Crime Control Act very aptly points out the problem:

"One of the most serious problems with title VI is that it fails to deal with the need of a criminal defendant, faced with cross-examining a Government witness in a deposition, for information as to the theory of the Government's case and some opportunity for pretrial discovery. We doubt whether a defendant can effectively cross-examine at a pretrial deposition with the limited discovery rights provided under the rules now governing criminal procedure. * * * At a minimum, the Government should be required to provide a statement of its theory and the expected testimony in sufficient detail to enable the defendant to appreciate the significance of the testimony." [Pp. 17–18.]

Title XI

Title XI reflects the deep distress that every member of the committee shares about the bombings shaking our streets and college campuses. These criminal acts have imperiled life and property, and must be stopped.

We can appreciate, then, the heat of emotion which has produced this title. However, we question whether it is wise or necessary. The limitation which burdens State and local authorities in their lack of adequate personnel and equipment. Instead of meeting this need, title XI proposes to erect another hierarchy of enforcement.

Rather than providing funds and training so that local authorities might possess the personnel and techniques safely and intelligently to curtail criminal bombings, the title opens the doors to prowling FBI agents, whether requested or not, and this encourages the aura of repression which provides the fuel upon which extremists feed and which they employ to solicit more moderate allies. Moreover, we think the September 24, 1970, editorial of the Los Angeles Times very correctly makes the point that, in fact, the FBI already has all the powers necessary in this area:

"We see no evidence that the local law enforcement authorities, with the considerable help that the FBI is now empowered to give them, are not as adequate to the task as the FBI. The FBI already furnishes local authorities valuable assistance in its fingerprint files and laboratories. Upon receiving a warrant from local authorities, the FBI can pursue a presumed fugitive, as it did in the recent fatal bombing at the University of Wisconsin. The FBI does not need more authority for more effective employment of its tools against terrorism—and must not be granted it unless the country wants the FBI to become a national police force usurping local law enforcement."

We also question very seriously the wisdom of adoption of the death penalty in title XI. We, like every reasonable citizen, condemn out of hand the violence of these criminal bombers. We find no conceivable condonation for the injuries and even deaths they have inflicted. But we are not led thereby to the conclusion that the death penalty will deter such violence. We would note, for example, that the general move in the Nation has been away from the death penalty. Title XI overrides that trend.

It is ironic that the death penalty is one of the very issues under consideration by the National Commission on Reform of Federal Criminal Laws—a Commission which is the creation of the Congress. Indeed, so are many other issues which this bill so summarily treats.

At the very least, we ought to await the conclusions—due in November of this year—of the very body we have created to "make a full and complete review and study of the statutory and case law of the United States which constitutes the federal system of criminal justice for the purpose of formulating and recommending to the Congress legislation which would improve the federal system of criminal justice." Instead, without any hearings whatsoever, the committee has dropped this title—which bears no relationship to organized crime—into the Organized Crime Control Act.

Laws born of passion of the moment rarely merit the approval of time.

CONCLUSION

Never has a bill masqueraded under false pretense more than the Organized Crime Control Act. From its title all the way through title XI, on bombing, it promises succor to an anxious nation. It will not deliver, because it seeks easy answers to hard and expensive problems. Even in its draftsmanship it would rather equivocate than fight. Thus one searches the bill in vain for a definition of "organized crime." In a criminal statue where the term "organized crime" is an operative device, it is not defined. When asked about the omission, the drafters explained that it was impossible to define, but everybody knew what it was.

On such shoals has the crime fight come a cropper. Wherever the real effort is to be made to remove crime, organized and otherwise, from the everyday fears of the American citizen, one will not find it in the Organized Crime Control Act. Like the defining of "organized crime," the drafters of the bill found the task too hard.

We oppose this bill. It should not be enacted into law. We must conclude with Mr. Justice Stewart, writing in *Elkins* v. *United States*, 364 U.S. 206 (1960), that "nothing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard of the charter of its own existence."

JOHN CONYERS, Jr.
ABNER J. MIKVA,
WILLIAM F. RYAN.

AMERICA'S DIMINISHING SEA-POWER

(Mr. DON H. CLAUSEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, with international attention presently focused on the Middle East crises and with increasing reliance being directed toward the U.S. 6th Fleet to protect American lives in that part of the world, I believe we, in the Congress, should face up to some very hard facts regarding our relative position as a seapower today.

In September 28, the chairman of the House Armed Services Committee revealed to us and to the American people a quotation from a secret report prepared by the Comptroller General's Office for the President and the Congress on the combat readiness of the Navy's Atlantic Fleet and the 6th Fleet which has responsibility for the Mediterranean area. I believe one of the key quotations from that report, made public by the chairman in his special order last week, bears repeating:

> Approximately 80% of the major ships in the Atlantic Fleet are over ten years old, and 50% are over 20 years. In April 1969, the average age of the ships of the Sixth Fleet was 18.3 years.

The sum total of the General Accounting Office's report on the readiness of the Atlantic and 6th Fleets may be found, I believe, in their use of the term "at best, marginal." This being the case, then, who can honestly disagree with the chairman when he says:

> If we are not already a second-rate naval power, we are perilously close to becoming so.

In fact, Mr. Speaker, I will go one step further by suggesting that we, in the Congress, better wake up to the fact that we have, indeed, become a second-rate naval power.

Throughout history, the United States has viewed the Atlantic and Pacific Oceans as defense buffers from foreign attack. That time, however, has long since passed and is now being compounded by the fact that our ability to even respond to a serious naval con-

frontation at sea is being eroded with each passing month and year.

We, from California, are particularly concerned with the Soviet Union naval merchant marine and fishing fleet buildup in recent years. It is for this reason that I take this means of speaking out for the people I represent and the employees at Mare Island Naval Shipyard concerned about their future.

I should point out here that I have supported reductions in the Defense budget where possible and I can understand and appreciate the fact that the United States has held back development and deployment of weapons to give the Salt talks every chance to succeed. Our Nation has not escalated the arms race—in fact, it has deliberately held back over the past few years in an effort to negotiate an agreement to limit nuclear weapons.

The essential issue, as I see it, is not whether we, as a nation, should give defense spending any priority over domestic spending—but how much is required to survive as a nation in a hostile world and where precisely the defense dollars should be spent? In the final analysis, national survival will depend on whether or not we are successful in avoiding or preventing a nuclear war. If we fail to do that, we will surely lose everything.

With our shores touching on the world's two largest oceans, most people in this country recognize the importance of the United States once again becoming a strong maritime nation. I have long advocated such a move and I believe we have made progress during the past 2 years in that direction, but with a long, long road still ahead of us. What disturbs me, very frankly, is the apparent so-what attitude when it comes to matching a rebuilt merchant fleet with an equally modern and potent Navy.

We who live on the north coast of California are well aware of the advances made in recent years by both the Soviet merchant and fishing fleets, and by their naval forces. Their frequent and continuing intrusions into our 12-mile fishing zone using advanced electronic detection and counting devices, have left no doubt in our minds as to their intent or capabilities.

By the same token, our idle shipyards in California remind us that there are no visible signs of real concern or alarm over the fantastic headway being made by the Soviet Union to modernize their entire naval forces. The specially trained and highly skilled workers at these yards, such as those at Mare Island, live in doubt about their future livelihood.

During the so-called Cuban missile crisis of 1962, President Kennedy issued a strong ultimatum to the Soviet Union to immediately remove their offensive nuclear weapons capability from Cuba, or they would, if necessary, be forcibly removed by the U.S. Navy. Today, a similar crisis is developing in the Caribbean with continuing reports of a possible Soviet nuclear naval base to be activated in Cuba.

Should this crisis develop into another confrontation with the Soviet Union in violation of the principle of the Monroe doctrine, I seriously question whether or not our President could repeat the ultimatum of 1962 from the same position of strength, make it stick as it did then, because of the Soviet naval buildup and the U.S. naval decline that took place during the 1960's.

We are all eye witnesses to a new crisis in the making. If not in the Caribbean or the Mediterranean, then somewhere else—but, surely it is coming.

Much has changed since 1962 when we had the power and the entire world knew it. In fact, it was just shortly following the Cuban missile crisis, that former Defense Secretary McNamara adopted the policy of halting U.S. weapons development, letting the Soviets catch up, believing they would stop when they reached parity. But, they did not stop and we got behind and that is precisely where we stand today—behind. This situation developed, in spite of our continuing and strong warnings.

We can reclaim America's naval seapower without a crash spending program or even an increase in the present defense budget, if the Congress acts. It is not a question of spending more, but spending wisely once the decision is reached to move in the direction of rebuilding our outmoded Navy. Secretary Laird is presently reviewing our foreign base and troop commitments with an eye to cutting their costs and, in accordance with President Nixon's policy, to call on other nations for greater efforts in providing the needed manpower and financing for their own security and defense.

Herein, in my judgment, lies the key. The only question remaining—is whether or not the American people are sufficiently informed and concerned to demand that the Congress act immediately to bridge the gap before it is too late.

ROGERS OF FLORIDA INTRODUCES MEDICAL DEVICE SAFETY ACT OF 1970

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, the rapidly advancing medical technology in the area of medical devices has brought 5,000 such devices to the consumer. The time for legislative action to insure the public that medical devices will be safe, reliable, and effective is overdue.

I am today introducing a bill adopting a new approach to the regulation and development of medical devices. Several distinguished colleagues of the Interstate and Foreign Commerce Committee are cosponsoring the bill with me. I am very pleased to have Mr. JARMAN, Mr. KYROS, Mr. PREYER of North Carolina, Mr. NELSEN, Mr. CARTER, Mr. SKUBITZ, Mr. HASTINGS, and Mr. BROWN of Ohio joining me on this important bill.

During the last few years several bills have been introduced in the Congress to regulate medical devices. They have either been criticized for establishing a multitude of commissions and advisory groups which would make extensive studies and reports only to have them probably fall along the wayside; or legislation has been criticized for permitting commissions to legislate specific standards for medical devices when they are not really qualified to do so.

The bill I am introducing, the Medical Device Safety Act of 1970, offers a chance for devices to first be studied by qualified experts to determine the necessity for regulation to avoid hasty unjustifiable and unwarranted actions. There would be a 1-year study and inventory of all medical devices to be accomplished by the National Academy of Sciences, the National Academy of Engineering, and other experts in the various fields of medical devices. These groups would categorize medical devices according to their necessity for regulation into three categories.

The first category would consist of devices which are generally accepted by the medical community as safe, reliable, and effective during their present stage of development and which should, therefore, be exempt from regulation at the present time.

The second category would consist of devices which are generally accepted by the medical community as safe, reliable, and effective but which need reasonable standards relating to their composition, design, properties, performance, and adequate instructions for use and warnings of limitations in order to assure safety, reliability, and effectiveness.

The third category would consist of devices which are either not generally accepted by the medical community as safe, reliable, and effective, or which are generally accepted, but which are undergoing continual transformation through the development of new technology. Such devices would require a premarket clearance. Manufacturers would apply to the Secretary of Health, Education, and Welfare, submitting all relevant information about their proposed devices. The Secretary would then send applications to scientific panels either within or outside the Department for their recommendations on the merits of the applications. Much of the work would be done through contract in order to avoid establishing a new "superdevice bureaucracy" within the Food and Drug Administration.

I might note the fact that no particular types of devices have been specified to be placed in the standards category. This process will be the job of the scientific experts charged with the task of categorization of all devices. However, the bill specifically spells out the fact that standards will include those relating to the compatibility of medical devices with their power sources. On occasion, an expensive, complicated medical device has malfunctioned as a result of a defective cord or plug. It is obvious that some basic standards for electrical connections, cords, and plugs might be most appropriate as the first order of business in order to protect the consumer patients or doctors, who spend thousands of dollars for such devices.

The promulgation of standards by the

Secretary is carried out in a matter which will insure that the scientific community, industry, the practitioner, and the consumer all have an input.

The main thrust of the bill is to, first, give the public safe, reliable, and effective medical devices; and, second, to give the developers of medical devices ample opportunity to produce innovative devices for improved health care and treatment for the people.

One striking provision of the bill designed to protect the public is the authority given to the Secretary to publish interim standards for any device that he finds on the market to be an "imminent risk" to the consumer. This authority is vitally needed to protect the people from dangerous devices which sometimes slip into the market.

If an application of a manufacturer is not approved by the Secretary under the initial preclearance procedure, the manufacturer could appeal for reconsideration of the application by another panel of experts appointed by the Secretary. The Secretary could either allow his order of disapproval to stand, or he could set aside or modify his order.

At any rate, the Secretary would be required to give a written notice to the applicant of the basis and reasons for the disapproval of any application after any stage of appeal. In addition, if the applicant again received an order of disapproval of his application, he would have another alternative for appeal. He could then petition the courts for their consideration of the matter.

I might also add that the Secretary would have the authority to shift medical devices from one category to another if technological developments change the nature of certain devices. A device which might not be generally accepted by the medical community, thus requiring premarket clearance at the present time, might be developed to the point in the future where it may be accepted by all doctors as safe and effective, and therefore should be exempt from regulation.

The bill contains a provision that manufacturers and other individuals distributing devices are required to notify the purchaser of any defects discovered subsequent to distribution.

Finally, the bill establishes the National Advisory Council on Medical Devices, which will consist of scientists, doctors, engineers, and consumers appointed for 4-year terms to study and make recommendations on medical device policy and law to the President and Congress and to evaluate the achievements of the program on an annual basis.

The bill is designed to encourage the continuation of the development and research of medical devices but at the same time provide the public with protection from device hazards. Toward this end, devices used for research and investigational use are exempted from standards and premarketing clearance. If a device is to be used in an investigative capacity on humans within one institution, and is not generally distributed through commerce to hospitals across the country, the bill provides that devices used in such situations, when cleared by approved scientific peer groups within the institution where it will be used, can be exempted from the regulations, standards, and premarketing procedures established by the Secretary for the normal noninvestigative situation.

I believe that the Medical Device Safety Act of 1970 will be welcomed by the scientific community, the medical professions, the consumer, and industry as a reasonable, yet effective approach to the problem of insuring that the public will be protected from the hazards of medical devices, and I am hopeful that the Subcommittee on Health will be able to hold hearings at an early date.

THE NEW YORK TIMES: ALL THE NEWS FIT TO TINT

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, from time to time over the past 10 years I have brought to the attention of the membership some of the more obvious efforts of the New York Times to indoctrinate through its regular news columns. We all agree that it has every right to be as liberal as it wants in its editorial policy—and it is—but its news columns should be something else. I point out a few of these leftward tilts on occasion because of the almost universal brainwashing on the American campus in which professors hold the New York Times up to the students as an "objective" newspaper and "must" reading. It is not objective and has not been for as long as I can remember—as its own columns attest.

Just last week in a front-page story, Alden Whitman, Times reporter, put the usual leftist dig in, of all things, what should have been a rather straight story on the death of a man whom I was proud to count as a personal friend, novelist John Dos Passos. In recounting his life story, Whitman let his left-leaning pencil carry him away when referring to the evolution of the late John Dos Passos from a leftist rebel in his youth to a patriotic, conservative American spokesman in his later years.

Whitman noted this turn and in his own words—not those of Mr. dos Passos or anyone else, but his own words—in what was supposed to be a straight news story—front page, at that—he said and I quote:

> But in middle and old age, he turned against his former idealism, berating, liberals, Socialists and Communists with zeal.

Note that well. When he yearned to sing the Communist "International" in his youth, John dos Passos was an idealist but when he turned against the Reds he was no longer an idealist. No longer in the style of the New York Times possibly but in the minds and hearts of most Americans he became a true idealist, in the proper sense of the word when he became pro-American.

This new idealism was evidently too much for Alden Whitman who went on to lament:

> The one-time writer for the New Masses became a contributor to the National Review; the friend of Ernest Hemingway became that of William F. Buckley; and the supporter of William Z. Foster turned into the backer of Barry Goldwater.

Horrors to the New York Times. How could any rational, intelligent person turn his back on the idealism of his youth and take up with such a cabal as that? Once more, Mr. Speaker, the New York Times has let its leftist bias show.

This is not an uncommon occurrence, Mr. Speaker. It is a part of the daily diet that the New York Times feeds to the hungry liberals on campus who genuflect at its every subtle nuance, particularly when the conservatives are served to the lions. Never a protest from these do-gooders but the "right on" shout of the militant. The fact that I only point out these examples of "all the news fit to tint" several times each session should not be construed as evidence that this only happens on rare occasions in the Times. Rather, as I have said, it is a daily occurrence.

In September, for example, the Times let its bias show in a most blatant way. Again, it was in an obituary, this time on the infamous spy, Noel Field. New Yorkers were treated to a good example of the honesty of its two major papers by comparing the headlines of New York's two daily newspapers on September 14, 1970. Note the disparity:

"Spy Noel Field Dies at Age 67"—Daily News.

"Noel Field, Self-Exiled Former U.S. Aide, Is Dead"—New York Times.

As I have been saying all along—all the news fit to tint.

NDEA LOAN CANCELLATION BENEFITS EXTENDED TO NEW YORK HEADSTART TEACHERS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. KOCH. Mr. Speaker, I was informed today by the Office of Education that cancellation benefits under the national defense student loan program are being extended to teachers in prekindergarten programs in New York State's public schools. The Department has been working on this matter for a couple of months; I first raised this subject in this body on March 12, 1970.

The National Defense Education Act provides that partial cancellation shall be provided "for service as a full-time teacher in a public or other nonprofit elementary or secondary school in a State." The participant can cancel 10 percent of his loan for each year of teaching up to 50 percent; and since 1966 persons teaching in schools designated by the Commissioner as having a high concentration of students from low-income families are allowed up to 100 percent cancellation at a rate of 15 percent a year. A 12½ percent rate of cancellation per year up to 50 percent has been allowed persons in the Armed Forces since January 1970.

While prekindergarten classes have been included in many of New York State's elementary school programs for the past 3 years, teachers conducting these classes—although certified by the

State as elementary teachers—have been denied cancellation benefits.

This inequity has in great part been due to the fact that Headstart and much of the knowledge on the value of pre-kindergarten training was not with us in 1958 when the NDEA program was originally enacted. It is clear today that we need to attract quality teachers to instruct children during this most receptive stage of their lives.

The Department's new decision will mean considerable savings for many pre-kindergarten teachers. Under the NDEA program, a student can borrow up to $5,000 as an undergraduate, plus $2,500 a year for graduate studies; a ceiling of $10,000 is placed on the amount any one student can borrow under the program.

It should be noted that these new cancellation benefits are retroactive to the time a given prekindergarten class was included as part of the elementary school system. Benefits will also be extended to teachers in private prekindergarten programs meeting the same educational State requirements as those in public schools.

The Office of Education is now contacting the departments of education of all other States, requesting that they submit information concerning the definition of the term "elementary education" in their States as it appeals to section 103(g) of the National Defense Education Act.

Mr. Speaker, I would urge my colleagues to immediately take up this matter with their States' education departments so that the prekindergarten teachers of their States can also benefit under this program.

I would like to insert in the RECORD at this time the letter I received today from James W. Moore, Director of the Division of Student Financial Aid, of the Office of Education outlining the Department's decision. May I add that Mr. Moore and his office are to be commended for taking this step to update the administration of this program.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION,
Washington, D.C., October 1, 1970.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Thank you for your letter of August 24, concerning the eligibility of New York pre-kindergarten teachers for partial cancellation of National Defense Student Loans.

I am pleased to be able to report at last that this issue has been resolved. As I mentioned in my letter of May 6, we were contacting the State Education Department in Albany to obtain additional information concerning the status of pre-kindergarten programs in New York. In response to our request Commissioner Nyquist forwarded a packet of descriptive material which was reviewed by the staff of the Loans Branch and also submitted to our Office of General Counsel for an opinion. It was the judgment of our legal counsel (concurred in by the Loans Branch) that this supporting data was sufficient to justify considering pre-kindergarten classes in the New York school system as elementary education for cancellation purposes. Commissioner Nyquist has been notified of this determination. Additionally, the following actions are being taken by the Loans Branch:

1. Each Chief State School Officer is being asked to submit information concerning the definition of the term "elementary education" in his state as it applies to Section 103(g) of the National Defense Education Act.

2. Several months ago the colleges and universities participating in the National Defense Student Loan Program were notified that the definition of "elementary education" as it relates to pre-kindergarten programs was under study. All participating institutions are being informed of the determinations which have been made with regard to New York (and Pennsylvania where this issue has also been raised and a response received from the Department of Public Instruction in Harrisburg).

3. Data concerning the definition of "elementary education" in other states will be disseminated to participating institutions after the necessary information has been received by the loans Branch and, if necessary, referred to our legal counsel for an opinion.

I should mention also that this cancellation benefit for pre-kindergarten teachers in New York is retroactive to the time a given pre-kindergarten class was included as part of the elementary school system. (If a pre-kindergarten program is not part of the public school system, it will have to meet the same state requirements as those in the public school to be considered as "providing elementary education as determined under state law.")

I am sure you will join with me in expressing satisfaction at the resolution of this problem. Thank you for your continued interest in the National Defense Student Loan Program.

Sincerely yours,

JAMES W. MOORE,
Director, Division of Student Financial Aid.

CONFERENCE REPORT ON H.R. 15424

Pursuant to an order of the House on Thursday, October 1, 1970, the conference report on the bill (H.R. 15424) to amend the Merchant Marine Act, 1936, is herewith printed, as follows:

[Submitted by Mr. GARMATZ]

CONFERENCE REPORT (H. REPT. NO. 91-1555)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15424) to amend the Merchant Marine Act, 1936, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 14, 15, 16, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, and 97.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, and 96, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "is amended by striking out the period at the end thereof and inserting a colon and the following: '*Provided, however*, That the Congress hereby finds and declares that the national policy set forth in section 101 of this Act requires that there should be authorized and appropriated for fiscal years 1971 through 1980 such sums as may be necessary to construct 300 ships of such sizes, types and designs as the Secretary of Commerce may consider best suited to carry out the purposes and policy of this Act.'"

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with amendments as follows: Strike out the matter proposed to be stricken out by the Senate amendment, and on page 12 of the House engrossed bill, after line 2 insert the following:

"(d) By inserting immediately before the period at the end of the second sentence the following: '; *Provided, however*, that with respect to other than major components of the hull, superstructure, and any material used in the construction thereof, (1) if the Secretary of Commerce determines that the requirements of this sentence will unreasonably delay completion of any vessel beyond its contract delivery date, and (2) if such determination includes or is accompanied by a concise explanation of the basis therefor, then the Secretary of Commerce may waive such requirements to the extent necessary to prevent such delay.'"

And the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: On page 4, line 5, of the Senate engrossed amendments strike out "(d)" and insert the following: (e); and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: On page 5, line 21, of the Senate engrossed amendments, strike out "crews"." and insert the following: "crews,". ; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: On page 6, line 5, of the Senate engrossed amendments, insert a comma immediately after "maintenance"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with amendments as follows: Strike out the matter proposed to be stricken out by the Senate amendment, and on page 23 of the House engrossed bill, on line 15 insert immediately before "(a)" the following: Sec. 607; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with amendments as follows: Restore the matter proposed to be stricken out by the Senate amendment, and omit the matter proposed to be inserted by the Senate amendment.

On page 38 of the House engrossed bill, on line 18 insert immediately before the period the following: "or comparable towing vessel or barge operated on the Great Lakes."

And the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with amendments as follows: Restore the matter proposed to be stricken out by the Senate amendment, and on page 46, line 16, of the House engrossed bill, strike out "35" and insert the following: "41".

And the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: On page 18, line 21, of the Senate engrossed

amendments, strike out "44" and insert the following: 43; and the Senate agree to the same.

EDWARD A. GARMATZ,
FRANK M. CLARK,
THOMAS N. DOWNING,
WILLIAM S. MAILLIARD,
THOMAS M. PELLY,
Managers on the Part of the House.
WARREN G. MAGNUSON,
RUSSELL B. LONG,
JOHN O. PASTORE,
NORRIS COTTON,
ROBERT P. GRIFFIN,
Managers on the Part of the Senate.

STATEMENT

The Managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15424), to amend the Merchant Marine Act, 1936, to provide for a long-range merchant shipbuilding program with special emphasis on the need to build and operate commercial bulk ocean carriers and modification of payment of operating-differential subsidy, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The following Senate amendments made technical, clerical, clarifying, or conforming changes: 2, 3, 4, 5, 6, 7, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, and 96. With respect to these amendments (1) the House either recedes or recedes with amendments which are technical, clerical, clarifying, or conforming in nature; or (2) the Senate recedes in order to conform to other action agreed upon by the committee of conference.

AUTHORIZATION FOR 300 SHIPS

Amendment No. 1. Section 2 of the House bill was intended to recognize the intent of the President and the Congress to build three hundred merchant vessels in the next ten years.

The Senate amendment also recognized this intention but made clear that the section was not intended to grant new obligational authority to the Secretary of Commerce. The Senate substituted a ten year authorization of appropriations for ship construction contrary to the intention of the House that the requirement for annual authorization of appropriations be continued. It was agreed, therefore, that the House and Senate versions should be consolidated to eliminate from the House version any indication that the Secretary of Commerce has new obligational authority and to eliminate from the Senate version the ten year authorization to appropriate funds for the construction of vessels.

The substitute language, therefore, restates the original policy intention to build three hundred ships in the next ten years. The House and Senate conferees agreed there is no intention to change existing law with respect to authorization of appropriations or the effect of the Anti-Deficiency Act (31 U.S.C. 665).

COMPUTATION—FOREIGN SHIPBUILDING COSTS

Amendments 8, 9, 10. The Senate amendment would require annual, rather than periodic, recomputation of foreign shipbuilding costs. Also, the amendments provide certain notice, comment and justification requirements concerning the determination of these foreign costs.

These changes will give the interested public a greater opportunity to participate in determinations that affect them.

The House recedes.

SHIPBUILDING COMMISSION

Amendments Nos. 12 and 84. The House bill created a Commission on American Shipbuilding to review the status of the American shipbuilding industry to determine if the industry can achieve a level of productivity by 1976 so that construction-differential subsidy payable will not exceed 35 percent of United States construction costs. The Commission, composed of seven members appointed by the President, would also recommend necessary steps by industry and government to improve the competitive position of the industry. Such Commission was proposed by the President in his message proposing a long-range shipbuilding program.

The Senate struck the provision creating a Commission and vested its functions in the Secretary of Commerce.

The Senate recedes.

BUY AMERICAN

Amendment No. 22. The Senate amendment would preserve the existing Buy American law in ship construction. The House bill would relax this requirement to permit the purchase of articles, materials and supplies from foreign sources, except with respect to the construction of major components of the hull and superstructure and any material used in the construction thereof, which must be of domestic origin.

At issue was the need to protect domestic sources of supply as against the need to relax Buy American protection to reduce the unit cost of ships built in U.S. shipyards. A compromise was agreed to that although Buy American would be the standard, the Secretary would have authority to waive the requirement with respect to certain items when the scheduled delivery date of the ship was threatened.

The House recedes with amendment.

PAYMENT OF OPERATING-DIFFERENTIAL SUBSIDY

Amendment No. 31. Existing law provides that operating subsidies "shall not exceed the excess of" parity with foreign operating costs. The bill as proposed by the Administration would have changed this language to provide that subsidy "shall equal" the difference between certain U.S. and foreign operating expenses. This change had the advantage of affording the operator greater certainty as to the level of subsidy and would have facilitated corporate planning and long-term financing. It was also consonant with the change to a new fixed index approach to collective bargaining costs which ultimately will afford operators greater incentives to reduce costs and make their operations more efficient. The House, however, decided to retain the "shall not exceed the excess of" language to retain flexibility in the administration of operating subsidy and in order not to indicate a Congressional position on the "Double Subsidy" proceeding, Docket S-244, now pending before the Maritime Subsidy Board.

The Senate amendment adopts the "shall equal" standard. This amendment, however, retains some of the flexibility favored by the House by providing for less than a full rate of subsidy upon agreement of the parties. By a related amendment to section 40, the Senate also met the House objective of making certain that this amendment is not interpreted as indicating a position in MARAD Docket S-244.

The House recedes.

GRANDFATHER CLAUSE

Amendment No. 63. The Senate amended the grandfather clause adopted by the House in one basic respect. The Senate limited the privilege to continue foreign-flag holdings to bulk cargo vessels rather than to all vessels. Liner vessels were specifically excluded from the grandfather privilege since newly subsidized U.S. operators who also operate foreign-flag liner vessels could have an unfair competitive advantage over exclusively U.S. liner operators in certain labor strike situations or in the ability of the dual-flag liner operator to adjust service and rates, depending on market conditions and the availability of preference cargoes.

The conferees are in agreement that the grandfather clause (which was added to the maritime bill by the House) is essential to induce U.S. shipping companies with foreign-flag vessels to build ships—at least bulk ships—in U.S. shipyards and operate those ships under the U.S. flag, with U.S. seamen. Further, the conferees intend that the Secretary will retain waiver authority affecting liner vessels in special circumstances. Since the Senate had a later opportunity to get the views of interested parties and consider the effect of this important and controversial provision, the House defers to the Senate in its amendment of the grandfather clause.

The House recedes.

CARGO PREFERENCE

Amendment No. 66. The Senate amendment authorizes the Secretary of Commerce to issue regulations under which agencies having responsibility to administer the cargo preference laws shall be governed. There was no corresponding provision in the House bill.

There is a clear need for a centralized control over the administration of preference cargoes. In the absence of such control, the various agencies charged with administration of cargo preference laws have adopted varying practices and policies, many of which are not American shipping oriented. Since these laws were designed by Congress to benefit American shipping, they should be administered to provide maximum benefits to the American Merchant Marine. Localizing responsibility in the Secretary of Commerce to issue standards to administer these cargo preference laws gives the best assurance that the objective of these laws will be realized.

The House recedes.

DEFINITION OF FOREIGN COMMERCE

Amendment No. 67. The Senate amendment would amend the definition of the term "foreign commerce" or "foreign trade" in section 905(a) of the Merchant Marine Act, 1936 to permit United States operators of dry and liquid bulk ships built with construction subsidy to engage in foreign-to-foreign carriage to the extent permitted by regulations issued by the Secretary of Commerce. There was no corresponding provision in the House version of this bill.

It was agreed that "foreign commerce" as presently defined was intended to apply to liner carriers operating from a point in the United States to a particular foreign destination. The term similarly applied to the operation of dry and liquid bulk cargo carriers would be unduly restrictive since such ships must move from area to area and sometimes from foreign to foreign destinations before returning to the United States in order to compete in the world trade. Since such foreign to foreign operations would be authorized only in accordance with regulations of the Secretary, it was considered that the interests of the United States were protected.

The Houses recedes.

AUTHORITY TO SETTLE CLAIMS

Amendment No. 82. There was contained in the House bill, a provision reading "Provided, That the Secretary of Commerce may, in order to facilitate the amendment of existing contracts, settle or compromise outstanding controversies under such contracts in such manner as he determines."

It was thought that such authority was necessary to facilitate the transition from the operating differential subsidy contracts in existence at the present time to new contracts authorized under the provisions of the present bill. The Senate amendment would delete this provision. This amend-

ment was based on advice of the Comptroller General that existing law in section 207 of the Act already confers this authority on the Secretary of Commerce.

The House recedes.

THE DELTA QUEEN

Amendment No. 97. The Senate amendment exempted the overnight passenger riverboat, *Delta Queen*, operating on inland rivers, from having to comply with certain fire prevention construction standards. There was no corresponding provision in the House-passed bill.

The House conferees were aware of the considerable public sentiment favoring the continued operation of this unique and tradition-laden river boat. But they were more persuaded by the views of the United States Coast Guard which is charged with responsibility for maritime safety. The Coast Guard advised that the *Delta Queen*, constructed largely of wood, did not meet applicable safety standards for the protection of passengers (many of whom on this boat typically were aged or infirm), and should not be operated further in overnight service in the interest of maritime safety.

It was determined, therefore, that the *Delta Queen* should not be exempted from applicable safety standards.

The House and Senate conferees expressed regret, however, that the *Delta Queen* could not continue to operate as the last large overnight passenger riverboat in the United States, and favored replacing that boat with one that will meet current safety standards. All conferees indicated, therefore, they would do what they could, through early and expedited hearings, to facilitate the replacement of the overnight service currently provided by the *Delta Queen*. In whatever aid might be provided in new legislation to assist in the building of a replacement riverboat, the conferees preferred that the boat be built in a shipyard of the United States with the aid of construction subsidy.

The Senate recedes.

SAINT LAWRENCE SEAWAY

Amendment No. 98. This Senate amendment of the maritime bill concerning the Saint Lawrence Seaway was made on the floor of the Senate. It is intended to amend the Act creating the Saint Lawrence Seaway Development Corporation to terminate the accrual and payment of interest on the obligations of the Corporation. The Senate amendment would amend the Seaway Act to delete provisions therein respecting the payment of interest on the Seaway debt and would add a new section to the Seaway Act providing that as of the date of enactment of that section the obligations of the Corporation shall bear no interest and that the obligation of the Corporation to pay the unpaid interest which has accrued on such obligations is terminated.

Further, the Senate amendment to H.R. 15424 would amend the Seaway Act to provide that any formula for the division of the revenues between the Seaway Corporation and the Saint Lawrence Seaway Authority of Canada which takes into consideration annual debt charges, shall include the total cost incurred by the United States in financing activities authorized by the Seaway Act, including both interest and debt principal, regardless of whether the Corporation itself is obligated to make payments thereon to the United States Treasury.

The action of the Senate on the Saint Lawrence Seaway amendment followed an executive communication on September 14, 1970 from the Secretary of Transportation to the President of the Senate recommending legislation to cancel the payment of interest on the obligations of the Seaway Corporation. The Secretary of Transportation had advised that some of the assumptions upon which the original Seaway debt payment plan was established were not warranted. Although the Seaway Corporation has paid all its normal operating and maintenance costs from revenues and has already paid to the United States Treasury more than $36 million, revenues were found not to be adequate to meet the interest on debt. The overall debt (including unpaid interest) now stands at nearly $156 million. The Department of Transportation concluded that a substantial revision in the debt payment plan for the Seaway was necessary. This view was based largely on the unacceptable alternative of an increase in the present tolls on the Seaway which would be required if the payment of interest on debt obligations were not forgiven.

The House recedes.

EDWARD A. GARMATZ,
FRANK M. CLARK,
THOMAS N. DOWNING,
WILLIAM S. MAILLIARD,
THOMAS M. PELLY,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MORSE (at the request of Mr. GERALD R. FORD), through October 13, on account of official business.

To Mr. BLANTON (at the request of Mr. JONES of Tennessee), for today, on account of official business.

To Mr. HALL, for October 5, 1970, on account of business in Seventh Congressional District of Missouri.

To Mr. LOWENSTEIN (at the request of Mr. RYAN), for today, on account of official business.

To Mr. BYRNE of Pennsylvania (at the request of Mr. ROSENTHAL), for Monday, October 5, 1970, on account of illness.

To Mr. PETTIS (at the request of Mr. GERALD R. FORD), 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:

Mr. ASHBROOK, for 20 minutes, today;

to revise and extend his remarks and to include extraneous matter.

Mr. HOSMER (at the request of Mr. ROUSSELOT), for 5 minutes, today; to revise and extend his remarks and include therein extraneous matter.

Mr. RARICK (at the request of Mr. MIKVA), for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RIVERS, during the consideration of H.R. 15216, the Boy Scout International Jamboree bill.

Mr. O'NEILL of Massachusetts on H.R. 12650 during the call of the Consent Calendar.

Mr. ARENDS (at the request of Mr. RIVERS) on H.R. 15216.

Mr. FLYNT in two instances and to include extraneous matter.

Mr. EDMONDSON in two instances and to include extraneous matter.

(The following Members (at the request of Mr. ROUSSELOT) and to include extraneous matter:)

Mr. GUBSER.
Mr. SCHERLE in 10 instances.
Mr. STEIGER of Wisconsin.
Mr. MCKNEALLY.
Mr. MINSHALL in three instances.
Mr. BUSH in two instances.
Mr. MYERS.
Mr. MIZE.
Mr. GOODLING.
Mr. HOSMER in two instances.
Mr. BROYHILL of Virginia.
Mr. ZWACH.
Mr. MICHEL.
Mr. WHITEHURST.
Mr. WYMAN in two instances.
Mr. CARTER.
Mr. ERLENBORN.
Mr. POLLOCK in five instances.
Mr. RIEGLE.
Mr. FINDLEY.
Mr. LANGEN.
Mr. ASHBROOK in two instances.
Mr. BRAY in two instances.
Mr. PRICE of Texas in two instances.
Mr. NELSEN.

(The following Members (at the request of Mr. MIKVA) and to include extraneous matter:)

Mr. BOLLING.
Mr. FISHER in six instances.
Mr. RODINO in two instances.
Mr. RARICK in three instances.
Mr. HUNGATE in three instances.
Mr. CULVER.
Mr. RYAN in four instances.
Mr. EILBERG.
Mr. PEPPER.
Mr. VANIK in two instances.
Mr. MOORHEAD in two instances.
Mr. NIX.
Mr. O'HARA in two instances.
Mr. EDWARDS of California in two instances.
Mr. MINISH.
Mr. FRASER in two instances.
Mr. ROYBAL in six instances.
Mr. GIAIMO in 10 instances.
Mr. DONOHUE in two instances.
Mr. HATHAWAY in two instances.
Mr. CAREY.
Mr. BINGHAM 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. 28.67. An act to amend section 202(a) of the Federal Property and Administrative Services Act of 1949 to remove a preference accorded to the District of Columbia over State governments in the disposition of excess real property; to the Committee on Government Operations.

S. 3070. An act to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest; to the Committee on Agriculture.

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. 4599. An act to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments;

H.R. 12943. An act to amend section 3 of the act of November 2, 1966, to extend for 3 years the authority to make appropriations to carry out such act;

H.R. 17123. An act to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize real estate acquisition and construction at certain installations in connection with the Safeguard anti-ballistic missile system, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; and

H.R. 18104. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1933. An act to provide for Federal railroad safety, hazardous materials control and for other purposes; and

S. 2264. An act to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance.

BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on October 2, 1970, present to the President, for his approval, a bill and joint resolutions of the House of the following titles:

H.R. 14485. An act to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system;

H.J. Res. 236. A joint resolution authorizing and requesting the President of the United States to issue a proclamation designating the week of August 1 through August 7, 1971, as "National Clown Week"; and

H.J. Res. 1154. A joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from October 24, 1970, to October 31, 1970.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 6, 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:

2418. A letter from the Comptroller General of the United States, transmitting a report of a purchase commitment made to an international organization prior to the availability of funds, Department of Defense; to the Committee on Government Operations.

2419. A letter from the Deputy Secretary of Defense, transmitting a report of disbursements made during fiscal year 1970 against the appropriation for "Contingencies, Defense," pursuant to Public Law 91–171; to the Committee on Appropriations.

2420. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to designate the legal public holidays to be observed in the District of Columbia; to the Committee on the District of Columbia.

2421. A letter from the Secretary of the Interior, transmitting the annual report of the U.S. Government Comptroller for the Virgin Islands for fiscal year 1969, pursuant to Public Law 90–496; to the Committee on Interior and Insular Affairs.

2422. A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to secure electric power supplies adequate to the demands of the Nation compatible with environmental quality; to the Committee on Interstate and Foreign Commerce.

2423. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Revised Organic Act of the Virgin Islands; to the Committee on the Judiciary.

2424. 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.

2425. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercized in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

2426. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2427. A letter from the Comptroller General of the United States, transmitting a report on the opportunity to improve allocation of program funds to better meet the national housing goal, Department of Housing and Urban Development; 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:

[Pursuant to the order of the House on Oct. 1, 1970, the following report was filed on Oct. 2, 1970]

Mr. FALLON: Committee on Public Works. H.R. 19504. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes (Rept. No. 91–1554). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on Oct. 1, 1970, the following conference report was filed on Oct. 2, 1970]

Mr. GARMATZ: Committee of conference. Conference report on H.R. 15424 (Rept. No. 91–1555). Ordered to be printed.

[Submitted Oct. 5, 1970]

Mr. PATMAN: Committee on Banking and Currency. H.R. 19436. A bill to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes; with amendments (Rept. No. 91–1556). Referred to the Committee of the White House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 19519. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability, and for other purposes; with amendments (Rept. No. 91–1557). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 19561. A bill to authorize the Administrator of General Services to contract for the construction of certain parking facilities on federally owned property; to the Committee on Public Works.

By Mr. FULTON of Tennessee:

H.R. 19562. A bill to amend the Internal Revenue Code of 1954 in relation to corporate reorganizations; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 19563. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing or wounding of a policeman or fireman; to the Committee on the Judiciary.

By Mr. MIKVA (for himself and Mr. KOCH):

H.R. 19564. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. MIKVA (for himself and Mr. MCCLOSKEY):

H.R. 19565. 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. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 19566. A bill to amend the Renegotiation Act of 1951, and for other purposes; to the Committee on Ways and Means.

H.R. 19567. A bill to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 19568. 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. PELLY:

H.R. 19569. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development ac-

tivities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. PEPPER:

H.R. 19570. A bill to amend the Library Services and Construction Act, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. ANDERSON of Tennessee, Mr. MATSUNAGA, Mr. O'NEILL of Massachusetts, and Mr. SISK):

H.R. 19571. A bill to promote the public welfare; to the Committee on Rules.

By Mr. ROGERS of Florida:

H.R. 19572. A bill to amend the Public Health Service Act to prohibit the discharge of elemental mercury and its compounds into any waters of the United States which directly affect the public health; to the Committee on Interstate ond Foreign Commerce.

By Mr. SHIPLEY:

H.R. 19573. A bill to amend section 9 of the Postal Reorganization Act to grant the retroactive pay increases provided for postal employees by such section to persons on the rolls at any time in the period beginning June 30, 1970, and ending immediately before the date of enactment of such act but who left the service before such date of enactment; to the Committee on Post Office and Civil Service.

By Mr. BOLAND (for himself and Mr. CONTE):

H.R. 19574. A bill to authorize the establishment of the Springfield Armory National Historic Site, Massachusetts, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GRAY:

H.R. 19575. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. LENNON (for himself, Mr. MOSHER, Mr. GARMATZ, Mr. MAILLIARD, Mr. PELLY, Mr. ASHLEY, Mr. KEITH, Mr. DOWNING, Mr. DELLENBACK, Mr. ROGERS of Florida, Mr. POLLOCK, Mr. RUPPE, Mr. GOODLING, Mr. HATHAWAY, Mr. MCCLOSKEY, Mr. FREY, Mr. HANNA, Mr. LEGGETT, and Mr. JONES of North Carolina):

H.R. 19576. A bill to establish the National Advisory Committee on the Oceans and Atmosphere; to the Committee on Merchant Marine and Fisheries.

By Mr. OLSEN:

H.R. 19577. A bill to make the provisions of the Vocational Education Act of 1963 applicable to individuals preparing to be volunteer firemen; to the Committee on Education and Labor.

By Mr. ROGERS of Florida (for himself, Mr. JARMAN, Mr. KYROS, Mr. PREYER of North Carolina, Mr. NELSEN, Mr. CARTER, Mr. SKUBITZ, Mr. HASTINGS, and Mr. BROWN of Ohio):

H.R. 19578. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, reliability, and effectiveness of medical devices; to the Committee on Interstate and Foreign Commerce.

By Mr. SYMINGTON:

H.R. 19579. A bill to improve education in the United States; to the Committee on Education and Labor.

By Mr. TALCOTT (for himself and Mr. SISK):

H.R. 19580. A bill to regulate and foster commerce among the States by providing a uniform system for the application of sales and use taxes to interstate commerce; to the Committee on the Judiciary.

By Mr. VANIK (for himself, Mr. BUTTON, Mr. FASCELL, Mr. HECHLER of West Virginia, Mr. PODELL, Mr. PRICE of Illinois, Mr. SCHEUER, and Mr. SCHWENGEL):

H.R. 19581. A bill to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.J. Res. 1389. Joint resolution authorizing the President to declare November 11 (also known as Veterans Day) as a National Day of Support of United States Prisoners of War in Southeast Asia; to the Committee on the Judiciary.

By Mr. PATMAN:

H.J. Res. 1390. Joint resolution to provide an additional temporary extension of the Federal Housing Administration's insurance authority; to the Committee on Banking and Currency.

By Mr. BROOMFIELD:

H. Con. Res. 766. Concurrent resolution regarding persecution of Jews in Russia; to the Committee on Foreign Affairs.

By Mr. BROWN of Michigan:

H. Con. Res. 767. Concurrent resolution expressing the sense of Congress with respect to an international Conference on the creation of an International Environmetal Agency; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H. Res 1234. Resolution on dismissal of professional air traffic controllers by the Federal Aviation Administration; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WILLIAMS introduced a bill (H.R. 19582) for the relief of Paulina Medrano Martinez, which was referred to the Committee on the Judiciary.

SENATE—*Monday, October 5, 1970*

The Senate met at 12 noon 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:

O Thou, in whom we live and move and have our being, we thank Thee for Thy providential care which has brought us to this new day. We thank Thee for work and that it may be done in concert with men and women guided by high ideals and committed to the making of a better Nation.

Accept our dedication this day and grant that we may so follow the selfless ways of the Master that we may have a measure of His divine mind and heart and will.

In times of peril and uncertainty help us to lay hold of the eternal truth that underneath are the everlasting arms and Thou art our refuge and our strength.

And to Thee shall be the praise and the glory now and evermore. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 2, 1970, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

ORDER FOR THE RECOGNITION OF SENATOR EAGLETON TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, pending the arrival of the distinguished Senator from New York (Mr. JAVITS), the distinguished Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 15 minutes.

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

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Parks and Recreation of the Department of the Interior be authorized to meet during the session of the Senate today.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

AMBASSADORS

The assistant legislative clerk proceeded to read sundry nominations of ambassadors.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

The assistant legislative clerk proceeded to read sundry nominations in the Inter-American Social Development Institute.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.