HOUSE OF REPRESENTATIVES—*Monday, December 7, 1970*

The House met at 12 o'clock noon.

Rev. J. Renton Hunter, Bethel Pentecostal Tabernacle, Washington, D.C., offered the following prayer:

Father, being grateful for all that has come from You to build and bring us to this day, we offer our thanks and praise.

Although a simple "Thank You, God" does not adequately express our gratitude, nor begin to show our appreciation, yet in deepest sincerity we say "Thank You, Lord; thank You, God."

We invoke the blessing of Your presence in this Chamber and in our personal experience.

Grant that the deliberations, and decisions, of this day be marked by Your wisdom; the relationships and personal contacts of this day may give evidence of Your love; the burdens, pressures, and responsibilities of this day may be met in Your strength.

May our lives, attitudes, and speech be models of Your grace and compassion. Amen.

THE JOURNAL

The SPEAKER. The Clerk will read the Journal of the proceedings of Thursday, December 3, 1970.

Mr. RYAN. Mr. Speaker, I demand that the Journal be read in full.

The Clerk proceeded to read the Journal of the proceedings of Thursday, December 3, 1970.

PARLIAMENTARY INQUIRY

Mr. GROSS (during the reading). Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Is there something in the Journal of the proceedings of last Thursday that needs to be read for the edification of the Members of the House?

The SPEAKER. The Chair is not able to answer that question.

Does the gentleman from New York withdraw his demand that the Journal be read in full?

Mr. RYAN. No, Mr. Speaker; I request that the Journal be read in full.

The SPEAKER. The Clerk will proceed.

The Clerk continued to read the Journal of the proceedings of Thursday, December 3, 1970.

The SPEAKER. Without objection, the Journal as read will stand approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 1160. An act to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park;

H.R. 3328. An act to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation; and

H.R. 13934. An act to amend the act of September 21, 1959 (73 Stat. 590) to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes.

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

H.R. 380. An act to repeal section 7 of the act of August 9, 1946 (60 Stat. 968);

H.R. 2669. An act to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals;

H.R. 15728. An act to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes; and

H.R. 17755. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House numbered 7, 8, 9, and 10 to the bill (S. 368) entitled "An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes," and that the Senate agrees to the amendment of the House numbered 4 to the above-entitled bill with an amendment, and that the Senate agrees to the amendment of the House numbered 5 to the above-entitled bill with an amendment, and that the Senate disagrees to the amendments of the House numbered 1, 2, 3, and 6 to the above-entitled bill in which concurrence of the House is requested to the foregoing action.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17755) entitled "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes," asks a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. CASE, Mrs. SMITH, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Vice President, pursuant to Public Law 91–513, appointed Mr. HUGHES and Mr. JAVITS to the Commission on Marihuana and Drug Abuse.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair at this time will recognize Members only for requests to revise and extend their remarks and 1-minute speeches in connection with which the time is yielded back.

APPROPRIATIONS COMMITTEE—PERMISSION TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE A CONFERENCE REPORT ON H.R. 17923

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a report on the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971.

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

There was no objection.

VACATING PROCEEDINGS ON THE BILL, H.R. 19504, TO AUTHORIZE APPROPRIATIONS FOR THE CONSTRUCTION OF CERTAIN HIGHWAYS IN ACCORDANCE WITH TITLE 23, UNITED STATES CODE, AND FOR OTHER PURPOSES, AND RECONSIDERATION

Mr. FALLON. Mr. Speaker, I ask unanimous consent that the proceedings whereby the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23, United States Code, and for other purposes, was read a third time, passed, and the motion to reconsider laid on the table and the bill then laid on the table, be vacated.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I am at a loss to understand why this request is being made. What is the reason therefor?

Mr. FALLON. Mr. Speaker, I will say to the gentleman from Iowa, we should not have vacated the House number and substituted the Senate bill, since title III of the bill is a revenue measure and must originate in the House.

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

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

There was no objection.

The engrossed House bill (H.R. 19504) was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THE 29TH ANNIVERSARY OF CIVIL AIR PATROL

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

Mr. WOLFF. Mr. Speaker, today is the 29th anniversary of the founding of the Civil Air Patrol, the official auxiliary of the U.S. Air Force. I am proud to be commanding officer of the CAP Congressional Squadron composed of more than

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30 Members of Congress including the majority and minority leaders of the House.

At the outbreak of World War II the Civil Air Patrol served as a frontline of defense for the continental United States. A number of CAP members gave their lives while engaged, as I was during this period, in flying coastal patrol.

Today the CAP conducts 79 percent of all Air Force search-and-rescue missions in the United States and is engaged in a youth training program to provide our country with a reserve pool of qualified pilots and air crews.

I am proud that Lt. Col. Renton Hunter, chaplain of the Congressional Squadron of CAP, offered the prayer at the opening of today's session. And I rise to pay tribute today to the tens of thousands of Americans, young and old alike, who have given and continue to give of their time and service to make the Civil Air Patrol the successful program it continues to be.

CONSUMER LEGISLATION

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

Mr. ANDERSON of Illinois. Mr. Speaker, it was astounding the other day that a Member of this body should react to the Rules Committee action on the consumer bill by making a personal attack on Mrs. Virginia Knauer, the President's assistant for consumer affairs.

While I can understand that our colleague was bitterly disappointed with the committee's action, that is little reason to call for the resignation of a distinguished public servant because she did not lobby or pressure the Congress for passage of the consumer bill.

I fear that our viewpoint is becoming warped. We are a separate and equal branch of the Government, the body charged with enacting legislation into law. We are not supposed to be dependent upon the executive branch while we are discharging this function—yet that is exactly what is implied when we criticize the executive branch for not pressuring us to enact legislation. Is the Congress to be likened to a spoiled child who wil not behave without a spanking?

It is always tempting to look for scapegoats outside of Congress. But in this case there is no scapegoat. When the consumer bill came to a vote in the Rules Committee, the sponsors of this legislation failed to muster the supporters necessary to bring the bill to the House floor.

I would suggest our colleague see what he can do to make his legislation acceptable and not attempt to pass the buck to Mrs. Knauer.

NATO INSIGNIA PROPOSAL

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, a NATO-insignia proposal approved by the 1969 North Atlantic Assembly was endorsed by U.S. Defense Secretary Laird at the Defense Ministers' meeting last week in Brussels. Under the proposal, all military personnel and vehicles assigned or earmarked for Alliance purposes would carry the NATO four-pointed star in addition to national identification.

Symbols are important, and up to now NATO military forces have lacked a common symbol. Under the North Atlantic Assembly proposal, which I initiated, all personnel actively assigned to NATO or designated for Alliance purposes would wear a small patch or pin bearing the NATO star.

Otherwise, uniforms would follow the tradition of each nation. Likewise, vehicles so assigned or earmarked would carry a decal of the NATO star in addition to national markings. The insignia so displayed would serve a valuable purpose in showing visibly the link among national forces besides advertising effectively the existence of the Alliance.

I first proposed the adoption of the NATO insignia to the Military Committee of the North Atlantic Assembly in Brussels in 1969. My resolution on this proposal was favorably reported to the plenary session, unanimously adopted, and forwarded for consideration by the NATO Council. At the request of the Council, Adm. Sir Nigel Henderson, Chairman of the NATO Military Committee, circulated the proposal to member governments for reaction.

On September 24, I met with Admiral Moorer, Chairman of the U.S. Joint Chiefs of Staff, to explain the proposal. Admiral Moorer expressed interest and in a letter reported he had discussed it with military leaders in Western Europe.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day.

The Clerk will call the first bill on the Consent Calendar.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 384]

Abbitt	Daddario	Hanna
Addabbo	de la Garza	Hastings
Alexander	Dent	Hathaway
Anderson, Tenn.	Diggs	Heckler, Mass.
Aspinall	Dingell	Helstoski
Beall, Md.	Dowdy	Jarman
Belcher	Dwyer	Kee
Blaggi	Edwards, La.	King
Blanton	Farbstein	Landgrebe
Bolling	Friedel	Lennon
Brasco	Fulton, Tenn.	Long, La.
Button	Gallagher	Lowenstein
Clark	Gilbert	Lukens
Clay	Goldwater	McCarthy
Cohelan	Gray	McKneally
Collins, Tex.	Green, Oreg.	McMillan
Conte	Grover	MacGregor
Culver	Gubser	Madden
	Halpern	Mathias
Meskill	Pollock	Stuckey
Mikva	Powell	Sullivan
Minshall	Preyer, N.C.	Symington
Morton	Purcell	Thompson, N.J.
Moss	Rarick	Tiernan
Nichols	Reifel	Tunney
O'Konski	Roe	Waggonner
O'Neill, Mass.	Roudebush	Waldie
Ottinger	Rousselot	Watts
Pepper	Sandman	Weicker
Pettis	Scheuer	Wiggins
Pickle	Stafford	Wold
Poage	Stanton	Wydler
Podell	Stephens	

The SPEAKER. On this rollcall 336 Members have answered to their names, a quorum.

Is there objection to dispensing with further proceedings under the call?

Mr. RYAN. Mr. Speaker, I rise to object to dispensing with further proceedings under the call.

Mr. ALBERT. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma?

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

Mr. RYAN. 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 312, nays 28, not voting 94, as follows:

[Roll No. 385]

YEAS—312

Abernethy	Camp	Evans, Colo.
Adair	Carey	Evins, Tenn.
Adams	Carney	Fallon
Albert	Carter	Fascell
Anderson, Calif.	Casey	Feighan
Anderson, Ill.	Cederberg	Findley
Andrews, Ala.	Celler	Fish
Andrews, N. Dak.	Chamberlain	Fisher
Annunzio	Chappell	Flood
Arends	Chisholm	Flowers
Ashbrook	Clancy	Flynt
Ayres	Clark	Foley
Barrett	Clausen, Don H.	Ford, Gerald R.
Bell, Calif.	Clawson, Del	Foreman
Bennett	Cleveland	Forsythe
Berry	Collier	Fountain
Betts	Colmer	Frelinghuysen
Bevill	Conable	Frey
Biester	Corbett	Fulton, Pa.
Blackburn	Corman	Fuqua
Blatnik	Coughlin	Galifianakis
Boggs	Cramer	Garmatz
Boland	Crane	Gaydos
Bow	Culver	Gettys
Brademas	Cunningham	Gibbons
Bray	Daniel, Va.	Goldwater
Brinkley	Daniels, N.J.	Gonzalez
Brock	Davis, Ga.	Goodling
Brooks	Davis, Wis.	Griffin
Broomfield	Delaney	Griffiths
Brotzman	Dellenback	Gross
Brown, Mich.	Denney	Gubser
Brown, Ohio	Dennis	Gude
Broyhill, N.C.	Derwinski	Hagan
Broyhill, Va.	Dickinson	Haley
Buchanan	Dingell	Hall
Burke, Fla.	Donohue	Hamilton
Burke, Mass.	Dorn	Hammer-schmidt
Burleson, Tex.	Downing	Hanley
Burlison, Mo.	Dulski	Hansen, Idaho
Burton, Utah	Duncan	Harsha
Bush	Edmondson	Harvey
Byrne, Pa.	Edwards, Ala.	Hathaway
Byrnes, Wis.	Eilberg	Hays
Cabell	Erlenborn	Hébert
Caffery	Esch	Hechler, W. Va.
	Eshleman	Henderson

Hicks	Minish	Schmitz
Hogan	Mize	Schneebeli
Holifield	Mizell	Schwengel
Horton	Mollohan	Scott
Hosmer	Montgomery	Sebelius
Hull	Moorhead	Shipley
Hungate	Morgan	Shriver
Hunt	Morse	Sikes
Hutchinson	Mosher	Sisk
Ichord	Murphy, Ill.	Skubitz
Jacobs	Murphy, N.Y.	Slack
Jarman	Myers	Smith, Calif.
Johnson, Calif.	Natcher	Smith, Iowa
Johnson, Pa.	Nelsen	Smith, N.Y.
Jonas	Nix	Snyder
Jones, Ala.	O'Hara	Springer
Jones, N.C.	Olsen	Staggers
Jones, Tenn.	O'Neal, Ga.	Steed
Karth	Passman	Steele
Kazen	Patman	Steiger, Ariz.
Keith	Patten	Steiger, Wis.
Kleppe	Pelly	Stratton
Kluczynski	Perkins	Stubblefield
Kuykendall	Philbin	Taft
Kyl	Pike	Talcott
Kyros	Pirnie	Taylor
Landgrebe	Poff	Teague, Tex.
Landrum	Price, Ill.	Thompson, Ga.
Langen	Price, Tex.	Udall
Latta	Pryor, Ark.	Ullman
Leggett	Pucinski	Van Deerlin
Lloyd	Quie	Vanik
Long, Md.	Quillen	Vigorito
Lujan	Railsback	Wampler
McClory	Randall	Watson
McCloskey	Rarick	Whalen
McClure	Reid, Ill.	Whalley
McCulloch	Reuss	White
McDade	Rhodes	Whitehurst
McEwen	Riegle	Whitten
McFall	Rivers	Widnall
Macdonald, Mass.	Roberts	Williams
	Robison	Wilson, Bob
Madden	Rodino	Wilson, Charles H.
Mahon	Rogers, Colo.	
Mailliard	Rogers, Fla.	Winn
Mann	Rooney, N.Y.	Wold
Marsh	Rooney, Pa.	Wolff
Martin	Rostenkowski	Wright
Matsunaga	Roth	Wyatt
May	Roybal	Wylie
Mayne	Ruppe	Wyman
Meeds	Ruth	Yates
Meicher	St Germain	Yatron
Michel	Satterfield	Young
Miller, Calif.	Saylor	Zablocki
Miller, Ohio	Schadeberg	Zion
Mills	Scherle	Zwach

NAYS—28

Ashley	Green, Pa.	Rees
Bingham	Harrington	Reid, N.Y.
Brown, Calif.	Hawkins	Rosenthal
Burton, Calif.	Howard	Ryan
Clay	Kastenmeier	Scheuer
Cohelan	Koch	Stokes
Conyers	Lowenstein	Thompson, N.J.
Eckhardt	McCarthy	
Edwards, Calif.	Mink	
Ford, William D.	Nedzi	
	Obey	

NOT VOTING—94

Abbitt	Gilbert	Pettis
Addabbo	Gray	Pickle
Alexander	Green, Oreg.	Poage
Anderson, Tenn.	Grover	Podell
	Halpern	Pollock
Aspinall	Hanna	Powell
Baring	Hansen, Wash.	Preyer, N.C.
Beall, Md.	Hastings	Purcell
Belcher	Heckler, Mass.	Reifel
Biaggi	Helstoski	Roe
Blanton	Kee	Roudebush
Bolling	King	Rousselot
Brasco	Lennon	Sandman
Button	Long, La.	Stafford
Collins, Ill.	Lukens	Stanton
Collins, Tex.	McDonald, Mich.	Stephens
Conte		Stuckey
Cowger	McKneally	Sullivan
Daddario	McMillan	Symington
de la Garza	MacGregor	Teague, Calif.
Dent	Mathias	Thomson, Wis.
Devine	Meskill	Tiernan
Diggs	Mikva	Tunney
Dowdy	Minshall	Vander Jagt
Dwyer	Monagan	Waggonner
Edwards, La.	Morton	Waldie
Farbstein	Moss	Ware
Fraser	Nichols	Watts
Friedel	O'Konski	Weicker
Fulton, Tenn.	O'Neill, Mass.	Wiggins
Gallagher	Ottinger	Wydler
Giaimo	Pepper	

So the motion was agreed to.

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

The result of the vote was announced as above recorded.

The doors were opened.

CONSENT CALENDAR

The SPEAKER pro tempore (Mr. ALBERT). This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

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

The Clerk called the resolution (H. Res. 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 pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER pro tempore. The Chair will count. One hundred and eighty-five Members are present, not a quorum.

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

A call of the House was ordered.

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

[Roll No. 386]

Abbitt	Fulton, Tenn.	Pepper
Addabbo	Gallagher	Pettis
Alexander	Gibbons	Philbin
Anderson, Tenn.	Gilbert	Pickle
	Gray	Poage
Aspinall	Green, Oreg.	Pollock
Beall, Md.	Green, Pa.	Powell
Belcher	Grover	Preyer, N.C.
Biaggi	Halpern	Purcell
Blanton	Hanna	Rees
Bollin	Hansen, Wash.	Reifel
Brademas	Hastings	Roe
Brasco	Heckler, Mass.	Roudebush
Button	Karth	Rousselot
Collins, Ill.	Kee	Sandman
Collins, Tex.	King	Scheuer
Colmer	Lennon	Smith, Iowa
Conte	Long, La.	Stanton
Cowger	Lukens	Stephens
Cramer	McKneally	Stuckey
Daddario	MacGregor	Sullivan
de la Garza	Mathias	Symington
Dent	Meskill	Thompson, N.J.
Diggs	Mikva	Tiernan
Dowdy	Minshall	Tunney
Dwyer	Moorhead	Vander Jagt
Edwards, La.	Morton	Waggonner
Evans, Colo.	Moss	Waldie
Farbstein	Nedzi	Watts
Fascell	Nichols	Weicker
Ford, William D.	O'Konski	Widnall
	O'Neill, Mass.	Wiggins
Fraser	Ottinger	Wydler

The SPEAKER. On this rollcall 336 Members have answered to their names, a quorum.

Is there objection to dispensing with further proceedings under the call?

Mr. RYAN. Mr. Speaker, I object to dispensing with further proceedings under the call.

Mr. ALBERT. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The question is on the motion of the gentleman from Oklahoma.

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

Mr. RYAN. 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. The Chair will count. Two hundred and twenty-three Members are present, a quorum.

So the motion was agreed to.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the next bill on the Consent Calendar.

RELEASING 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 CORP.

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 Corp.

Mr. HALL. 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 Missouri?

There was no objection.

REPEAL OF THE NAVAL STORES ACT

The Clerk called the bill (H.R. 7444) to repeal the Naval Stores Act.

Mr. HAGAN. 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 Georgia?

There was no objection.

NATIONAL AGRICULTURAL LIBRARY

The Clerk called the bill (H.R. 19402) to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

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

H.R. 19402

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

SEC. 2. The Secretary of Agriculture is hereby authorized to accept, receive, hold, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made unconditionally for the benefit of the National Agricultural Library or for the carrying out of any of its functions. Conditional gifts may be accepted

and used in accordance with their provisions provided that no gift may be accepted which is conditioned on any expenditure not to be met therefrom or from the income thereof unless such expenditure has been approved by Act of Congress.

SEC. 3. Any gift of money accepted pursuant to the authority granted in section 2, or the net proceeds from the liquidation of any other property so accepted, or the proceeds of any insurance on any gift property not used for its restoration shall be deposited in the Treasury of the United States for credit to a separate account and shall be disbursed upon order of the Secretary of Agriculture.

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

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

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

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

Mr. RYAN. 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. The Chair will count. Two hundred and twenty-seven Members are present, a quorum.

So the bill was passed.

A motion to reconsider was laid on the table.

GIVING THE CONSENT OF CONGRESS TO THE ADDITION OF LAND TO THE STATE OF TEXAS, AND CEDING JURISDICTION TO THE STATE OF TEXAS OVER A CERTAIN PARCEL OR TRACT OF LAND HERETOFORE ACQUIRED BY THE UNITED STATES OF AMERICA FROM THE UNITED MEXICAN STATES

The Clerk called the bill (H.R. 8539) giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States.

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

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire whether we are considering Consent Calendar No. 253 or No. 254?

The SPEAKER. The Consent Calendar number is 253.

Mr. HALL. I thank the Speaker.

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

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 the parcel or tract of land lying adjacent to the territory of the State of Texas, which was acquired by the United States of America by virtue of the Convention Between the United States of America and the United Mexican States for the Solution of the Problem of the Chamizal, signed August 29, 1963, is declared to have become a geographical part of the State of Texas and shall be under the civil and criminal jurisdiction of said State, without affecting the ownership of said land.

With the following committee amendment:

On page 2 after line 3, insert a new section 2 to read as follows:

"SEC. 2. The addition of land and the ceding of jurisdiction to the State of Texas shall take effect upon acceptance by the State of Texas."

The committee amendment was agreed to.

Mr. WHITE. Mr. Speaker, I respectfully ask unanimous consent of the House for the approval of H.R. 8539, a measure which is highly important to complete the orderly transfer of a small parcel of land—193 acres—from the United Mexican States to the United States of America.

In 1963, the United States concluded with Mexico the historic Chamizal Treaty, which settled a century-old dispute over the international boundary, which had been affected by changes in the channel of the Rio Grande. The settlement of that dispute involved transfers of land both to and from the United States. The 193 acres received from Mexico is surrounded entirely by the city of El Paso, except along the new boundary where it borders Mexico. However, attorneys for the city of El Paso and for the International Boundary Commission, United States, and Mexico, requested that I introduce this legislation to remove any doubts as to the civil and criminal jurisdiction of the State of Texas over the newly acquired territory.

The precedent for such necessity was found in the act of February 6, 1940 (54 Stat. 21), which was enacted in connection with lands acquired by the United States from Mexico under the convention of February 1, 1933. My bill is patterned after the 1940 act. The letter from the Attorney General, quoted in the report, cites two other precedents for this type of legislation.

The State of Texas, also recognizing the necessity of clarifying legislation as to the criminal and civil jurisdiction over the area, has passed its own legislation accepting the area as a geographical part of the State of Texas and under the civil and criminal jurisdiction of that State. The State Legislature of Texas approved Senate bill 571 of the 61st legislature, and it was signed into law June 12, 1969.

Mr. Speaker, State and Federal officials feel that this legislation is necessary to complete the orderly development of the border area at El Paso. Our Government has developed extensive border crossing facilities in the area: The El Paso Independent School District has laid plans for developing a large high school-vocational school in the area, and this Congress approved, in 1966, the establishment of the Chamizal National Memorial on 55 acres of the land, under legislation which I introduced.

It is highly important that none of these projects be delayed through any legal doubts of the sovereignty over the area involved. This legislation will assure that, without affecting ownership of any of the land involved, it will be legally a geographical part of the city of El Paso, the county of El Paso, and the State of Texas.

I will greatly appreciate the unanimous consent of this body to the approval of H.R. 8539.

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.

SUSQUEHANNA RIVER BASIN COMPACT

The Clerk called the bill (S. 1079) consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I do so to ask a question or two of the gentleman from Wisconsin (Mr. KASTENMEIER).

Do I correctly understand that the cost of this bill to the Federal Government is $233,000 for fiscal year 1971?

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

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

Mr. KASTENMEIER. I would inform the gentleman "no," but it possibly could if the Congress authorized an additional $175,000 as a part of the negotiated Federal share of expenses of the Commission.

The only authorized cost to the Government will be the sum of $58,000 for support of the office of the Federal Government's member delegate to the Commission.

Mr. GROSS. According to the report, though the estimates are different, it is said that the Delaware Basin compact expense to the Federal Government in fiscal year 1971 totals $233,000. I do not understand the use of the figure $233,000 under the circumstances.

Mr. KASTENMEIER. If the gentleman will yield further, I will say that figure is used for comparative purposes. It is the only other Commission which resembles the one to which we give consent herein. In that Commission the office of the representative of the Federal Government in the Delaware compact is presently authorized $58,000 for support of him and his office, and the Federal Government has further negotiated with the compacting States the sum of $175,000 as its share in supporting the Commission's operations. But this has not been authorized for the Susequehanna by this Congress.

Mr. GROSS. I have one final question. What are the States of New York, Pennsylvania, and Maryland contributing?

Mr. KASTENMEIER. Presumably following the formula of the Delaware Basin compact their share of expenses would be the same as that of the United States; namely, $175,000 in that connection.

Mr. GROSS. Are the three States providing any money at this time?

Mr. KASTENMEIER. Well, they would not provide any money until this is en-

acted into law; that is to say, until the compact commission is created, at which time the United States will negotiate with the other members for an exact amount of the share of participation.

Mr. GROSS. I note there is an estimate of possible cost to the Federal Government, but nowhere do I find any estimate of the cost in total or separately for the States involved, I say to the gentleman.

Mr. KASTENMEIER. We do know that for the Delaware compact the U.S. Government would pay on the order of 24 or 25 percent, and the remainder for support of the commission would be the share of other parties.

Mr. Speaker, the purpose of the bill before the House is to bring the Federal Government into partnership with the States of New York, Pennsylvania, and Maryland in a compact to form a Susquehanna River Basin Commission. The commission will be responsible for developing a comprehensive water resources plan for the Susquehanna River Basin, an area comprising parts of the three States in which more than 3 million persons reside.

The commission would be composed of the Governors of the three States, or their representatives, and a Federal member appointed by the President, each having equal voting power. Alternates are provided for each member. The compact was enacted into law by New York and Maryland in 1967 and by Pennsylvania in 1968.

The principal precedent for this type of legislation—where the United States itself joined in a compact with States—is Public Law 87–328 by which, in 1961, Congress consented to, and the United States joined, the Delaware River Basin compact. That compact has been described to the subcommittee as most successful.

Modeled upon this precedent, the Susquehanna River Basin Commission would, in formulating a comprehensive water resources plan, perform the following functions:

Coordinated planning for flood control;

Conservation and development of surface and ground water supplies;

Development of supplies for municipal, industrial, and agricultural uses;

Development of water-based recreation;

Promotion of water pollution control;

Fish and wildlife propagation;

Promotion of sound forestry practices and related soil conservation;

Development of hydroelectric power potentialities; and

Other activities related to the conservation and development of water and related land resources.

Under the compact, Federal funds would be subject to separate congressional approval—reservation (a). Further protection of the Federal interest is found in provisions reserving to the Congress the power to withdraw the United States from the compact at any time and in the reservation to the President of the power to delete elements of the plan when required in the public interest. What is more, the compact contains a mandatory requirement for public hearings at various stages of the commission's work.

The administration's support of the proposed compact was manifested in an official statement by Secretary of the Interior Hickel on April 14, 1970. Mr. Hickel's successor, the gentleman from Maryland (Mr. MORTON), is the principal author of House Joint Resolution 382, which was identical to S. 1079 as introduced.

In extensive negotiations between representatives of the party States on the one hand, and the Water Resources Council representing Federal agencies on the other, all disagreements were narrowed down to the question of the relative autonomy of regulatory and other Federal agencies in the event of disagreement with the commission. As amended by the Senate, the bill makes clear that reservation (w) is not to be construed "to permit use of the waters of the Susquehanna River Basin or to endanger their quality without approval pursuant to the compact." The intent of the Senate amendment which the committee adopts is to clarify that in possible areas of conflict with individual Federal agencies over matters relating to water use and quality, the commission is to retain final authority. A conforming amendment for the same purpose was also adopted in reservation (r). The result of these amendments is to grant the commission the same authority as was granted to the Delaware River Basin Commission.

This committee held public hearings on a number of House bills identical with S. 1079 as introduced, on June 4 and September 30, 1970. On the basis of the record made at the hearings (hearings on H.J. Res. 381 et al., 91st Cong., 2d sess., Ser. No. 31, June 4 and September 30, 1970, Sub. No. 3, Committee on the Judiciary), the committee finds merit in the legislation as enacted by the Senate and recommends its enactment by the House.

It is estimated that the cost to the United States of enactment of the legislation will be on the order of $233,000, of which $58,000 per annum would be for the office of the U.S. member and on the order of $175,000 per annum would reflect the negotiated Federal share of expenses of the commission.

Reports received from a number of Federal agencies are to be found in the published hearings on this legislation. Essentially, the position of the Federal agencies has been that they approve the legislation subject to the adoption of satisfactory reservations.

Mr. Speaker, I urge the House to pass this bill.

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

Mr. FLOOD. Mr. Speaker, I rise today in support of S. 1079, a bill consenting to the Susquehanna River Basin compact; enacting the same into law and making the United States a signatory party thereto.

For background purposes, let me say that on February 5, 1969, I introduced House Joint Resolution 380. This resolution was identical with the bill now before you with the exception of certain committee amendments which I shall discuss in a moment. I might state at this point that the gentleman from New York, the distinguished chairman of the House Judiciary Committee, Mr. CELLER, introduced an identical resolution which was referred to the House Judiciary Committee where hearings were held on June 4, 1970.

On February 19, 1969, our distinguished colleague in the other body, the senior Senator from Pennsylvania, introduced identical legislation together with all of the other Senators from the three Susquehanna River Basin States. Hearings were held by the Senate Judiciary Committee on June 23 and August 19 and 20, 1970, with the resulting passage of S. 1079 by the U.S. Senate on October 14, 1970.

The Senate-passed bill was then referred to the House Judiciary Committee where action was first taken by the subcommittee headed by the distinguished gentleman from Wisconsin (Mr. KASTENMEIER). The bill, having been favorably considered, was then referred to the full committee from which it was reported unanimously.

Before proceeding to the provisions of S. 1079 let me recount some personal history of the role I have played relative to the Susquehanna River Basin. On September 12, 1950, I introduced H.R. 9724, the first piece of legislation specifically related to the creation of a Susquehanna Waterway Commission. Including the measure presently under consideration, I have introduced over the last 20 years 11 bills directly relating to the establishment of a commission charged with the responsibility of developing the water and related land resources of the Susquehanna River Basin.

In 1961, I sponsored a resolution designed to create the Interstate Advisory Committee whose duty it was to draw up a comprehensive plan relative to flood control, navigation, water supply, recreation, and pollution abatement, within the Susquehanna River Basin. This committee was created in August of 1962, and the study got underway in 1963 with the formation of the Susquehanna River Basin Study Coordinating Committee. The Basin Study Committee consists of representatives of the U.S. Departments of Agriculture; the Army; Commerce; Health, Education, and Welfare; Housing and Urban Development; Interior; the Federal Power Commission; the States of New York and Maryland; and the Commonwealth of Pennsylvania. As many as 100 professional workers in the various Federal and State organizations were employed: engineers, economists, geologists, geographers, ecologists, recreation specialists, fish and wildlife experts, and others.

They collected and evaluated a vast amount of data and, based on their evaluations and projections of the basin's future population, determined the basin's short-range and long-range water resource requirements. They looked, too, into land use and management which must be tied into any plan of water use and development.

During the study, residents of the basin were encouraged to take part in the

planning process. In 1963, a series of seven public hearings were held throughout the basin to determine from its residents the basin's needs and problem areas.Twelve general meetings of the Coordinating Committee were open to the public. Local planning groups were brought into the decisionmaking process in its early stages. During the late spring of 1969, nine public forums were held in the basin. Many basin residents, as well as many professional local planners, participated in these various meetings.

The measure presently before you has already been ratified by the legislatures of all three basin States. Maryland gave its approval on April 21, 1967; New York on May 2, 1967; and Pennsylvania on July 17, 1968. Also, the Susquehanna River Basin compact was formally endorsed by the administration with an official statement by the Secretary of Interior on April 14, 1970.

Before going into the provisions of the compact, let me say that the resolution introduced by Chairman CELLER represents the view of most of the New York delegation. My resolution represents the view of most of the Pennsylvania delegation, and my distinguished colleague, from the Eastern Shore, Mr. MORTON of Maryland, has introduced identical legislation with the support and approval of most of the Maryland delegation.

The Susquehanna River Basin drains an area of 27,500 square miles—6,300 in New York, 20,900 in Pennsylvania, and 300 in Maryland. The basin extends from east to west 160 miles and from north to south for 225 miles. The average flow of the Susquehanna River throughout the year is 25 billion gallons per day. This flow, however, is far from constant. During the time that records have been kept, it has varied from a low of 1 billion gallons per day in September 1932, to a high of 536 billion gallons per day—830,000 cubic feet per second—at the time of the great flood of 1936. It is significant that 80 percent of the fresh water that flows into the Chesapeake Bay above the mouth of the Potomac River comes from the Susquehanna, which enters the bay near its head at Havre de Grace. It is important to note that to a very large extent the ecology of the Chesapeake Bay is dependent upon the fresh water of the Susquehanna River.

The compact we are considering today is not an altogether new concept; in fact, it is very similar to the Delaware River Basin compact enacted by the Congress in 1961. The two compacts differ only in substantive respects, with the Susquehanna compact being more explicit in empowering the commission to promote proper water resources, land use, and management requirements.

When I testified before Mr. KASTENMEIER'S subcommittee I stated:

> The major substantive articles of the compact deal with water supply, water quality management and control, flood protection, watershed management, recreation, hydroelectric power and severe water shortage situations.

I might note here that the compact also deals with the preservation and enhancement of scenic values and historical and cultural sites. One of the most important issues facing the Congress today is the question of how to deal with the environmental and ecological problems presently existing throughout the width and breadth of our great Nation. With the enactment of S. 1079 we can go a long way in solving this problem.

Let me now discuss, from a more detailed point of view, the major provisions of this compact. This bill provides for a top level commission to be composed of a Federal member appointed by the President, together with the Governors of the three basin States or their representatives. This commission is responsible for the development of a comprehensive, coordinated plan relative to the immediate and long-range development of water resources and related land use within the basin; as well as the added responsibility of supervising the implementation of the plan developed, thereby guaranteeing not only a coordinated plan but also the orderly implementation of the plan. Each member of the commission will have an equal vote and an alternate appointee for each member is authorized to serve, when necessary, in the place of the primary appointee. The commission is authorized to act as the local sponsor for shared funding of projects which overlap State boundaries. Where Federal funds are involved, each project will be subjected to separate congressional approval both as to project authorization and project appropriation. No project can be substantially altered once congressional approval is granted unless the Congress concurs. Specific provision is made for public hearings in order that local citizen interest is safeguarded.

Although the compact establishes the commission for a period of 100 years, reservation is provided for the right of the Congress to alter, amend, or repeal the compact at any time.

Two substantive amendments were adopted by the Senate Judiciary Committee and are presently included in the compact. The first deals with the role of Federal regulatory agencies where possible areas of conflict might arise between the commission and an individual agency with respect to matters relating to water use and quality. The net effect of the amendment is to vest final authority in the commission in order that it may effectively carry out the mandate of the compact relative to comprehensive planning—this language is reflected in section 2, paragraph W, of the bill.

The purpose of the other amendment is to clarify the point that the authorization for appropriations in section 3, paragraph B, is to cover only the salary and operational expenses of the Federal member and his office.

Mr. Speaker, in closing let me point out that the Susquehanna Basin is relatively undeveloped when compared to the great and rapidly growing urban complexes that surround it. The demands on the basin are increasing daily, and it is expected that the population within the basin alone will increase threefold in the next 50 years.

Today we have an opportunity not only to enhance the economic development of the great Northeast but, in addition, with prudent conservation and farsighted development, we can improve our own quality of living. I stand here with pride in the role I have played in developing the necessary background prerequisite to bringing this measure before you today, and I urge the House to take favorable action upon it.

Mr. BIESTER. Mr. Speaker, I rise in support of S. 1079.

This legislation would bring the Federal Government into partnership with the States of New York, Pennsylvania, and Maryland in a formal compact in order to form a Susquehanna River Basin Commission to facilitate Federal-State, interstate, and interagency cooperation in comprehensive water resources planning for the basin.

Under the terms of the compact, the commission is directed to prepare a comprehensive plan for the immediate and long-range development and use of the water resources of the basin. Consistent with the plan, it is to draft a water resources program which will take account of the water resources needs of the area and of existing and proposed projects required to meet such needs. The plan and program are to cover such matters as water supply, recreation, fish and wildlife habitat, preservation and enhancement of scenic and historical sites, hydroelectric power and withdrawals and diversions in protected areas and during emergencies.

It is intended—indeed it is provided expressly—that the commission may function as an operating agency. It may do so, however, only if the project it proposes to operate is necessary to the execution of the comprehensive plan and no other agency is able or willing to act. The commitment of Federal funds for any project is, of course, subject to authorization and appropriation by Congress.

The commission would be composed of a Federal member appointed by the President, and the Governors of the three basin States. Each member would have equal voting power. Every action of the Commission would require approval by three members, and this would have to include the vote of the Federal member in certain instances where Federal interests would be affected.

A number of reservations are appended in section 2 in order that various interests of the Federal Government, as a participant in the compact, are protected. During lengthy negotiations between representatives of the party States, on the one hand, and the Water Resources Council representing the affected Federal agencies, on the other, agreement over the wording of these reservations was reached on all issues except for the question of what would happen in the event of a conflict of jurisdiction or of interpretation between the commission and a particular Federal agency.

Both in the other body and in the Judiciary Committee, this conflict was resolved in favor of the commission for the simple reason that otherwise the commission would not be able to adequately draft and implement its comprehensive plan. If any agency—whether on the Federal or State level—could authorize

projects in the basin area in violation of the commission's comprehensive plan, the entire purpose of the compact would be undermined.

If I may, Mr. Speaker, I would like to add a personal note. As a citizen of Pennsylvania, I am quite familiar with this river. I, like all Pennsylvanians, regard the Susquehanna River as one of our most priceless assets. It is a river of great natural beauty winding through serene valleys flanked by wooded mountain ridges.

Yet the maintenance of the ecology of the Susquehanna Basin must not be taken for granted. The ample supply of water in the basin has become increasingly attractive to industry. Industrial and domestic pollution of the river has been increasing as population grows. The capacity of the streams in the basin to purify themselves has been exceeded in many places. In fact, some water users must take water from streams loaded with untreated or partially treated sewage effluent.

The Susquehanna is the last major relatively undeveloped river in this part of our country. As a representative of the Commonwealth of Pennsylvania, in which three-quarters of the Susquehanna Basin is located, I very strongly believe, Mr. Speaker, that we must act now to preserve the natural beauty of the Susquehanna and protect it from the pollution and desecration of the landscape that inevitably accompany economic development. We in Pennsylvania want to see the Susquehanna Basin developed, but we want it to remain beautiful as well. Only through comprehensive planning as envisioned under the proposed compact can this be done.

I therefore urge the approval of S. 1079.

Mr. LONG of Maryland. Mr. Speaker, I rise in support of S. 1079, providing congressional consent to the Susquehanna River Basin compact. As one of the sponsors, I commend my able colleague from Wisconsin (Mr. KASTENMEIER), for his skill in guiding this compact through committee; and my most distinguished colleague from Pennsylvania (Mr. FLOOD), for whom the bill is the fruition of 15 years of effort.

The Susquehanna is one of the great rivers of America, and the last part of its long journey is through Maryland, where it empties into the Chesapeake Bay. In fact, the Susquehanna River flow averages 25 billion gallons per day, and supplies 80 percent of the fresh water which flows into the Chesapeake Bay.

The Chesapeake Bay is Maryland's most important natural resources and has one of the great estuaries of the world. Section 14.1 of the compact gives special attention to the relationship of the Susquehanna to the Chesapeake.

Over the next 50 years the population of the Susquehanna River Basin is expected to increase from 3.5 million to 9 million. One of the smaller counties in this basin area is Harford County in my district, which already gets about 2 million out of every 14 million gallons of water per day from the Susquehanna. Recreational uses of the Susquehanna—boating, water skiing, sailing, and fishing—are very important to my constituents, and most of all proper management of the quality and quantity of the river's flow. Proper estuary management is necessary so that fish and other marine life have the proper mixture of fresh and salt water in which to spawn; and so that Maryland will have an adequate water supply. Assuring water supply requires treatment of industrial and municipal wastes in upstream communities and water storage if water is diverted upstream for municipal and industrial use.

Thus the compact's value to Maryland is to give our State a voice in policies that affect the management of the river's resources upstream in Pennsylvania and New York.

This year's Susquehanna River Basin study was completed by the coordinating committee. This study provides a plan for effective use of the river's water resources over the next 10 years. The plan includes the types of projects that the compact commission will have the power to manage and coordinate in water resource planning and management. These projects are as follows: Waste treatment facilities, coal mine drainage, multipurpose reservoir construction, flood control, flood plain management, upstream watershed projects, dam construction, ground water development, pipeline and small reservoir construction, stream management, land treatment, and streambank stabilization projects. I hope that the compact commissioners will give serious consideration to all the committee's proposals.

In conclusion, I should like to mention some of the other powers the compact commissioners will have—the power to establish and enforce minimum water quality standards with the States maintaining the right to set higher standards—the power to serve as the local sponsor on a Federal project so that the commissioners and the Federal agency involved can handle the financial administration of the project—and the power to initiate a project, such as a sewage treatment plant, if a municipality fails to propose one. In this case the commissioners would probably present the general plan for the plant and then act as consultants to the municipality on budget planning, writing contract specifications, and supervising construction.

Mr. Speaker, I urge the House to approve S. 1079, the Susquehanna River Basin compact.

Mr. SCHNEEBELI. Mr. Speaker, as Representative of a district which includes much of the Susquehanna River Valley, I rise to express my strong support for S. 1079, the Susquehanna River Basin compact.

The Susquehanna River Basin is the last major relatively undeveloped river basin in the Nation's Northeast Middle Atlantic region. More than 3 million people live within the basin complex itself, and tens of millions more within a few hunderd miles.

Further development of the Susquehanna River is certain. What the people seek is the opportunity to avoid the unfortunate, long-range consequences of unplanned, duplicating development. This opportunity is offered by the proposal now under consideration.

The responsibilities of the commission to be established by the compact are broad. The public safeguards, including mandatory public hearings, are great. Although S. 1079 authorizes the commission for an initial period of 100 years, the right is reserved for Congress to alter, amend, or repeal the Susquehanna River Basin compact at any time.

This general approach has worked well for the Delaware River Basin compact, approved by Congress in 1961. The people of the Susquehanna River Basin now respectfully request this same vital opportunity for sensible development of our great river.

Mr. GUDE. Mr. Speaker, I rise in support of legislation consenting to the Susquehanna compact. I want to commend the members of the Judiciary Committee, and the members of Subcommittee No. 3, for their work on this forward-looking legislation, of such vital importance to preserving our environment. The legislation will join the Federal Government with the States of Maryland, New York, and Pennsylvania in a compact to form a Susquehanna River Basin Commission. The commission will be a bold new joint venture to manage the great water resources of the Susquehanna Basin in the public interest.

The Conservation and Natural Resources Subcommittee of the Government Operations Committee, on which I serve, held hearings last summer on a series of questions of development of the Potomac estuary. All of us were impressed by the difficulties of achieving sound management of this water resource through piecemeal decisions by numerous jurisdictions and agencies. Coordinating and planning bodies such as the Susquehanna Commission can do much to anticipate resource development problems and to deal with them in a manner that serves the interests of all concerned.

From the standpoint of my own State of Maryland, there is a great deal at stake in this legislation. The use and development of the water resources of the Susquehanna River directly affect the ecology of the Chesapeake Bay. About 80 percent of the fresh water supply in the upper bay comes from the Susquehanna. This flow has a profound effect on the fish and other marine life that make the Chesapeake Bay a major commercial and recreational resource in our State.

The degree of pollution, nutrient enrichment, with possible eutrophication, diversions of fresh water, and thermal change that occur in the Susquehanna could have a disastrous impact on the sensitive ecological balance of the Chesapeake Bay. The rockfish or striped bass, a prime commerial and sport fish, and the obnoxious jellyfish are cases in point. The upper Chesapeake Bay is the greatest spawning ground in the world for the rock, and its spawning is extremely sensitive to several of the factors mentioned above. Deeper infestation of bay beaches by jellyfish is another danger caused by diversion of fresh water from the Susquehanna and resulting saline intrusion in the bay. This would impair fine summer recreation areas. I am firmly convinced that only a re-

gional authority can take into account the many problems that can be produced by changes in the quantity and quality of the Susquehanna flow, and manage this great resource in the best interest of all the citizens. I believe we must be bold in trying new institutions to deal with old problems and to exploit new opportunities to manage water resources in the public interest. Therefore, I urge passage of S. 1079.

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

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

An act, consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, for related purposes.

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

SUSQUEHANNA RIVER BASIN COMPACT

SECTION 1. The consent of Congress is hereby given to the Susquehanna River Basin compact in the form substantially as follows, and the compact is hereby enacted into law thereby making the United States a signatory party thereto:

"SUSQUEHANNA RIVER BASIN COMPACT

"PREAMBLE

"Whereas the signatory parties hereto recognize the water resources of the Susquehanna River Basin as regional assets with local, state, and national interest for which they have a joint responsibility; and declare as follows:

"1. The conservation, utilization, development, management and control of the water resources of the Susquehanna River Basin under comprehensive multiple purpose planning will bring the greatest benefits and produce the most efficient service in the public interest; and

"2. This comprehensive planning administered by a basin-wide agency will provide flood damage reduction, conservation and development of surface and ground water supply for municipal, industrial, and agricultural uses, development of recreational facilities in relation to reservoirs, lakes and streams, propagation of fish and game, promotion of forest land management, soil conservation, and watershed projects and aid to fisheries, development of hydroelectric power potentialities, improved navigation control of water pollution, and regulation of stream flows toward the attainment of these goals; and

"3. The water resources of the basin are presently subject to the duplicating, overlapping, and uncoordinated administration of a large number of governmental agencies which exercise a multiplicity of powers resulting in a splintering of authority and responsibility; and

"4. The Interstate Advisory Committee on the Susquehanna River Basin, created by action of the States of New York, Pennsylvania, and Maryland, on the basis of its studies and deliberation has concluded that regional development of the Susquehanna River Basin is feasible, advisable, and urgently needed, and has recommended that an intergovernmental compact with Federal participation be consummated to this end; and

"5. The Congress of the United States and the executive branch of the Federal government have recognized a national interest in the Susquehanna River Basin by authorizing and directing the Corps of Engineers of the Department of the Army, the Department of Agriculture, the Department of Health, Education, and Welfare, the Department of Interior, and other Federal agencies to cooperate in making comprehensive surveys and reports concerning the water resources of the Susquehanna River Basin in which individually or severally the technical aid and assistance of many Federal and State agencies have been enlisted, and which are being or have been coordinated through a Susquehanna River Basin Study Coordinating Committee on which the Corps of Engineers of the Department of the Army, the Department of Agriculture, the Department of Commerce, the Department of Health, Education, and Welfare, the Department of Interior, the Department of Housing and Urban Development and its predecessor Housing and Home Finance Agency, the Federal Power Commission, and the States of New York, Pennsylvania, and Maryland are or were represented; and

"6. Some three million people live and work in the Susquehanna River Basin and its environs, and the government, employment, industry, and economic development of the entire region and the health, safety, and general well being of its population are and will continue to be affected vitally by the conservation, utilization, development, management, and control of the water resources of the basin; and

"7. Demands upon the water resources of the basin are expected to mount because of anticipated increases in population and by reason of industrial and economic growth of the basin and its service area; and

"8. Water resources planning and development are technical, complex, and expensive, often requiring fifteen to twenty years from the conception to the completion of large or extensive projects; and

"9. The public interest requires that facilities must be ready and operative when and where needed, to avoid the damages of unexpected floods or prolonged drought, and for other purposes; and

"10. The Interstate Advisory Committee on the Susquehanna River Basin has prepared a draft of an intergovernmental compact for the creation of a basin agency, and the signatory parties desires to effectuate the purposes thereof; Now therefore

"The States of New York and Maryland and the Commonwealth of Pennsylvania, and the United States of America hereby solemnly covenant and agree with each other, upon the enactment of concurrent legislation by the Congress of the United States and by the respective State legislatures, to the Susquehanna River Basin Compact which consists of this Preamble and the Articles that follow.

"ARTICLE 1

"SHORT TITLE, DEFINITIONS, PURPOSES, AND LIMITATIONS

SECTION 1.1—SHORT TITLE. This compact shall be known and may be cited as the Susquehanna River Basin Compact.

"1.2—DEFINITIONS. For the purpose of this compact, and of any supplemental or concurring legislation enacted pursuant to it:

"1. 'Basin' shall mean the area of drainage of the Susquehanna River and its tributaries into Chesapeake Bay to the southern edge of the Pennsylvania Railroad bridge between Havre de Grace and Perryville, Maryland.

"2. 'Commission' shall mean the Susquehanna River Basin Commission hereby created, and the term 'Commissioner' shall mean a member of the commission.

"3. 'Cost' shall mean direct and indirect expenditures, commitment, and net induced adverse effects, whether or not compensated for, used or incurred in connection with the establishment, acquisition, construction, maintenance, and operation of a project.

"4. 'Diversion' shall mean the transfer of water into or from the basin.

"5. 'Facility' shall mean any real or personal property, within or without the basin, and improvements thereof or thereon, and any and all rights of way, water, water rights, plants, structures, machinery, and equipment acquired, constructed, operated, or maintained for the beneficial use of water resources or related land uses or otherwise including, without limiting the generality of the foregoing, any and all things and appurtenances necessary, useful or convenient for the control, collection, storage, withdrawal, diversion, release, treatment, transmission, sale, or exchange of water; or for navigation thereon, or the development and use of hydroelectric energy and power, and public recreational facilities; or the propagation of fish and wildlife; or to conserve and protect the water resources of the basin or any existing or future water supply source, or to facilitate any other uses of any of them.

"6. 'Federal government' shall mean the government of the United States of America, and any appropriate branch, department, bureau, or division thereof, as the case may be.

"7. 'Project' shall mean any work, service, or activity which is separately planned, financed, or identified by the commission, or any separate facility undertaken or to be undertaken by the commission or otherwise within a specified area, for the conservation, utilization, control, development, or management of water resources which can be established and utilized independently or as an addition to an existing facility and can be considered as a separate entity for purposes of evaluation.

"8. 'Signatory party' shall mean a state or commonwealth party to this compact, or the Federal government.

"9. 'Water' shall mean both surface and underground waters which are contained within the drainage area of the Susquehanna River in the states of New York, Pennsylvania, and Maryland.

"10. 'Water resources' shall include all waters and related natural resources within the basin.

"11. 'Withdrawal' shall mean a taking or removal of water from any source within the basin for use within the basin.

"12. 'Person' shall mean an individual, corporation, partnership, unincorporated association, and the like and shall have no gender, and the singular shall include the plural."

1.3—PURPOSE AND FINDINGS. The legislative bodies of the respective signatory parties hereby find and declare:

"1. The water resources of the Susquehanna River Basin are affected with a local, state, regional, and national interest, and the planning, conservation, utilization, development, management, and control of these resources under appropriate arrangements for intergovernmental cooperation, are public purposes of the respective signatory parties.

"2. The water resources of the basin are subject to the sovereign rights and responsibilities of the signatory parties, and it is the purpose of this compact to provide for a joint exercise of these powers of sovereignty in the common interest of the people of the region.

"3. The water resources of the basin are functionally interrelated, and the uses of these resources are interdependent. A single administrative agency is therefore essential for effective and economical direction, supervision, and coordination of water resources efforts and programs of federal, state, and local governments and of private enterprise.

"4. Present and future demands require increasing economies and efficiencies in the use and reuse of water resources, and these can be brought about only by comprehensive planning, programing, and management under the direction of a single administrative agency.

"5. In general, the purposes of this compact are to promote interstate comity; to remove causes of possible controversy; to make secure and protect developments within the states; to encourage and provide for the planning, conservation, utilization, development, management, and control of the wa-

ter resources of the basin; to provide for cooperative and coordinated planning and action by the signatory parties with respect to water resources; and to apply the principle of equal and uniform treatment to all users of water and of water related facilities without regard to political boundaries.

"6. It is the express intent of the signatory parties that the commission shall engage in the construction, operation, and maintenance of a project only when the project is necessary to the execution of the comprehensive plan and no other competent agency is in a position to act, or such agency fails to act.

"1.4—POWERS OF CONGRESS; WITHDRAWAL. Nothing in this compact shall be construed to relinquish the functions, powers, or duties of the Congress of the United States with respect to the control of any navigable waters within the basin, nor shall any provisions hereof be construed in derogation of any of the constitutional powers of the Congress to regulate commerce among the states and with foreign nations. The power and right of the Congress to withdraw the Federal government as a party to this compact or to revise or modify the terms, conditions, and provisions under which it may remain a party by amendment, repeal, or modification of any Federal statute applicable hereto is recognized by the signatory parties.

"1.5—DURATION OF COMPACT.

"(a) The duration of this compact shall be for an initial period of 100 years from its effective date, and it shall be continued for additional periods of 100 years if not less than 20 years nor more than 25 years prior to the termination of the initial period or any succeeding period none of the signatory states, by authority of an act of its legislature, notifies the commission of intention to terminate the compact at the end of the then current 100-year period.

"(b) In the event this compact should be terminated by operation of paragraph (a) above, the commission shall be dissolved, its assets and liabilities transferred in accordance with the equities of the signatory parties therein, and its corporate affairs wound up in accordance with agreement of the signatory parties or, failing agreement, by act of the Congress.

"ARTICLE 2

"ORGANIZATION AND AREA

"SECTION 2.1—COMMISSION CREATED. The Susquehanna River Basin Commission is hereby created as a body politic and corporate, with succession for the duration of this compact, as an agency and instrumentality of the governments of the respective signatory parties.

"2.2—COMMISSION MEMBERSHIP. The members of the commission shall be the governor or the designee of the governor of each signatory State, to act for him, and one member to be appointed by the President of the United States to serve at the pleasure of the President.

"2.3—ALTERNATES. An alternate from each signatory party shall be appointed by its member of the commission unless otherwise provided by the laws of the signatory party. The alternate, in the absence of the member, shall represent the member and act for him. In the event of a vacancy in the office of alternate, it shall be filled in the same manner as the original appointment.

"2.4—COMPENSATION. Members of the commission and alternates shall serve without compensation from the commission but may be reimbursed for necessary expenses incurred in and incident to the performance of their duties.

"2.5—VOTING POWER. Each member is entitled to one vote. No action of the commission may be taken unless three of the four members vote in favor thereof.

"2.6—ORGANIZATION AND PROCEDURE. The commission shall provide for its own organization and procedure, and shall adopt the rules and regulations governing its meetings and transactions. It shall organize annually by the election of a chairman and vice-chairman from its members. It shall provide by its rules for the appointment by each member in his discretion of an advisor to serve without compensation from the commission, who may attend all meetings of the commission and its committees.

"2.7—JURISDICTION OF THE COMMISSION. The commission shall have, exercise, and discharge its functions, powers, and duties within the limits of the basin. Outside the basin, the commission shall act at its discretion, but only to the extent necessary to implement its responsibilities within the basin, and where necessary subject to the consent of the State wherein it proposes to act.

"ARTICLE 3

"POWERS AND DUTIES OF THE COMMISSION

"SECTION 3.1—GENERAL. The Commission shall develop and effectuate plans, policies, and projects relating to the water resources of the basin. It shall adopt and promote uniform and coordinated policies for water resources conservation and management in the basin. It shall encourage and direct the planning, development, operation, and subject to applicable laws the financing of water resources projects according to such plans and policies.

"3.2—POLICY. It is the policy of the signatory parties to preserve and utilize the functions, powers, and duties of the existing offices and agencies of government to the extent consistent with this compact, and the commission is directed to utilize those offices and agencies for the purposes of this compact.

"3.3—COMPREHENSIVE PLAN, PROGRAM AND BUDGETS. The commission in accordance with Article 14 of this compact, shall formulate and adopt:

"1. A comprehensive plan, after consultation with appropriate water users and interested public bodies for the immediate and long range development and use of the water resources of the basin;

"2. A water resources program, based upon the comprehensive plan, which shall include a systematic presentation of the quantity and quality of water resources needs of the area to be served for such reasonably foreseeable period as the commission may determine, balanced by existing and proposed projects required to satisfy such needs, including all public and private projects affecting the basin, together with a separate statement of the projects proposed to be undertaken by the commission during such period; and

"3. An annual current expense budget and an annual capital budget consistent with the commission's program, projects, and facilities for the budget period.

"3.4—POWERS OF COMMISSION. The commission may:

"1. Plan, design, acquire, construct, reconstruct, complete, own, improve, extend, develop, operate, and maintain any and all projects, facilities, properties, activities, and services which are determined by the commission to be necessary, convenient, or useful for the purposes of this compact.

"2. Establish standards of planning, design, and operation of all projects and facilities in the basin to the extent they affect water resources, including without limitation thereto water, sewage and other waste treatment plants and facilities, pipelines, transmission lines, stream and lake recreational facilities, trunk mains for water distribution, local flood protection works, watershed management programs, and ground water recharging operations.

"3. Conduct and sponsor research on water resources and their planning use, conservation, management, development, control, and protection, and the capacity, adaptability, and best utility of each facility thereof, and collect, compile, correlate, analyze, report, and interpret data on water resources and uses in the basin, including without limitation thereto the relation of water to other resources, industrial water technology, ground water movement, relation between water price and water demand and other economic factors, and general hydrological conditions.

"4. Collect, compile, coordinate, and interpret systematic surface and ground water data, and publicize such information when and as needed for water uses, flood warning, quality maintenance, or other purposes.

"5. Conduct ground and surface water investigations, tests, and operations, and compile data relating thereto, as may be required to formulate and administer the comprehensive plan.

"6. Prepare, publish, and disseminate information and reports concerning the water problems of the basin and for the presentation of the needs and resources of the basin and policies of the commission to executive and legislative branches of the signatory parties.

"7. Negotiate loans, grants, gifts, services, or other aids as may be lawfully available from public or private sources to finance or assist in effectuating any of the purposes of this compact, and receive and accept them upon terms and conditions, and subject to provisions, as may be required by Federal or State law or as the commission may deem necessary or desirable.

"8. Exercise such other and different powers as may be delegated to it by this compact or otherwise pursuant to law, and have and exercise all powers necessary or convenient to carry out its express powers and other powers which reasonably may be implied therefrom.

"9. Adopt, amend, and repeal rules and regulations to implement this compact.

"3.5—DUTIES OF THE COMMISSION. The commission shall:

"1. Develop and effectuate plans, policies, and projects relating to water resources, adopt, promote, and coordinate policies and standards for water resources conservation, control, utilization, and management, and promote and implement the planning, development, and financing of water resources projects.

"2. Undertake investigations, studies, and surveys, and acquire, construct, operate, and maintain projects and facilities in regard to the water resources of the basin, whenever it is deemed necessary to do so to activate or effectuate any of the provisions of this compact.

"3. Administer, manage, and control water resources in all matters determined by the commission to be interstate in nature or to have a major effect on the water resources and water resources management.

"4. Assume jurisdiction in any matter affecting water resources whenever it determines after investigation and public hearing upon due notice given, that the effectuation of the comprehensive plan or the implementation of this compact so requires. If the commission finds upon subsequent hearing requested by an affected signatory party that the party will take the necessary action, the commission may relinquish jurisdiction.

"5. Investigate and determine if the requirements of the compact or the rules and regulations of the commission are complied with, and if satisfactory progress has not been made, institute an action or actions in its own name in any state or federal court of competent jurisdiction to compel compliance with any and all of the provisions of this compact or any of the rules and regulations of the commission adopted pursuant thereto. An action shall be instituted in the name of the commission and shall be conducted by its own counsel.

"3.6—COOPERATIVE LEGISLATION AND FURTHER JURISDICTION.

"(a) Each of the signatory parties agrees that it will seek enactment of such additional legislation as will be required to enable its officers, departments, commissions, boards, and agents to accomplish effectively the obligations and duties assumed under the terms of this compact.

"(b) Nothing in the compact shall be construed to repeal, modify or qualify the authority of any signatory party to enact any legislation or enforce any additional conditions and restrictions within its jurisdiction.

"3.7—COORDINATION AND COOPERATION. The commission shall promote and aid the coordination of the activities and programs of Federal, state, municipal, and private agencies concerned with water resources administration in the basin. To this end, but without limitation thereto, the commission may:

"1. Advise, consult, contract, financially assist, or otherwise cooperate with any and all such agencies;

"2. Employ any other agency or instrumentality of any of the signatory parties or of any political subdivision thereof, in the design, construction, operation, and maintenance of structures, and the installation and management of river control systems, or for any other purpose;

"3. Develop and adopt plans and specifications for particular water resources projects and facilities which so far as consistent with the comprehensive plan incorporate any separate plans of other public and private organizations operating in the basin, and permit the decentralized administration thereof;

"4. Qualify as a sponsoring agency under any Federal legislation heretofore or hereafter enacted to provide financial or other assistance for the planning, conservation, utilization, development, management, or control of water resources.

"3.8—ALLOCATIONS, DIVERSION, AND RELEASES.

"(a) The commission shall have power from time to time as the need appears, to allocate the waters of the basin to and among the states signatory to this compact and impose related conditions, obligations, and release requirements.

"(b) The commission shall have power from time to time as the need appears to enter into agreements with other river basin commissions or other states with respect to in-basin and out-of-basin allocations, withdrawals, and diversions.

"(c) No allocation of waters made pursuant to this section shall constitute a prior appropriation of the waters of the basin or confer any superiority of right in respect to the use of those waters, nor shall any such action be deemed to constitute an apportionment of the waters of the basin among the parties hereto. This subsection shall not be deemed to limit or restrict the power of the commission to enter into covenants with respect to water supply, with a duration not exceeding the life of this compact, as it may deem necessary for the benefit or development of the water resources of the basin.

"3.9—RATE AND CHARGES. The commission, from time to time after public hearing upon due notice given may fix, alter, and revise rates, rentals, charges, and tolls, and classifications thereof, without regulation or control by any department, office, or agency of any signatory party, for the use of facilities owned or operated by it, and any services or products which it provides.

"3.10—REFERRAL AND REVIEW. No projects affecting the water resources of the basin, except those not requiring review and approval by the commission under paragraph 3 following, shall be undertaken by any person, governmental authority or other entity prior to submission to and approval by the commission or appropriate agencies of the signatory parties for review.

"1. All water resources projects for which a permit or other form of permission to proceed with construction or implementation is required by legislative action of a signatory party or by rule or regulation of an office or agency of a signatory party having functions, powers, and duties in the planning, conservation, development, management, or control of water resources shall be submitted as heretofore to the appropriate office or agency of the signatory party for review and approval. To assure that the commission is apprised of all projects within the basin, monthly reports and listings of all permits granted, or similar actions taken, by offices or agencies of the signatory parties shall be submitted to the commission in a manner prescribed by it.

"Those projects which also require commission approval pursuant to the provisions of paragraphs 2(ii) and 2(iii) following shall be submitted to the commission through appropriate offices or agencies of a signatory party, except that, if no agency of a signatory party has jurisdiction, such projects shall be submitted directly to the commission in such manner as the commission shall prescribe.

"2. Approval of the commission shall be required for, but not limited to, the following:

"(i) All projects on or crossing the boundary between any two signatory states;

"(ii) Any project involving the diversion of water;

"(iii) Any project within the boundaries of any signatory state found and determined by the commission or by any agency of a signatory party having functions, powers, and duties in the planning, conservation, development, management, or control of water resources to have a significant effect on water resources within another signatory state; and

"(iv) Any project which has been included by the commission after hearing, as provided in Article 14, Section 14.1, as a part of the commission's comprehensive plan for the development of the water resources of the basin, or which would have a significant effect upon the plan.

"3. Review and approval by the commission shall not be required for:

"(i) Projects which fall into an exempt classification or designation established by legislative action of a signatory party or by rule or regulation of an office or agency of a signatory party having functions, powers, and duties in the planning, conservation, development, management, or control of water resources. The sponsors of those projects are not required to obtain a permit or other form of permission to proceed with construction or implementation, unless it is determined by the commission or by the agency of a signatory party that such project or projects may cause an adverse, adverse cumulative, or an interstate effect on water resources of the basin, and the project sponsor has been notified in writing by the commission or by the agency of a signatory party that commission approval is required.

"(ii) Projects which are classified by the commission as not requiring its review and approval, for so long as they are so classified.

"4. The commission shall approve a project if it determines that the project is not detrimental to the proper conservation, development, management, or control of the water resources of the basin and may modify and approve as modified, or may disapprove the project, if it determines that the project is not in the best interest of the conservation, development, management, or control of the basin's water resources, or is in conflict with the comprehensive plan.

"5. The commission, after consultation with the appropriate offices or agencies of the signatory parties shall establish the procedure of submission, review, and consideration of projects. And procedure for review and approval of diversions of water shall include public hearing on due notice given, with opportunity for interested persons, agencies, governmental units, and signatory parties to be heard and to present evidence. A complete transcript of the proceedings at the hearing shall be made and preserved, and it shall be made available under rules for that purpose adopted by the commission.

"6. Any determination of the commission pursuant to this article or any article of the compact providing for judicial review shall be subject to such judicial review in any court of competent jurisdiction, provided that an action or proceeding for such review is commenced within 90 days from the effective date of the determination sought to be reviewed; but a determination of the commission concerning a diversion, under Section 3.10–2(ii) with the claimed effect of reducing below a proper minimum the flow of water in that portion of the basin within the area of a signatory party, shall be subject to judicial review under the particular provisions of paragraph 7 below.

"7. Any signatory party deeming itself aggrieved by an action of the commission concerning a diversion under Section 3.10–2(ii) with the claimed effect of reducing below a proper minimum the flow of water in that portion of the basin which lies within the area of that signatory party, and notwithstanding the powers provided to the commission by this compact, may have review of commission action approving the diversion in the Supreme Court of the United States; provided that a proceeding for such review is commenced within one year from the date of action sought to be reviewed. Any such review shall be on the record made before the commission. The action of the commission shall be affirmed, unless the court finds that it is not supported by substantial evidence.

"3.11—ADVISORY COMMITTEES. The commission may constitute and empower advisory committees.

"ARTICLE 4

"WATER SUPPLY

"SECTION 4.1—GENERALLY. The commission shall have power to develop, implement, and effectuate plans and projects for the use of the water of the basin for domestic, municipal, agricultural, and industrial water supply. To this end, without limitation thereto, it may provide for, construct, acquire, operate, and maintain dams, reservoirs, and other facilities for utilization of surface and ground water resources, and all related structures, appurtenances, and equipment on the river and its tributaries and at such off-river sites as it may find appropriate, and may regulate and control the use thereof.

"4.2—STORAGE AND RELEASE OF WATERS

"(a) The commission shall have power to acquire, construct, operate, and control projects and facilities for the storage and release of waters, for the regulation of flows and supplies of surface and ground waters of the basin, for the protection of public health, stream quality control, economic development, improvement of fisheries, recreation, dilution and abatement of pollution, the prevention of undue salinity, and other purposes.

"(b) No signatory party shall permit any augmentation of flow to be diminished by the diversion of any water of the basin during any period in which waters are being released from storage under the direction of the commission for the purpose of augmenting such flow, except in cases where the diversion is authorized by this compact, or by the commission pursuant thereto, or by the judgment, order, or decree of a court of competent jurisdiction.

"4.3—ASSESSABLE IMPROVEMENTS. The commission may provide water management and regulation in the main stream or any tributary in the basin and, in accordance with the

procedures of applicable state laws, may assess on an annual basis or otherwise the cost thereof upon water users or any classification of them specially benefited thereby to a measurable extent, provided that no such assessment shall exceed the actual benefit to any water user. Any such assessment shall follow the procedure prescribed by law for local improvement assessments and shall be subject to review in any court of competent jurisdiction.

"4.4—COORDINATION. Prior to entering upon the execution of any project authorized by this article, the commission shall review and consider all existing rights, plans, and programs of the signatory parties, their political subdivisions, private parties, and water users which are pertinent to such project, and shall hold a public hearing on each proposed project.

"4.5—ADDITIONAL POWERS. In connection with any project authorized by this article, the commission shall have power to provide storage, treatment, pumping, and transmission facilities, but nothing herein shall be construed to authorize the commission to engage in the business of distributing water.

"ARTICLE 5

"WATER QUALITY MANAGEMENT AND CONTROL

"SECTION 5.1—GENERAL POWERS.

"(a) The commission may undertake or contract for investigations, studies, and surveys pertaining to existing water quality, effects of varied actual or projected operations on water quality, new compounds and materials and probable future water quality in the basin. The commission may receive, expend, and administer funds, Federal, state, local, or private as may be available to carry out these functions relating to water quality investigations.

"(b) The commission may acquire, construct, operate, and maintain projects and facilities for the management and control of water quality in the basin whenever the commission deems necessary to activate or effectuate any of the provisions of this compact.

"5.2—POLICY AND STANDARDS.

"(a) In order to conserve, protect, and utilize the water quality of the basin in accordance with the best interests of the people of the basin and the states, it shall be the policy of the commission to encourage and coordinate the efforts of the signatory parties to prevent, reduce, control, and eliminate water pollution and to maintain water quality as required by the comprehensive plan.

"(b) The legislative intent in enacting this article is to give specific emphasis to the primary role of the states in water quality management and control.

"(c) The commission shall recommend to the signatory parties the establishment, modification, or amendment of standards of quality for any waters of the basin in relation to their reasonable and necessary use as the commission shall deem to be in the public interest.

"(d) The commission shall encourage cooperation and uniform enforcement programs and policies by the water quality control agencies of the signatory parties in meeting the water quality standards established in the comprehensive plan.

"(e) The commission may assume jurisdiction whenever it determines after investigation and public hearing upon due notice given that the effectuation of the comprehensive plan so requires. After such investigation, notice, and hearing, the commission may adopt such rules, regulations, and water quality standards as may be required to preserve, protect, improve, and develop the quality of the waters of the basin in accordance with the comprehensive plan.

"5.3—COOPERATIVE ADMINISTRATION AND ENFORCEMENT.

"(a) Each of the signatory parties agrees to prohibit and control pollution of the waters of the basin according to the requirements of this compact and to cooperate faithfully in the control of future pollution in and abatement of existing pollution from the waters of the basin.

"(b) The commission shall have the authority to investigate and determine if the requirements of the compact or the rules, regulations, and water quality standards of the commission are complied with and if satisfactory progress has not been made, may institute an action or actions in its own name in the proper court or courts of competent jurisdiction to compel compliance with any and all of the provisions of this compact or any of the rules, regulations, and water quality standards of the commission adopted pursuant thereto.

"5.4—FURTHER JURISDICTION. Nothing in this compact shall be construed to repeal, modify, or qualify the authority of any signatory party to enact any legislation or enforce any additional conditions and restrictions to lessen or prevent the pollution of waters within its jurisdiction.

"ARTICLE 6

"FLOOD PROTECTION

"SECTION 6.1—FLOOD CONTROL AUTHORITY. The commission may plan, design, construct, and operate and maintain projects and facilities it deems necessary or desirable for flood plain development and flood damage reduction. It shall have power to operate such facilities and to store and release waters of the Susquehanna River and its tributaries and elsewhere within the basin, in such manner, at such times, and under such regulations as the commission may deem appropriate to meet flood conditions as they may arise.

"6.2—REGULATION.

"(a) The commission may study and determine the nature and extent of the flood plains of the Susquehanna River and its tributaries. Upon the basis of the studies, it may delineate areas subject to flooding, including but not limited to a classification of lands with reference to relative risk of flooding and the establishment of standards for flood plain use which will promote economic development and safeguard the public health, welfare, safety, and property. Prior to the adoption of any standards delineating the area or defining the use, the commission shall hold public hearings with respect to the substance of the standards in the manner provided by Article 15. The proposed standards shall be available from the commission at the time notice is given, and interested persons shall be given an opportunity to be heard thereon at the hearings.

"(b) The commission shall have power to promulgate, adopt, amend, and repeal from time to time as necessary, standards relating to the nature and extent of the uses of land in areas subject to flooding.

"(c) In taking action pursuant to subsection (b) of this section and as a prerequisite thereto, the commission shall consider the effect of particular uses of the flood plain in question on the health and safety of persons and property in the basin, the economic and technical feasibility of measures available for the development and protection of the flood plain, and the responsibilities, if any, of local, state, and federal governments connected with the use or proposed use of the flood plain in question. The commission shall regulate the use of particular flood plains in the manner and degree it finds necessary for the factors enumerated in this subsection, but only with the consent of the affected signatory state, and shall suspend such regulation when and so long as the signatory party or parties, or political subdivision possessing jurisdiction have in force applicable laws which the commission finds give adequate protection for the purpose of this section.

"(d) In order to conserve, protect, and utilize the Susquehanna River and its tributaries in accordance with the best interests of the people of the basin and the signatory parties, it shall be the policy of the commission to encourage and coordinate the efforts of the signatory parties to control modification of the river and its tributaries by encroachment.

"6.3—FLOOD LANDS ACQUISITION. The commission shall have power to acquire the fee or any lesser interest in lands and improvements thereon with the area of a flood plain for the purpose of regulating the use or types of construction of such property to minimize the flood hazard, convert the property to uses or types of construction appropriate to flood plain conditions, or prevent constrictions or obstructions that reduce the ability of the river channel and flood plain to carry flood water.

"6.4—EXISTING STRUCTURES. No rule or regulation issued by the commission pursuant to this compact shall be construed to require the demolition, removal, or alteration of any structure in place or under construction prior to the issuance thereof, without the payment of just compensation thereof. However, new construction or any addition to or alteration in any existing structure made or commenced subsequent to the issuance of such rule or regulation, or amendment, shall conform thereto.

"6.5—POLICE POWERS. The regulation of use of flood plain lands is within the police powers of the signatory states for the protection of public health and the safety of the people and their property and shall not be deemed a taking of land or lands for which compensation shall be paid to the owners thereof.

"6.6—COOPERATION. Each of the signatory parties agrees to control flood plain use along and encroachment upon the Susquehanna River and its tributaries and to cooperate faithfully in these respects.

"6.7—OTHER AUTHORITY. Nothing in this article shall be construed to prevent or in any way to limit the power of any signatory party, or any agency or subdivision thereof, to issue or adopt and enforce any requirement or requirements with respect to flood plain use or construction thereon more stringent than the rules, regulations, or encroachment lines in force pursuant to this article. The commission may appear in any court of competent jurisdiction to bring actions or proceedings in law or equity to enforce the provisions of this article.

"6.8—DEBRIS. The signatory states agree that dumping or littering upon or in the waters of the Susquehanna River or its tributaries or upon the frozen surfaces thereof of any rubbish, trash, litter, debris, abandoned properties, waste material, or offensive matter, is prohibited and that the law enforcement officials of each state shall enforce this prohibition.

"ARTICLE 7

"WATERSHED MANAGEMENT

"SECTION 7.1—WATERSHEDS GENERALLY. The commission shall promote sound practices of watershed management in the basin, including projects and facilities to retard runoff and waterflow and prevent soil erosion.

"7.2—SOIL CONSERVATION AND LAND AND FOREST MANAGEMENT. The commission, subject to the limitations in Section 7.4(b) may acquire, sponsor, or operate facilities and projects to encourage soil conservation, prevent and control erosion, and promote land reclamation and sound land and forest management.

"7.3—FISH AND WILDLIFE. The commission, subject to the limitations in Section 7.4(b) may acquire, sponsor, or operate projects and facilities for the maintenance and improvement of fish and wildlife habitat related to the water resources of the basin.

"7.4—COOPERATIVE PLANNING AND OPERATION.

"(a) The commission shall cooperate with the appropriate agencies of the signatory

parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this article.

"(b) The commission shall not acquire or operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is in a position to acquire or operate the same upon reasonable conditions, or such unit or agency fails to do so.

"ARTICLE 8

"RECREATION

"SECTION 8.1—DEVELOPMENT. The commission may provide for the development of water related public sports and recreational facilities. The commission on its own account or in cooperation with a signatory party, political subdivision or any agency thereof, may provide for the construction, maintenance, and administration of such facilities, subject to the provisions of Section 8.2 hereof.

"8.2—COOPERATIVE PLANNING AND OPERATION.

"(a) The commission shall cooperate with the appropriate agencies of the signatory parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this article.

"(b) The commission shall not operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is available to operate the same upon reasonable conditions.

"8.3—OPERATION AND MAINTENANCE. The commission, within limits prescribed by this article, shall:

"1. Encourage activities of other public agencies having water related recreational interests and assist in the coordination thereof;

"2. Recommend standards for the development and administration of water related recreational facilities;

"3. Provide for the administration, operation, and maintenance of recreation facilities owned or controlled by the commission and the letting and supervision of private concessions in accordance with this article.

"8.4—CONCUSSIONS. The commission, after public hearing upon due notice given shall provide by regulation a procedure for the award of contracts for private concessions in connection with its recreational facilities, including any renewal or extension thereof, under terms and conditions determined by the commission.

"ARTICLE 9

"OTHER PUBLIC VALUES

"SECTION 9.1—INHERENT VALUES. The signatory parties agree that it is a purpose of this compact in effectuating the conservation and management of water resources to preserve and promote the economic and other values inherent in the historic and the scenic and other natural amenities of the Susquehanna River Basin for the enjoyment and enrichment of future generations, for the promotion and protection of tourist attractions in the basin, and for the maintenance of the economic health of allied enterprises and occupations so as to effect orderly, balanced, and considered development in the basin.

"9.2.—PROJECT COMPATIBILITY. To this end, the signatory parties agree that in the consideration, authorization, construction, maintenance, and operation of all water resources projects in the Susquehanna basin, their agencies and subdivisions, and the Susquehanna River Basin Commission will consider the compatibility of such projects with these other public values.

"9.3—REGULATION STANDARDS. The commission may recommend to governmental units with jurisdiction within areas considered for scenic or historic designation minimum standards of regulation of land and water use and such other protective measures as the commission may deem desirable.

"9.4—LOCAL AREA PROTECTION. The commission may draft and recommend for adoption ordinances and regulations which would assist, promote, develop, and protect those areas and the character of their communities. Local governments may consider parts of their area which have been designated scenic or historic areas under the provisions of this article separately from the municipality as a whole, and pursuant to the laws of the state governing the adoption of those regulations generally may enact regulations limited to the designated area. In making recommendations to a local government which is partly in and partly out of such a scenic or historic area the commission may make recommendations for the entire municipality.

"ARTICLE 10

"HYDROELECTRIC POWER

"SECTION 10.1—DEVELOPMENT. The waters of the Susquehanna River and its tributaries may be impounded and used by or under authority of the commission for the generation of hydroelectric power and hydroelectric energy in accordance with the comprehensive plan.

"10.2—POWER GENERATION. The commission may develop and operate, or authorize to be developed and operated, dams and related facilities and appurtenances for the purpose of generating hydroelectric power and hydroelectric energy.

"10.3—TRANSMISSION. The commission may provide facilities for the transmission of hydroelectric power and hydroelectric energy produced by it where such facilities are not otherwise available upon reasonable terms, for the purpose of wholesale marketing of power and nothing herein shall be construed to authorize the commission to engage in the business of direct sale to consumers.

"10.4—DEVELOPMENT CONTRACTS. The commission, after public hearing upon due notice given, may enter into contracts on reasonable terms, consideration, and duration under which public utilities or public agencies may develop hydroelectric power and hydroelectric energy through the use of dams, related facilities, and appurtenances.

"10.5—RATES AND CHARGES. Rates and charges fixed by the commission for power which is produced by its facilities shall be reasonable, nondiscriminatory, and just.

"ARTICLE 11

"REGULATION OF WITHDRAWAL AND DIVERSIONS; PROTECTED AREAS AND EMERGENCIES

"SECTION 11.1—POWER OF REGULATION. The commission may regulate and control withdrawals and diversions from surface waters and ground waters of the basin, as provided by this article. The commission may enter into agreements with the signatory parties relating to the exercise of such power or regulation or control and may delegate to any of them such powers of the commission as it may deem necessary or desirable.

"11.2—DETERMINATION OF PROTECTED AREA. The commission, from time to time after public hearing upon due notice given, may determine and delineate such areas within the basin wherein the demands upon supply made by water users have developed or threaten to develop to such a degree as to create a water shortage or impair or conflict with the requirements or effectuation of the comprehensive plan, and any such area may be designated as a protected area, with the consent of the member or members from the affected state or states. The commission, whenever it determines that such shortage no longer exists, shall terminate the protected status of such area and shall give public notice of such determination.

"11.3—DIVERSION AND WITHDRAWAL PERMITS. In any protected areas so determined and delineated, no person shall divert or withdraw water for domestic, municipal, agricultural, or industrial uses in excess of such quantities as the commission may prescribe by general regulations, except (1) pursuant to a permit granted under this article, or (2) pursuant to a permit or approval heretofore granted under the laws of any of the signatory states.

"11.4—EMERGENCY.

"(a) In the event of a drought which may cause an actual and immediate shortage of available water supply within the basin, or within any part thereof, the commission after public hearing upon due notice given, may determine and delineate the area of the shortage and by unanimous vote declare a drought emergency therein. For the duration of the drought emergency as determined by the commission, it thereupon may direct increases or decreases in any allocations, diversions, or releases previously granted or required, for a limited time to meet the emergency condition.

"(b) In the event of a disaster or catastrophe other than drought, natural or manmade, which causes or may cause an actual and immediate shortage of available and usable water, the commission by unanimous consent may impose direct controls on the use of water and shall take such action as is necessary to coordinate the effort of federal, state, and local agencies, and other persons and entities affected.

"11.5—STANDARDS. Permits shall be granted, modified, or denied, as the case may be, to avoid such depletion of the natural stream flows and ground waters in the protected area or in any emergency area as will adversely affect the comprehensive plan or the just and equitable interests and rights of other lawful users of the same source, giving due regard to the need to balance and reconcile alternative and conflicting uses in the event of an actual or threatened shortage of water of the quality required.

"11.6—JUDICIAL REVIEW. The determinations and delineations of the commission pursuant to Section 11.2 and the granting, modification or denial of permits pursuant to Sections 11.3, 11.4, and 11.5 shall be subject to judicial review in any court of competent jurisdiction.

"11.7—MAINTENANCE OF RECORDS. Each signatory party shall provide for the maintenance and preservation of such records of authorized diversions and withdrawals and the annual volume thereof as the commission shall prescribe. Such records and supplementary reports shall be furnished to the commission at its request.

"11.8—EXISTING STATE SYSTEMS. Whenever the commission finds it necessary or desirable to exercise the powers conferred with respect to emergencies by this article, any diversion or withdrawal permits authorized or issued under the laws of any of the signatory states shall be superseded to the extent of any conflict with the control and regulation exercised by the commission.

"ARTICLE 12

"INTERGOVERNMENTAL RELATIONS

"SECTION 12.1—FEDERAL AGENCIES AND PROJECTS. For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern Federal projects affecting the water resources of the basin, subject in each case to the provisions of Section 1.4 of this compact:

"1. The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consultation with the commission.

"2. No expenditure or commitment shall be made for or on account of the construction, acquisition, or operation of any project or facility nor shall it be deemed authorized unless it shall have first been included by the commission in the comprehensive plan.

"3. Each Federal agency otherwise authorized by law to plan, design, construct, operate or maintain any project or facility in

or for the basin shall continue to have, exercise, and discharge such authority except as specifically provided by this section.

"12.2—STATE AND LOCAL AGENCIES AND PROJECTS. For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern projects of the signatory states, their political subdivisions and public corporations affecting water resources of the basin:

"1. The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consulation with the commission;

"2. No expenditure or commitment shall be made for or on account of the construction, acquisition, or operation of any project or facility unless it first has been included by the commission in the comprehensive plan;

"3. Each state and local agency otherwise authorized by law to plan, design, construct, operate, or maintain any project or facility in or for the basin shall continue to have, exercise and discharge such authority, except as specifically provided by this section.

"12.3—RESERVED TAXING POWERS OF STATES. Each of the signatory parties reserves the right to levy, assess, and collect fees, charges, and taxes on or measured by the withdrawal or diversion of waters of the basin for use within the jurisdiction of the respective signatory parties.

"12.4—PROJECT COSTS AND EVALUATION STANDARDS. The commission shall establish uniform standards and procedures for the evaluation, determination of benefits, and cost allocations of projects affecting the basin, and for the determination of project priorities, pursuant to the requirements of the comprehensive plan and its water resources program. The commission shall develop equitable cost sharing and reimbursement formulas for the signatory parties including:

"1. Uniform and consistent procedures for the allocation of project costs among purposes included in multiple-purpose programs;

"2. Contracts and arrangements for sharing financial responsibility among and with signatory parties, public bodies, groups, and private enterprise, and for the supervision of their performance;

"3. Establishment and supervision of a system of accounts for reimbursement purposes and directing the payments and charges to be made from such accounts;

"4. Determining the basis and apportioning amounts (i) of reimbursable revenues to be paid signatory parties or their political subdivisions, and (ii) of payments in lieu of taxes to any of them.

"12.5—COOPERATIVE SERVICES. The commission shall furnish technical services, advice, and consultation to authorized agencies of the signatory parties with respect to the water resources of the basin, and each of the signatory parties pledges itself to provide technical and administrative service to the commission upon request, within the limits of available appropriations, and to cooperate generally with the commission for the purposes of this compact, and the cost of such service may be reimbursable whenever the parties deem appropriate.

"ARTICLE 13

"CAPITAL FINANCING

"SECTION 13.1—BORROWING POWER. The commission may borrow money for any of the purposes of this compact and may issue its negotiable bonds and other evidences of indebtedness in respect thereto.

"All such bonds and evidences of indebtedness shall be payable solely out of the properties and revenues of the commission without recourse to taxation. The bonds and other obligations of the commission, except as may be otherwise provided in the indenture under which they were issued, shall be direct and general obligations of the commission, and the full faith and credit of the commission are hereby pledged for the prompt payment of the debt service thereon and for the fulfillment of all other undertakings of the commission assumed by it to or for the benefit of the holders thereof.

"13.2—FUNDS AND EXPENSES. The purpose of this compact shall include without limitation thereto all costs of any project or facility or any part thereof, including interest during a period of construction and a reasonable time thereafter and any incidental expenses (legal, engineering, fiscal, financial consultant, and other expenses) connected with issuing and disposing of the bonds; all amounts required for the creation of an operating fund, construction fund, reserve fund, sinking fund, or other special fund; all other expenses connected with the planning, design, acquisition, construction, completion, improvement, or reconstruction of any facility or any part thereof; and reimbursement of advances by the commission or by others for such purposes and for working capital.

"13.3—CREDIT EXCLUDED; OFFICERS, STATE AND MUNICIPAL. The commission shall have no power to pledge the credit of any signatory party or of any county or municipality, or to impose any obligation for payment of the bonds upon any signatory party or any county or municipality. Neither the commissioners nor any person executing the bonds shall be liable personally on the bonds of the commission or be subject to any personal liability or accountability by reason of the issuance thereof.

"13.4—FUNDING AND REFUNDING. Whenever the commission deems it expedient, it may fund and refund its bonds and other obligations, whether or not such bonds and obligations have matured. It may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming or retiring any bonds (including payment of any premium, duplicate interest, or cash adjustment required in connection therewith) issued by the commission or issued by any other issuing body, the proceeds of the sale of which have been applied to any facility acquired by the commission or which are payable out of the revenues of any facility acquired by the commission. Bonds may be issued partly to refund bonds and other obligations then outstanding, and partly for any other purpose of the commission. All provisions of this compact applicable to the issuance of bonds are applicable to refunding bonds and to the issuance, sale, or exchange thereof.

"13.5—BONDS: AUTHORIZATION GENERALLY. Bonds and other indebtedness of the commission shall be authorized by resolution of the commission. The validity of the authorization and issuance of any bonds by the commission shall not be dependent upon or affected in any way by: (1) the disposition of bond proceeds by the commission or by contract, commitment or action taken with respect to such proceeds; or (2) the failure to complete any part of the project for which bonds are authorized to be issued. The commission may issue bonds in one or more series and may provide for one or more consolidated bond issues, in such principal amounts and with such terms and provisions as the commission may deem necessary. The bonds may be secured by a pledge of all or any part of the property, revenues, and franchises under its control. Bonds may be issued by the commission in such amount, with such maturities and in such denominations and form or forms, whether coupon or registered, as to both principal and interest, as may be determined by the commission. The commission may provide for redemption of bonds prior to maturity on such notice and at such time or times and with such redemption provisions, including premiums, as the commission may determine.

"13.6—BONDS, RESTORATIONS AND INDENTURES GENERALLY. The commission may determine and enter into indentures providing for the principal amount, date or dates, maturities, interest rate, denominations, form, registration, transfer, interchange, and other provisions of the bonds and coupons and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded, and refunded. The resolution of the commission authorizing any bond or any indenture so authorized under which the bonds are issued may include all such covenants and other provisions other than any restriction on the regulatory powers vested in the commission by this compact as the commission may deem necessary or desirable for the issue, payment, security, protection, or marketing of the bonds, including without limitation covenants and other provisions as to the rates or amounts of fees, rents, and other charges to be charged or made for use of the facilities; the use, pledge, custody, securing, application, and disposition of such revenues, of the proceeds of the bonds, and of any other moneys of the commission; the operation, maintenance, repair, and reconstruction of the facilities and the amounts which may be expended therefor; the sale, lease, or other disposition of the facilities; the insuring of the facilities and of the revenues derived therefrom; the construction or other acquisition of other facilities, the issuance of additional bonds or other indebtedness; the rights of the bondholders and of any trustee for the bondholders upon default by the commission or otherwise; and the modification of the provisions of the indenture and of the bonds. Reference on the face of the bonds to such resolution or indenture by its date of adoption or the apparent date on the face thereof is sufficient to incorporate all of the provisions thereof and of this compact into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this compact and is bound thereby.

"13.7—MAXIMUM MATURITY. No bond or its terms shall mature in more than fifty years from its own date, or on any date subsequent to the duration of this compact, and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

"13.8—TAX EXEMPTION. All bonds issued by the commission under the provisions of this compact and the interest thereon shall at all times be free and exempt from all taxation by or under authority of any of the signatory parties, except for transfer, inheritance and estate taxes.

"13.9—INTEREST. Bonds shall bear interest at a rate of not to exceed six percent per annum, payable annually or semi-annually.

"13.10—PLACE OF PAYMENT. The commission may provide for the payment of the principal and interest of bonds at any place or places within or without the signatory states, and in any specified lawful coin or currency of the United States of America.

"13.11—EXECUTION. The commission may provide for the execution and authentication of bonds by the manual, lithographed, or printed facsimile signature of officers of the commission, and by additional authentication by a trustee or fiscal agent appointed by the commission. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons ceases to be an officer before the delivery of the bonds or coupons, his signature or countersignature is nevertheless valid and of the same force and effect as if the officer had remained in office until the delivery of the bonds and coupons.

"13.12—HOLDING OWN BONDS. The commission shall have power out of any funds available therefor to purchase its bonds and may hold, cancel, or resell such bonds.

"13.13—SALE. The commission may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The commission may sell at less than their par or face value, but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the commission calculated upon the entire issue so sold of more than six percent per annum payable semi-annually, according to standard tables of bond values. All bonds issued and sold for cash pursuant to this compact shall be sold on sealed proposals to the highest bidder. Prior to such sale, the commission shall advertise for bids by publication of a notice of sale not less than ten days prior to the date of sale, at least once in a newspaper of general circulation printed and published in New York City carrying municipal bonds notices and devoted primarily to financial news. The commission may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale to any financially responsible bidder under such terms and conditions as it deems most advantageous to the public interest, but the bond shall not be sold at a net interest cost calculated upon the entire issue so advertised, greater than the lowest bid which was rejected. In the event the commission desires to issue its bonds in exchange for an existing facility or portion thereof, or in exchange for bonds secured by the revenues of an existing facility, it may exchange such bonds for the existing facility or portion thereof or for the bonds so secured, plus an additional amount of cash, without advertising such bonds for sale.

"13.14—NEGOTIABILITY. All bonds issued under the provisions of this compact are negotiable instruments, except when registered in the name of a registered owner.

"13.15—LEGAL INVESTMENTS. Bonds of the commission shall be legal investments for savings banks, fiduciaries and public funds in each of the signatory states.

"13.16—VALIDATION PROCEEDINGS. Prior to the issuance of any bonds, the commission may institute a special proceeding to determine the legality of proceedings to issue the bonds and their validity under the laws of any of the signatory parties. Such proceedings shall be instituted and prosecuted in rem, and the judgment rendered therein shall be conclusive against all persons whomsoever and against each of the signatory parties.

"13.17—RECORDING. No indenture need be recorded or filed in any public office, other than the office of the commission. The pledge of revenues provided in any indenture shall take effect forthwith as provided therein and irrespective of the date of receipts of such revenues by the commission or the indenture trustee. Such pledge shall be effective as provided in the indenture without physical delivery of the revenues to the commission or the indenture trustee.

"13.18—REVENUES. Bond redemption and interest payments, to the extent provided in the resolution or indenture, shall constitute a first, direct and exclusive charge and lien on all such rates, rents, tolls, fees, and charges and other revenues and interest thereon received from the use and operation of the facility, and on any sinking or other funds created therefrom. All such rates, rents, tolls, fees, charges and other revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds, and except as and to the extent provided in the indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements, or extensions of the facilities or other purposes shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding, and unpaid.

"13.19—REMEDIES.—The holder of any bond may for the equal benefit and protection of all holders of bonds similarly situated; (1) by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the commission or assumed by it, its officers, agents, or employees under the provisions of any indenture, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction, or insurance of the facilities, or in connection with the collection, deposit, investment, application, and disbursement of the rates, rents, tolls, fees, charges and other revenues derived from the operation and use of the facilities or in connection with the deposit, investment, and disbursement of the proceeds received from the sale of bonds; or (2) by action or suit in a court of competent jurisdiction of any signatory party require the commission to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds. The enumeration of such rights and remedies, however, does not exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds.

"13.20—CAPITAL FINANCING BY SIGNATORY PARTIES: GUARANTEES.

"(a) The signatory parties shall provide such capital funds required for projects of the commission as may be authorized by their respective statutes in accordance with a cost sharing plan prepared pursuant to Article 12 of this compact; but nothing in this section shall be deemed to impose any mandatory obligation on any of the signatory parties other than such obligations as may be assumed by a signatory party in connection with a specific project or facility.

"(b) Bonds of the commission, notwithstanding any other provision of this compact, may be executed and delivered to any duly authorized agency of any of the signatory parties without public offering and may be sold and resold with or without the guaranty of such signatory party, subject to and in accordance with the constitutions of the respective signatory parties.

"(c) The commission may receive and accept, and the signatory parties may make, loans, grants, appropriations, advances, and payments of reimbursable or nonreimbursable funds or property in any form for the capital or operating purposes of the commission.

"ARTICLE 14

"PLAN, PROGRAM AND BUDGETS

"SECTION 14.1—COMPREHENSIVE PLAN. The commission shall develop and adopt, and may from time to time review and revise, a comprehensive plan for the immediate and long range development and use of the water resources of the basin. The plan shall include all public and private projects and facilities which are required, in the judgment of the commission, for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin to meet present and future needs. The commission may adopt a comprehensive plan or any revision thereof in such part or parts as it may deem appropriate, provided that before the adoption of the plan or any part or revision thereof the commission shall consult with water users and interested public bodies and public utilities and shall consider and give due regard to the findings and recommendations of the various agencies of the signatory parties, their political subdivisions, and interested groups. The commission shall conduct public hearings upon due notice given with respect to the comprehensive plan prior to the adoption of the plan or any part of the revision thereof, except that public and private projects and facilities which, in the judgment of the commission, are not required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin and which, in the judgment of the commission, will not significantly affect the water resources of the basin, may be added directly to the comprehensive plan at any time at the discretion of the commission without public hearing thereon. The comprehensive plan shall take into consideration the effect of the plan or any part thereof upon the receiving waters of Chesapeake Bay.

"14.2—WATER RESOURCES PROGRAM. The commission shall annually adopt a water resources program, based upon the comprehensive plan, consisting of the projects and facilities which the commission proposes to be undertaken by the commission and by other authorized governmental and private agencies, organizations, and persons during the ensuing six years or such other reasonably foreseeable period as the commission may determine. The water resources program shall include a systematic presentation of:

"1. The quantity and quality of water resources needs for such period;

"2. The existing and proposed projects and facilities required to satisfy such needs, including all public and private projects to be anticipated; and

"3. A separate statement of the projects proposed to be undertaken by the commission during such period.

"14.3—ANNUAL CURRENT EXPENSE AND CAPITAL BUDGETS.

"(a) The commission shall annually adopt a capital budget including all capital projects it proposes to undertake or continue during the budget period containing a statement of the estimated cost of each project and the method of financing thereof.

"(b) The commission shall annually adopt a current expense budget for each fiscal year. Such budget shall include the commission's estimated expenses for administration, operation, maintenance, and repairs, including a separate statement thereof for each project, together with its cost allocation. The total of such expenses shall be balanced by the commission's estimated revenues from all sources, including the cost allocations undertaken by any of the signatory parties in connection with any project. Following the adoption of the annual current expense budget by the commission, the executive director of the commission shall:

"1. Certify to the respective signatory parties the amounts due in accordance with existing cost sharing established for each project; and

"2. Transmit certified copies of such budget to the principal budget officer of the respective signatory parties at such time and in such manner as may be required under their respective budgetary procedures. The amount required to balance the current expense budget in addition to the aggregate amount of item 1 above and all other revenues available to the commission shall be apportioned equitably among the signatory parties by unanimous vote of the commission, and the amount of such apportionment to each signatory party shall be certified together with the budget.

"(c) The respective signatory parties covenant and agree to include the amounts so apportioned for the support of the current expense budget in their respective budgets next to be adopted, subject to such review and approval as may be required by their respective budgetary processes. Such amounts shall be due and payable to the commission in quarterly installments during its fiscal year, provided that the commission may draw upon its working capital to finance its current expense budget pending remittance by the signatory parties.

"ARTICLE 15

"GENERAL PROVISIONS

"SECTION 15.1—AUXILIARY POWERS OF COMMISSION; FUNCTIONS OF COMMISSIONERS.

"(a) The commission, for the purposes of this compact, may:

"1. Adopt and use a corporate seal, enter into contracts, and sue and be sued in any court of competent jurisdiction;

"2. Receive and accept such payments, appropriations, grants, gifts, loans, advances, and other funds, properties, and services as may be transferred or made available to it by any signatory party or by any other public or private corporation or individual, and enter into agreements to make reimbursement for all or part thereof;

"3. Provide for, acquire, and adopt detailed engineering, administrative, financial, and operating plans and specifications to effectuate, maintain, or develop any facility or project;

"4. Control and regulate the use of facilities owned or operated by the commission;

"5. Acquire, own, operate, maintain, control, sell and convey real and personal property and any interest therein by contract, purchase, lease, license, mortgage, or otherwise as it may deem necessary for any project or facility, including any and all appurtenances thereto necessary, useful, or convenient for such ownership, operation, control, maintenance, or conveyance;

"6. Have and exercise all corporate powers essential to the declared objects and purposes of the commission.

"(b) The commissioners, subject to the provisions of this compact, shall:

"1. Serve as the governing body of the commission, and exercise and discharge its powers and duties, except as otherwise provided by or pursuant to this compact;

"2. Determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid subject to any provisions of law specifically applicable to agencies or instrumentalities created by this compact;

"3. Provide for the internal organization and administration of the commission;

"4. Appoint the principal officers of the commission and delegate to and allocate among them administrative functions, powers and duties;

"5. Create and abolish offices, employments, and positions as it deems necessary for the purposes of the commission, and subject to the provisions of this article, fix and provide for the qualifications, appointments, removal, term, tenure, compensation, pension, and retirement rights of its officers and employees;

"6. Let and execute contracts to carry out the powers of the commission.

"15.2—REGULATIONS; ENFORCEMENT. The commission may:

"1. Make and enforce rules and regulations for the effectuation, application, and enforcement of this compact; and it may adopt and enforce practices and schedules for or in connection with the use, maintenance, and administration of projects and facilities it may own or operate and any product or service rendered thereby; provided that any rule or regulation, other than one which deals solely with the internal management of the commission, shall not be effective unless and until filed in accordance with the law of the respective signatory parties applicable to administrative rules and regulations generally; and

"2. Designate any officer, agent, or employee of the commission to be an investigator or watchman and such person shall be vested with the powers of a peace officer of the state in which he is duly assigned to perform his duties.

"15.3—TAX EXEMPTIONS. The commission, its property, functions, and activities shall be exempt from taxation by or under the authority of any of the signatory parties or any political subdivision thereof; provided that in lieu of property taxes the commission, as to its specific projects, shall make payments to local taxing districts in annual amounts which shall equal the taxes lawfully assessed upon property for the tax year next prior to its acquisition by the commission for a period of ten years. The nature and amount of such payment shall be reviewed by the commission at the end of ten years, and from time to time thereafter, upon reasonable notice and opportunity to be heard to the affected taxing district, and the payments may be thereupon terminated or continued in such reasonable amount as may be necessary or desirable to take into account hardships incurred and benefits received by the taxing jurisdiction which are attributable to the project.

"15.4—MEETINGS; PUBLIC HEARING; RECORDS, MINUTES.

"(a) All meetings of the commission shall be open to the public.

"(b) The commission shall conduct at least one public hearing in each state prior to the adoption of the initial comprehensive plan. In all other cases wherein this compact requires a public hearing, such hearing shall be held upon not less than twenty days' public notice given by posting at the offices of the commission, and published at least once in a newspaper or newspapers of general circulation in the area or areas affected. The commission shall also provide forthwith for distribution of such notice to the press and by the mailing of a copy thereof to any person who shall request such notices.

"(c) The minutes of the commission shall be a public record open to inspection at its offices during regular business hours.

"15.5—OFFICERS GENERALLY.

"(a) The officers of the commission shall consist of an executive director and such additional officers, deputies, and assistants as the commission may determine. The executive director shall be appointed and may be removed by the affirmative vote of a majority of the full membership of the commission. All other officers and employees shall be appointed or dismissed by the executive director under such rules of procedure as the commission may establish.

"(b) In the appointment and promotion of officers and employees for the commission, no political, racial, religious, or residence test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be solely on the basis of merit and fitness. Any officer or employee of the commission who is found by the commission to be guilty of a violation of this section shall be immediately dismissed.

"15.6—OATH OF OFFICE. An oath of office in such form as the commission shall prescribe shall be taken, subscribed, and filed with the commission by the executive director and by each officer appointed by him not later than fifteen days after the appointment.

"15.7—BOND. Each officer shall give such bond and in such form and amount as the commission may require, for which the commission shall pay the premium.

"15.8 PROHIBITED ACTIVITIES.

"(a) No commissioner, officer or employee shall:

"1. Be financially interested, either directly or indirectly, in any contract, sale, purchase, lease, or transfer of real or personal property to which the commission is a party;

"2. Solicit or accept money or any other thing of value in addition to the compensation or expense paid him by the commission for services performed within the scope of his official duties;

"3. Offer money or any thing of value for or in consideration of obtaining an appointment, promotion, or privilege in his employment with the commission.

"(b) Any officer or employee, who willfully violates any of the provisions of this section shall forfeit his office or employment.

"(c) Any contract or agreement knowingly made in contravention of this section is void.

"(d) Officers and employees of the commission shall be subject, in addition to the provisions of this section, to such criminal and civil sanctions for misconduct in office as may be imposed by Federal law and the law of the signatory state in which such misconduct occurs.

"15.9—PURCHASING. Contracts for the construction, reconstruction or improvement of any facility when the expenditure required exceeds ten thousand dollars, and contracts for the purchase of services, supplies, equipment, and materials when the expenditure required exceeds five thousand dollars shall be advertised and let upon sealed bids to the lowest responsible bidder. Notice requesting such bids shall be published in a manner reasonably likely to attract prospective bidders, which publication shall be made at least thirty days before bids are received and in at least two newspapers of general circulation in the basin. The commission may reject any and all bids and readvertise in its discretion. If after rejecting bids the commission determines and resolves that in its opinion the supplies, equipment, and materials may be purchased at a lower price in the open market, the commission may give each responsible bidder an opportunity to negotiate a price and may proceed to purchase the supplies, equipment, and materials in the open market at a negotiated price which is lower than the lowest rejected bid of a responsible bidder, without further observance of the provisions requiring bids or notice. The commission shall adopt rules and regulations to provide for purchasing from the lowest responsible bidder when sealed bids, notice, and publication are not required by this section. The commission may suspend and waive the provisions of this section requiring competitive bids whenever:

"1. The purchase is to be made from or the contract to be made with the Federal or any state government or agency or political subdivision thereof or pursuant to any open and bulk purchase contract of any of them;

"2. The public exigency requires the immediate delivery of the articles or performance of the service;

"3. Only one source of supply is available;

"4. The equipment to be purchased is of a technical nature and the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts in the public interest; or

"5. Services are to be provided of a specialized or professional nature.

"15.10—INSURANCE. The commission may self-insure or purchase insurance and pay the premium therefor against loss or damage to any of its properties; against liability for injury to persons or property; and against loss of revenue from any cause whatsoever. Such insurance coverage shall be in such form and amount as the commission may determine, subject to the requirements of any agreement arising out of the issuance of bonds by the commission.

"15.11—ANNUAL INDEPENDENT AUDIT.

"(a) As soon as practical after the closing of the fiscal year an audit shall be made of the financial accounts of the commission. The audit shall be made by qualified certified public accountants selected by the commission, who have no personal interest direct or indirect in the financial affairs of the commission or any of its officers or employees. The report of audit shall be prepared in accordance with accepted accounting practices and shall be filed with the chairman and such other officers as the commission may direct. Copies of the report shall be distributed to each commissioner and shall be made available for public distribution.

"(b) Each signatory party by its duly authorized officers shall be entitled to

examine and audit at any time all of the books, documents, records, files, and accounts and all other papers, things, or property of the commission. The representatives of the signatory parties shall have access to all books, documents, records, accounts, reports, files, and all other papers, things, or property belonging to or in use by the commission and necessary to facilitate the audit and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

"(c) The financial transactions of the commission shall be subject to audit by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the commission are kept.

"(d) Any officer or employee who shall refuse to give all required assistance and information to the accountants selected by the commission or to the authorized officers of any signatory party or who shall refuse to submit to them for examination such books, documents, records, files, accounts, papers, things, or property as may be requested shall forfeit his office.

"15.12—REPORTS. The commission shall make and publish an annual report to the legislative bodies of the signatory parties and to the public reporting on its programs, operations, and finances. It may also prepare, publish, and distribute such other public reports and informational material as it may deem necessary or desirable.

"15.13—GRANTS, LOANS, OR PAYMENTS BY STATES OR POLITICIAL SUBDIVISIONS.

"(a) Any or all of the signatory parties or any political subdivision thereof may:

"1. Appropriate to the commission such funds as may be necessary to pay preliminary expenses such as the expenses incurred in the making of borings, and other studies of subsurface conditions, in the preparation of contracts for the sale of water and in the preparation of detailed plans and estimates required for the financing of a project;

"2. Advance to the commission, either as grants or loans, such funds as may be necessary or convenient to finance the operation and management of or construction by the commission of any facility or project;

"3. Make payments to the commission for benefits received or to be received from the operation of any of the projects or facilities of the commission.

"(b) Any funds which may be loaned to the commission either by a signatory party or a political subdivision thereof shall be repaid by the commission through the issuance of bonds or out of other income of the commission, such repayment to be made within such period and upon such terms as may be agreed upon between the commission and the signatory party or political subdivision making the loan.

"15.14—CONDEMNATION PROCEEDINGS.

"(a) The commission shall have the power the acquire by condemnation the fee or any lesser interest in lands, lands lying under water, development rights in land, riparian rights, water rights, waters and other real or personal property within the basin for any project or facility authorized pursuant to this compact. This grant of power of eminent domain includes but is not limited to the power to condemn for the purposes of this compact any property already devoted to a public use, by whomsoever owned or held, other than property of a signatory party. Any condemnation of any property or franchises owned or used by a municipal or privately owned public utility, unless the affected public utility facility is to be relocated or replaced, shall be subject to the authority of such state board, commission, or other body as may have regulatory jurisdiction over such public utility.

"(b) The power of condemnation referred to in subsection (a) shall be exercised in accordance with the provisions of the state condemnation law in force in the signatory state in which the property is located. If there is no applicable state condemnation law, the power of condemnation shall be exercised in accordance with the provisions of Federal condemnation law.

"(c) Any award or compensation for the taking of property pursuant to this article shall be paid by the commission, and none of the signatory parties nor any other agency, instrumentality or political subdivision thereof shall be liable for such award or compensation.

"15.15—CONVEYANCE OF LANDS AND RELOCATION OF PUBLIC FACILITIES.

"(a) The respective officers, agencies, departments, commissions, or bodies having jurisdiction and control over real and personal property owned by the signatory parties are authorized and empowered to transfer and convey in accordance with the laws of the respective parties to the commission any such property as may be necessary or convenient to the effectuation of the authorized purposes of the commission.

"(b) Each political subdivision of each of the signatory parties, notwithstanding any contrary provisions of law, is authorized and empowered to grant and convey to the commission, upon the commission's request, any real property or any interest therein owned by such political subdivision including lands lying under water and lands already devoted to public use which may be necessary or convenient to the effectuation of the authorized purposes of the commission.

"(c) Any highway, public utility, or other public facility which will be dislocated by reason of a project deemed necessary by the commission to effectuate the authorized purposes of this compact shall be relocated and the cost thereof shall be paid in accordance with the law of the state in which the facility is located; provided that the cost of such relocation payable by the commission shall not in any event exceed the expenditure required to serve the public convenience and necessity.

"15.16—RIGHTS OF WAY. Permission is hereby granted to the commission to locate, construct, and maintain any aqueducts, lines, pipes, conduits, and auxiliary facilities authorized to be acquired, constructed, owned, operated, or maintained by the commission in, over, under, or across any streets and highways now or hereafter owned, opened, or dedicated to or for public use, subject to such reasonable conditions as the highway department of the signatory party may require.

"15.17—PENALTY. Any person, association, or corporation who violates or attempts or conspires to violate any provisions of this compact or any rule, regulation, or order of the commission duly made, promulgated, or issued pursuant to the compact in addition to any other remedy, penalty, or consequence provided by law shall be punishable as may be provided by statute of any of the signatory parties within which the violation is committed; provided that in the absence of such provision any such person, association, or corporation shall be liable to a penalty of not less than $50 nor more than $1,000 for each such violation to be fixed by the court which the commission may recover in its own name in any court of competent jurisdiction, and in a summary proceeding where available under the practice and procedure of such court. For the purposes of this section in the event of a continuing offense each day of such violation, attempt, or conspiracy shall constitute a separate offense.

"15.18—TORT LIABILITY. The commission shall be responsible for claims arising out of the negligent acts or omissions of its officers, agents, and employees only to the extent and subject to the procedures prescribed by law generally with respect to officers, agents, and employees of the government of the United States.

"15.19—EFFECT ON RIPARIAN RIGHTS. Nothing contained in this compact shall be construed as affecting or intending to affect or in any way to interfere with the law of the respective signatory parties relating to riparian rights.

"15.20—AMENDMENTS AND SUPPLEMENTS. Amendments and supplements to this compact to implement the purposes thereof may be adopted by legislative action of any of the signatory parties concurred in by all of the others.

"15.21—CONSTRUCTION AND SEVERABILITY. The provisions of this compact and of agreements thereunder shall be severable and if any phrase, clause, sentence, or provision of the Susquehanna River Basin Compact or such agreement is declared to be unconstitutional or the applicability thereof to any signatory party, agency, or person is held invalid, the constitutionality of the remainder of such compact or such agreement and the applicability thereof to any other signatory party, agency, person, or circumstance shall not be affected thereby. It is the legislative intent that the provisions of such compact be reasonably and liberally construed.

"15.22—EFFECTIVE DATE; EXECUTION. This compact shall become binding and effective thirty days after the enactment of concurring legislation by the Federal government, the states of Maryland and New York, and the Commonwealth of Pennsylvania. The compact shall be signed and sealed in five identical original copies by the respective chief executive of the signatory parties. One such copy shall be filed with the Secretary of State of each of the signatory parties or in accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the archives of the commission upon its organization."

RESERVATIONS

SEC. 2. In the exercise of the powers reserved to the Congress, pursuant to section 1.4 of the compact, the consent to and participation in the compact by the United States is subject to the following conditions and reservations:

(a) Not withstanding any provision of the Susquehanna River Basin compact the Susquehanna River Basin Commission shall not undertake any project (as defined in such compact), other than a project for which State supplied funds only will be used, beyond the planning stage until—

(1) such commission has submitted to the Congress such complete plans and estimates for such project as may be necessary to make an engineering evaluation of such project including—

(A) where the project will serve more than one purpose, an allocation of costs among the purposes served and an estimate of the ratio of benefits to costs for each such purpose.

(B) an apportionment of costs among the beneficiaries of the project, including the portion of the costs to be borne by the Federal Government and by State and local governments, and

(C) a proposal for financing the project, including the terms of any proposed bonds or other evidences of indebtedness to be used for such purpose, and

(2) such project has been authorized by Act of Congress:

Provided, That when a project has been authorized by Congress, such additional or changed uses of storage therein as the commission may desire shall require project reauthorization, with allocation of project costs to all project purposes served.

(b) No provision of section 3.9 of the compact shall be deemed to authorize the commission to impose any charge for water withdrawals or diversions from the basin if such withdrawals or diversions could lawfully have been made without charge on the effective date of the compact or to impose

any charges with respect to commercial navigation with the basin, jurisdiction over which is reserved to the Federal Government: *Provided,* That this paragraph shall be applicable to the extent not inconsistent with section 1.4 of this compact.

(c) Nothing contained in the compact shall be deemed to restrict the Executive powers of the President in the event of national emergency.

(d) Nothing contained in the compact shall be construed as impairing or in any manner affecting the applicability to all Federal funds budgeted and appropriated for use by the commission of such authority over budgetary and appropriation matters as the President and Congress may have with respect to agencies in the executive branch of the Federal Government.

(e) Except to the same extent that State bonds are or may continue to be free or exempt from Federal taxation under the internal revenue laws of the United States, nothing contained in the compact shall be construed as freeing or exempting from internal revenue taxation in any manner whatsoever any bonds issued by the commission, their transfer, or the income therefrom (including any profits made on the sale thereof).

(f) Nothing contained in the compact shall be construed to obligate the United States legally or morally to pay the principal or interest on any bonds issued by the Susquehanna River Basin Commission.

(g) All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating of projects, buildings and works which are undertaken by the commission or are financially assisted by it, shall be paid wages at rates not less than those prevailing on similar construction in the locality so determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and every such employee shall receive compensation at a rate not less than one and one half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be. A provision stating the minimum wages thus determined and the requirement that overtime be paid as above provided shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project. The Secretary of Labor shall have, with respect to the administration and enforcement of labor standards specified in this provision, the supervisory, investigatory and other authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended, 50 U.S.C. 276 (c)).

(h) The commission shall insure that there is no discrimination on the ground of race, color, religion, sex, or national origin in (1) the programs and activities of the commission, (2) the employment practices of the commission, and (3) the employment practices of parties entering into contracts with the commission, including construction contracts and contracts for private concessions in connection with recreational facilities.

(i) Contracts for the manufacture or furnishing of materials, supplies, articles and equipment with the commission which are in excess of $10,000 shall be subject to the provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 335 et seq.)

(j) Nothing contained in this Act or in the compact shall be construed as superseding or limiting the functions, under any other law, of the Secretary of the Interior or of any other officer or agency of the United States, relating to water pollution: *Provided,* That the exercise of such functions shall not limit the authority of the commission to control, prevent or abate water pollution.

(k) The provisions of section 8.4 of article 8 of the compact shall not be construed to apply to facilities operated pursuant to any other Federal law.

(l) For the purposes of the Federal Tort Claims Act, of Jun 25, 1948 (62 Stat. 982), as amended (28 U.S.C. ch. 171 and sections 1346(b) and 2401(b)) and the Tucker Act of March 3, 1887 (24 Stat. 505), as amended (28 U.S.C. 1346(a)(2), 1402, 1491, 1496, 1501, 1503, 2411, 2412, 2501), and the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 551–558, 701–706), and the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended (16 U.S.C. 791–823), the commission shall not be considered a Federal agency.

(m) The officers and employees of the commission (other than the United States member, alternate United States member, and advisers, and personnel employed by the United States member under direct Federal appropriation) shall not be deemed to be, for any purpose, officers or employees of the United States or to become entitled at any time by reason of employment by the commission to any compensation or benefit payable or made available by the United States solely and directly to its officers or employees.

(n) Neither the compact nor this Act shall be deemed to enlarge the authority of any Federal agency other than the commission to participate in or to provide funds for projects or activities in the Susquehanna River Basin.

(o) Notwithstanding paragraph 7 of section 3.10 of the compact, the United States district courts shall have original jurisdiction of all cases or controversies arising under the compact and this Act, and any case or controversy so arising initiated in a State court shall be removable to the appropriate United States district court in the manner provided by section 1446 of title 28, United States Code. Nothing contained in the compact or elsewhere in this Act shall be construed as a waiver by the United States of its immunity from suit.

(p) The right to alter, amend, or repeal this Act is hereby expressly reserved. The right is hereby reserved to the Congress or any of its standing committees to require the disclosure and furnishing of such information and data by the Susquehanna River Basin Commission as is deemed appropriate by the Congress or any such committee.

(q) The provisions of sections 2.4 and 2.6 of article 2 of the compact notwithstanding, the member and alternate member appointed by the President and adviser there referred to may be paid compensation by the United States, such compensation to be fixed by the President at the rates which he shall deem to prevail in respect to comparable officers in the executive branch.

(r) 1. Nothing contained in this compact or in this Act shall impair, affect, or extend the constitutional authority of the United States.

2. Nothing contained in this compact or in this Act and no action of the commission shall supersede, impair, affect, compel, or prevent the exercise of any of the powers, rights, functions, or jurisdiction of the United States under other existing or future legislation in or over the area or waters which are the subject of the compact, including projects of the commission: *Provided,* That

(i) The commission shall serve as the principal agency for the coordination of Federal, State, interstate, local, and nongovernmental plans for water and related land resources in the Susquehanna River Basin.

(ii) Except as provided in reservation (j), whenever a comprehensive plan, or any part or revision thereof, has been adopted with the concurrence of the member appointed by the President, the exercise of any powers conferred by law on any officer, agency, or instrumentality of the United States with regard to water and related land resources in the Susquehanna River Basin shall not substantially conflict with any such portion of such comprehensive plan and the provisions of section 3.10 and article 12 of the compact shall be applicable to the extent necessary to avoid such substantial conflict: *Provided further,* That whenever the President shall find and determine that the national interest so requires, he may suspend, modify, or delete any provision of the comprehensive plan to the extent necessary to permit action by the affected agency or officer in accord with the national interest. Such action shall be taken by executive order in which such finding and determination shall be set forth.

(iii) To insure consideration by Congress or any committee thereof of the commission's views, proposals for Federal projects which come within one or more of the classes requiring commission review under section 3.10 of the compact shall be submitted to the commission for review and recommendation for a period of ninety days or such longer time as may be requested by the commission with the concurring vote of the member appointed by the President; and the recommendations and views of the commission thereon, if any, shall be included in any report submitted by the sponsoring Federal agency to the Congress or to any committee thereof in connection with any request for authorization or appropriations therefor.

3. For the purposes of paragraph 2(ii) hereof, concurrence by the member appointed by the President shall be presumed unless within sixty days after notice to him of adoption of the comprehensive plan, or any part or revision thereof, he shall file with the commission notice of (i) no objection, or (ii) nonconcurrence. Each concurrence of the member appointed by the President in the adoption of the comprehensive plan or any part or revision thereof may be withdrawn by notice filed with the commission at any time between the first and sixtieth day of the sixth year after the initial adoption of the comprehensive plan and of every sixth year thereafter.

(s) In the event that any phrase, clause, sentence or provision of section 1.4 of article 1 of the compact, is declared to be unconstitutional under the constitution of any of the signatory parties, or the applicability thereof to any signatory party, agency or person is held invalid by a court of last resort of competent jurisdiction, the United States shall cease to be a party to the compact: *Provided,* That the President may continue United States participation in the activities of the commission to the extent that he deems necessary and proper to protect the national interest.

(t)(1) All Acts or parts of Acts inconsistent with the provisions of this Act are hereby amended for the purpose of this Act to the extent necessary to carry out the provisions of this Act.

(2) No action of the commission shall have the effect of repealing, modifying, or amending any Federal law.

(u) Notwithstanding the provisions of section 2.2 and 2.3 of the compact, the Federal member of the commission and his alternate shall be appointed by the President of the United States and shall serve at the pleasure of the President.

(v) Notwithstanding the provisions of section 12.5 or any other provision of the compact, the furnishing of technical services to the commission by agencies of the executive branch of the Government of the United States is pledged only to the extent that the respective agencies shall from time to time agree thereto or to the extent that the President may from time to time direct such agencies to perform such services for the commission. Nothing in the compact shall be deemed to require the United States to furnish administrative services or facilities for carrying

out functions of the commission except to the extent that the President may direct.

(w) Nothing contained in this Act or in the compact shall supersede, impair, affect, compel, or prevent the exercise of any of the powers, rights, functions, or jurisdiction of the Federal Power Commission, Federal Communications Commission, Atomic Energy Commission, Interstate Commerce Commission, or other such Federal independent regulatory agency under existing or future legislation. Accordingly, no action of the Susquehanna River Basin Commission shall conflict with any of the terms or conditions of any license or permit granted or issued by the aforementioned Federal agencies. This reservation shall not be construed as a basis for noncompliance with the requirements of the compact or this Act; nor shall it be construed to permit use of waters of the Susquehanna River Basin or to endanger their quality without approval pursuant to the compact.

EFFECTUATION

SEC. 3. (a) The Presiden is authorized to take such action as may be necessary and proper, in his discretion, to effectuate the compact and the initial organization and operation of the commission thereunder.

(b) Executive departments and other agencies of the executive branch of the Federal Government shall cooperate with and furnish appropriate assistance to the United States member. Such assistance shall include the furnishing of services and facilities and may include the detailing of personnel to the United States member. Appropriations are hereby authorized as necessary for the support of the United States member and his office, including appropriations for the employment of personnel by the United States member.

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.

GENERAL LEAVE TO EXTEND

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent all Members may have 5 legislative days in which to extend their remarks on the bill just passed (S. 1079), an act consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes.

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

There was no objection.

TO AMEND THE SMALL BUSINESS ACT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4536) to amend the Small Business Act.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 4536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,900,000,000" and inserting in lieu thereof "$2,200,000,000";

(2) by striking out "$300,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$200,000,000" and inserting in lieu thereof "$300,000,000".

SEC. 2. Subparagraph (B) of section 8(b)(1) of the Small Business Act (15 U.S.C. 637 (b)(1)(B)) is amended to read as follows:

"(B) in the case of any individual or group of persons cooperating with it in furtherance of the purposes of subparagraph (A), (i) to allow such an individual or group such use of the Administration's available office facilities, parking space, and related materials and services as the Administration deems appropriate; (ii) to rent for the use of such an individual or group such office facilities and related materials and services as would not otherwise be available for the purpose and as the Administration deems appropriate; (iii) to pay as the Administration deems appropriate, the expenses of disseminating through advertising media information to small business concerns respecting the availability of such individuals or groups; (iv) to pay, as the Administration deems appropriate, the expense of placing in telephone directories an independent listing of the telephone numbers of such individuals or groups; (v) to reimburse any such individual for the cost incurred in making any telephone call from his home in furtherance of the purposes of subparagraph (A); and (vi) to pay transportation expenses and a per diem allowance in accordance with section 5703 of title 5, United States Code, and, when the Administration deems appropriate, the cost of transportation or mileage and related allowances under section 5704 of title 5, United States Code, for local travel including travel between the individual's residence or regular place of business and the place where service is performed, to any such individual or group for travel and subsistence expenses incurred at the request of the Administration in providing gratuitous services to small businessmen in furtherance of the purposes of subparagraph (A) or in connection with attendance at meetings sponsored by the Administration;".

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. PATMAN: Mr. PATMAN moves to strike out all after the enacting clause of S. 4536 and insert the provisions of H.R. 19828, as follows:

TITLE I—SMALL BUSINESS ADMINISTRATION

SEC. 101. Paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,900,000,000" and inserting in lieu thereof "$2,200,000,000";

(2) by striking out "$300,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "200,000,000" and inserting in lieu thereof "$300,000,000".

TITLE II—AUTHORIZATION FOR PRESIDENT TO STABILIZE PRICES, RENTS, WAGES, AND SALARIES

SEC. 201. Section 206 of the Economic Stabilization Act of 1970 (84 Stat. 799–800; Public Law 91-379) is amended by striking out "February 28, 1971," and inserting in lieu thereof "March 31, 1971,"; and by striking out "March 1, 1971," and inserting in lieu thereof "April 1, 1971,".

The motion was agreed to.

Mr. PATMAN. Mr. Speaker, in explaining the reason for this series of unanimous-consent requests, what happened is this. On Wednesday, November 25, the House, by unanimous consent, passed and sent to the other body H.R. 19828, to provide additional authorization for the Small Business Administration and, second, authorize an extension for 1 month—February 28, 1971, to March 31, 1971—of Public Law 91-379, the so-called Economic Stabilization Act.

The same day the Senate passed a Small Business Administration bill and sent it to the House.

Procedurally, at this point the Senate bill resides on the Speaker's desk and the House-passed bill resides on the President's desk in the other body. My motion here today would merely substitute the House-passed bill for the Senate bill number and send it back to the Senate. I am led to believe that the Senate will accept the House-passed version of the bill.

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

A motion to reconsider was laid on the table.

A similar House bill (H.R. 19828) was laid on the table.

COMMENDATION FOR EFFORTS TO RESCUE AMERICAN PRISONERS OF WAR

Mr. RIVERS. Mr. Speaker, I move to suspend the rules and pass the resolution (H. Res. 1282) in support for efforts to rescue American prisoners of war incarcerated in North Vietnam, as amended.

The Clerk read as follows:

H. RES. 1282

Whereas conditions have not materially improved in the year since Congress passed H. Con. Res. 454 calling for humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; and

Whereas increasing numbers of American military personnel remain in captivity in North Vietnam in circumstances which violate the Geneva Convention of 1949 on prisoners of war and offend standards of human decency, some having so remained for as long as six years; and

Whereas the Government of North Vietnam and the National Liberation Front have refused to identify the prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, and to release seriously sick and injured prisoners, as required by the Geneva Convention, despite repeated entreaties from world leaders: Now, therefore, be it

Resolved, That the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners of war believed to be held by the enemy near Hanoi, North Vietnam, be commended for the courage they displayed in this hazardous and humanitarian undertaking which has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere.

Resolved further, That it is the sense of the House of Representatives, as a further expression of its concern for prisoners of war, that the American negotiators at the peace conference in Paris should be instructed to insist that the matter of prisoners be given first priority on the peace talks agenda; and

That negotiators should seek improved treatment of prisoners, release of names of prisoners, inspection of prison conditions by the International Red Cross or other international bodies, and the assurance of continuing discussions looking toward the eventual exchange or release of prisoners; and

That no permanent agreement should be entered into until there is substantive progress on the prisoner-of-war issue.

The SPEAKER. Is a second demanded?

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

The SPEAKER. For what purpose does the gentleman from California arise?

Mr. LEGGETT. To demand a second, Mr. Speaker.

The SPEAKER. The gentleman from Illinois has demanded a second.

Mr. LEGGETT. I demand a second also, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. LEGGETT. May I inquire whether the gentleman from Illinois is opposed to the resolution?

The SPEAKER. Is the gentleman from Illinois (Mr. ARENDS) opposed to the resolution?

Mr. ARENDS. No; I am not opposed to the resolution, Mr. Speaker.

Mr. LEGGETT. Mr. Speaker, I make the point of order that the gentleman from Illinois is not qualified and I demand a second.

The SPEAKER. The Chair cannot hear the gentleman from California.

Mr. LEGGETT. Mr. Speaker, I make the point of order that the gentleman from Illinois does not qualify and I demand a second on the resolution.

The SPEAKER. The gentleman from Illinois is not opposed to the resolution?

Mr. ARENDS. I am not, Mr. Speaker.

The SPEAKER. The gentleman from California is opposed to the resolution; is that correct?

Mr. LEGGETT. That is correct; in its present form.

The SPEAKER. In its present form?

Mr. LEGGETT. Yes.

The SPEAKER. The gentleman qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from South Carolina will be recognized for 20 minutes and the gentleman from California will be recognized for 20 minutes.

Mr. RYAN. Mr. Speaker, will the gentleman from South Carolina yield?

PARLIAMENTARY INQUIRY

Mr. RIVERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RIVERS. The time is allocated 40 minutes——

The SPEAKER. The Chair is unable to hear the gentleman.

Mr. RIVERS. The time is allocated 20 minutes to the committee and 20 minutes to the gentleman from California.

The SPEAKER. The gentleman from South Carolina has been recognized for 20 minutes.

Mr. RIVERS. And 20 minutes to the gentleman from California (Mr. LEGGETT)?

The SPEAKER. That is correct.

Mr. RIVERS. Now, what priority will the time be allocated? Does he speak first or I speak first, or who is in charge at this point in time?

The SPEAKER. The gentleman from South Carolina presenting the resolution and being the advocate thereof will be recognized first. The gentleman, however, if he does not desire to use his time at this time, then the Chair will recognize the gentleman from California (Mr. LEGGETT) for 20 minutes.

Mr. RIVERS. Mr. Speaker, I yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, may I ask the distinguished chairman of the committee this question: Page 2, line 21, of the printed resolution, as reported with an amendment, contains the words: "That no other negotiations should proceed." This language is clearly intended to prevent negotiations at the Paris peace talks, except on the prisoner-of-war issue.

Have those words been eliminated?

Mr. RIVERS. That will be eliminated by the clarifying amendment.

Mr. RYAN. Which has been sent to the desk?

Mr. RIVERS. Which has been sent to the desk.

Mr. Speaker, I ask that the gentleman from California use some of his time.

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

Mr. Speaker, the form of the resolution we have before the House certainly is fraught with all kinds of difficulty.

I hesitate to be the sole objector on the Committee on Armed Services to the legislation. The bill passed out of committee by a vote of some 27 to 2, and I understand that the other vote that opposed the legislation, cast by the gentleman from Michigan, was on the basis of opposition to the form of the amendment.

Certainly it is regretted that this legislative body must formally splinter on the question of the military effort that took place over the weekend of November 22, 1970. The heroism of the men involved is not the issue—and I would like to reemphasize that—the heroism of the men who participated in the Son Tay invasion or the commando raid, however you might wish to call it, is certainly very, very commendable. The issue is the wisdom of the planning behind the operation, and whether by a very broadly couched resolution presented to this House we want to give encouragement to the Pentagon and to the Joint Chiefs of Staff to do this kind of thing again.

Certainly if we could have been successful and have recovered all of our prisoners in one swoop, why, I do not believe there would be a man in this House who would oppose the action. But unfortunately we were not successful.

I am not pressing here in this body to condemn the action that took place. I am not the moving party, and certainly I do not want to toy with the emotions and the heartbreak of the families of these prisoners of war.

On the other hand, I believe that if we needlessly encourage this kind of activity and give false hope to the families of these prisoners of war, we are not doing them any good.

This particular resolution says, and I would read just a portion of it:

Resolved, That the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners of war believed to be held by the enemy near Hanoi, North Vietnam, be commended for the courage they displayed—

I do not see why we should commend the official chain of command, or why we should commend the intelligence or why we should commend the Joint Chiefs of Staff, or why we should commend the Commander in Chief of our military forces, the President of the United States.

By honoring the command as well as the officers and men of the mission, we will be setting out this operation as a model for future prisoner of war efforts to follow. This would be most undesirable, since efforts of this type will almost certainly continue to be nonproductive, and since better approaches are available.

RAID NOT A SUCCESS

The raid on the Son Tay compound has not received unanimous domestic support. The majority of my own mail is strongly opposed. Nobody faults the valor of the men, but the wisdom of the action has been severely criticized. In my view, the criticism is well founded.

FAULTY INTELLIGENCE

In a well-planned operation of this type, we would know exactly what we were going in for, where it was, and the extent and character of the opposition. This was obviously not the case. It appears that all we really knew was the physical layout of the buildings. If we were totally ignorant of the prisoner situation, it follows that we were also ignorant of the number and armament of the guard force. We could have been walking into an ambush.

To this day, we do not know whether the men had been removed from the camp 2 days or 3 months before November 22.

The Department of Defense does itself no credit by insisting intelligence was excellent. Vice President AGNEW was more candid when he told the United Press on November 25:

Well, obviously it wasn't successful, as you know, because of faulty intelligence.

Sontay has not been the first major intelligence failure of this war. In April the President was told of the existence of an "enemy headquarters for all of South Vietnam." When this headquarters was found to be as nonexistent as the Sontay headquarters, the intelligence failure was brushed over.

If the House passes this resolution, it will be rewarding incompetent intelligence and encouraging more of the same for the future.

PENALTIES OF FAILURE NOT WEIGHED

On balance, the consequences of this mission are so overwhelmingly negative that I must conclude the consequences of failure were not carefully considered:

First. It is most unlikely that American prisoners of war will be freed this year as a Christmas gesture. The President is reported to have said the raid would be worthwhile if it freed five prisoners. It may well have prevented the freeing of that many.

Second. Some POW's may have been killed by the diversionary air raids in the Hanoi area. The North Vietnamese

Government claims this to be the case. It would be most ironic if some of the men killed were the former Sontay prisoners we had hoped to free.

Of course, the North Vietnamese may not be telling the truth. They may have killed the POW's in deliberate reprisals. This would be despicable on their part. But the fact remains: these men would be alive today if it were not for the raid.

Third. Hopes of successful negotiations on any aspect of the war have been materially set back.

Fourth. The prisoners living conditions will certainly become harsher in that they will be guarded more closely and moved around more frequently.

In addition, there may be deliberate retaliation. The Hanoi daily newspaper, Nhan Dan, said:

> The Americans are warned they will be punished accordingly. All consequences are the responsibilities of the American aggressors.

Fifth. The scale of the war is increasing. Since the raid, the other side has killed an entire medical team at Cam Ranh Bay, shot down two C–123 transport planes killing 38 Americans and 75 South Vietnamese, and has increased the shelling of South Vietnamese cities to the highest level in 3 months. It is reasonable to assume much of this is in response to the raid.

If the scale of the war continues to enlarge, it will cost the lives of many American soldiers. And there will be an increase in the total number of prisoners of war, rather than the decrease we sought.

Sixth. Our international credibility has decreased. As an example of the critical foreign press, the London Times said:

> It would be gratifying if the shock of the raid were to extract some future concessions from the North Vietnamese over prisoners. Much more probable is a hardening all around at the Paris peace talks and stronger suspicions in Hanoi over what American policy really is in winding down the war.

We cannot even say with confidence that the results would have been better if the prisoners had been there. All the adverse consequences listed above would have been intensified. As for the prisoners in the camp, as former POW Coy Tinsley told Time magazine, the guards "would probably have annihilated them and moved out."

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

Mr. LEGGETT. I yield to the gentleman from New York.

Mr. ROSENTHAL. I thank the gentleman for yielding.

Can the gentleman tell us whether the State Department expressed a position either for or against this resolution?

Mr. LEGGETT. It is my information that only one witness was presented in favor of the resolution prior to the time it was enacted, and that was a representative from the Pentagon.

Mr. ROSENTHAL. Does the gentleman know whether the State Department was asked to express a position for or against the resolution?

Mr. LEGGETT. I do not know. I do not see it in the report, and no communication was given to my office to that effect.

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

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

Mr. FINDLEY. Mr. Speaker, I appreciate the gentleman yielding.

I want to state that, although the communication perhaps did not bear the stamp of approval of the Paris office of the State Department, I did receive a letter from the official in charge of congressional relations in the State Department congratulating me upon the resolution that the gentleman from New York and I cosponsored. So it does to an extent show State Department approval.

May I ask the gentleman to yield just for a half a minute further?

Mr. LEGGETT. I yield further to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding, and I do wish to express my support for the resolution which the gentleman from New York and I invited our colleagues to cosponsor, and I rise in support of the resolution as amended by the Committee on Armed Services.

(Mr. FINDLEY asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield further?

Mr. LEGGETT. I yield again to the gentleman from New York.

Mr. ROSENTHAL. Mr. Speaker, I would like to inquire of my distinguished friend, the gentleman from Illinois (Mr. FINDLEY,) whether he is purporting to tell the House that the State Department did express a position favoring this resolution in the letter he referred to, and if so would he tell us who it was who sent the letter and what the contents of it were?

Mr. FINDLEY. Mr. Speaker, if the gentleman will yield further, yes, the letter I received was from the Assistant Secretary of State for Congressional Relations, Mr. David Abshire.

It had no notation as to being of a confidential character and I presume he was writing as an official of the State Department to me as an author and cosponsor of the resolution indicating his congratulations to me on having drafted this resolution. And I cannot give any interpretation to that except as an affirmative support of the resolution we have before us.

Mr. ROSENTHAL. Does the gentleman have that letter at hand?

Mr. FINDLEY. No, but I can get it very promptly and I am glad the gentleman has such an interest.

Mr. LEGGETT. I would like to ask the gentleman from Illinois a question.

Did the approval of the State Department refer to the resolution in preliminary form, or to the form in which it was presented and that we have on the floor here today?

Mr. FINDLEY. I tried to make it clear in my remarks that it related to the language of the resolution that I had drafted and introduced together with the gentleman from New York (Mr. STRATTON), which did not include the amendment of the Armed Services Committee.

Mr. Speaker, the letter referred to above from Assistant Secretary of State Abshire is in my hand now. Obviously it is more personal than official in content, but clearly it would never have been written if the State Department opposed the resolution I drafted and introduced, and which was referred to the Armed Services Committee.

Here is the text of the letter:

> DEAR PAUL: You are, indeed, to be congratulated on co-sponsoring the resolution on "commending the courage of participants in the recent military expedition which sought to rescue American prisoners of war believed held in a camp near Hanoi, North Vietnam." I always admire how quickly you show leadership on such matters, and particularly on this one which is of such importance.
>
> Warmest regards.
>
> Sincerely yours,
>
> DAVID M. ARSHIRE.

Mr. Speaker, today the House will pass House Resolution 1282, which includes the language of a resolution which I drafted and which, together with my colleague, Representative SAMUEL STRATTON and 73 other Members of the House, was introduced immediately after the heroic rescue attempt of American prisoners of war on November 21, 1970. Added to this original resolution by the House Armed Services Committee is the language of the resolved further clause, which expresses the sense of the House that the POW issue should be given first priority at the Paris peace talks and that no settlement should occur until there is substantive progress on this issue.

It provides ample proof that the United States is not about to forget her fighting men now incarcerated who have risked everything and given their all in the service of their country.

It has its roots in early congressional expressions on the treatment of POW's, expressions which have been largely ignored by the North Vietnamese and Vietcong. In December of 1969, exactly 1 year ago, the House of Representatives passed unanimously House Concurrent Resolution 454, calling for humane treatment and release of American prisoners of war.

By their votes, 405 Members of this body strongly protested the treatment of U.S. servicemen held prisoner and approved of efforts by the U.S. Government and other world leaders to obtain humane treatment and release of American prisoners of war.

Since that time, no material progress has been made. The North Vietnamese have persistently refused to identify the prisoners they hold. They have refused to permit any inspection of the camps in which the prisoners are kept. They will not allow mail to be received by most prisoners, and they have not released sick or injured prisoners. Each of these simple, humane gestures is required by the 1949 Geneva Convention on prisoners of war which the North Vietnamese ratified in 1957.

In the face of world opinion, and in contravention of its duty under international law to which it has voluntarily agreed, North Vietnam disregards basic tenets of human decency and in a bar-

baric manner makes hostages of American prisoners of war.

The only thing that has changed in the year since Congress last spoke is the number of Americans held captive. One year ago, just over 1,300 men were held prisoner or were listed as missing in action. Today that number has grown by over 250 men. At the end of November, 1,558 American soldiers were held prisoner or missing in action.

The families of most of these men do not know whether their loved ones are still alive, and for them each new day brings only pain and waning hope. News stories, such as those of recent date, which tell of torture and even death in the prison camps add to the nightmare which has become the daily life of relatives of the prisoners. Imagine just how much worse it must be for the brave men who remain captive.

The American people will not wait for Paris.

With no progress since Congress last spoke, it is important for us once again to reaffirm our strongest disapproval of North Vietnamese conduct and our determination to take considered steps to bring about the release of our men held under such intolerable conditions.

The expedition to save the lives of Americans thought to be held prisoner was such an action. It was well planned and executed. Its scope was strictly limited to the stated objective of saving the lives of American prisoners.

In my view, and in the view of those who have sponsored this resolution, those responsible for planning and carrying out this valiant rescue mission deserve commendation and the sincere thanks of Americans everywhere. No doubt, when word of the rescue attempt reaches other prisoners, as it inevitably will, their spirits and their faith in their country will be greatly lifted. Similarly, the morale of our men still fighting in Vietnam under trying circumstances will be raised.

It is important that the House speak to this subject, and it is propitious for it to do so now, just before Christmas. An overwhelming vote, approving the resolution, will be the finest Christmas card the House of Representatives could possibly send to Americans held prisoner of war and their loved ones.

Finally, a grim observation. This statement may give evidence of a growing, gnawing doubt and pessimism on the part of many Americans about progress at Paris, a doubt which can serve only to harden public attitudes toward those who have been accused of barbaric conduct and who flaunt international law. The American people and their Government will never allow U.S. prisoners of war to become unwilling pawns in the diplomatic efforts to end the war. The unconscionable attempt by the North Vietnamese and Vietcong to so use our prisoners in such a manner is an exercise in futility which this resolution makes clear.

The policy statement which the House will make today is to urge that the POW question be given first priority at the Paris peace talks. Some Members might not have expressed their sentiments on the POW issue in the strong language of the Armed Services Committee's amendment. Some might feel that settlement of the Vietnam war and an end to the killing should have first priority, and that with peace will naturally come the return of prisoners of war. Some may even feel conscience bound not to vote in favor of the resolution for that reason.

However, one should look first at the record of the Paris peace talks before passing on the significance of the amendment. Those who would argue over the negotiating priorities at Paris must first show how those priorities, or the Paris peace talks themselves, have any relationship whatsoever to the real world and to the real war in Vietnam.

It is time for Americans and the people of the world to realize that the road to peace is unlikely to lie through Paris. President Nixon attempted to disabuse us of this over a year ago when he told the Nation:

> No progress whatever has been made except agreement on the shape of the bargaining table.

Secretary of State William P. Rogers has only a few days ago reluctantly admitted that in the last year no progress has been made. He said:

> So far they haven't shown any interest in negotiating sensibly about working out a peaceful settlement.

Despite the major peace offerings of two administrations, including the comprehensive proposal recently made by President Nixon, the North Vietnamese and the Vietcong have steadfastly refused to bargain.

The intransigence of the other side has made Paris a play actor's state, and to quote Shakespeare, the peace talks are "full of sound and fury, signifying nothing."

Thus, in a sense, it matters very little how the priorities are arranged at Paris. The subjects discussed over the last few years have yielded no progress whatsoever. In another sense, priorities in unpromising negotiations are important. This amendment will help focus world attention on the serious and tragic plight of prisoners of war held captive in Southeast Asia.

So many men have been held prisoner or have been missing in action for so long they tend to become statistics. Today, I am placing in the CONGRESSIONAL RECORD the 1,531 names of those who were listed as missing in Southeast Asia in connection with the conflict in Vietnam as of September 19, 1970. Included are the names of those believed to be prisoners of war.

Publication of the names personalizes the POW agony in the most graphic and effective manner possible. Hopefully, this will help to mobilize world opinion and thereby bring pressure on the leaders of Hanoi and the NLF at long last to comply with provisions of the Geneva Convention on prisoners of war.

The names follow:

U.S. MILITARY PERSONNEL HELD PRISONER OF WAR OR MISSING IN ACTION IN SOUTHEAST ASIA

John Abbott, Joseph S. Abbott, Jr., Robert Archie Abbott, Wilfred Keese Abbott, Lewis Herbert Abrams, Humberto Acosta-Rosario, Thomas Yuji Adachi, John Quincy Adam, John Robert Adams, Samuel Adams, Steven Harold Adams, Charles L. Adkins, Keith Alexander Albert, Bobby Joe Alberton, John Scott Albright, II, Wendell Reed Alcorn, Donald Deane Aldern, Terry Lanier Alford, Gerald Oak Alfred, Jr., Richard Michael Allard, Richard K. Allee.

Henry Lewis Allen, Thomas Ray Allen, Wayne Clouse Allen, David Jay Allinson, Clyde Douglas Alloway, Albert Harold Altizer, Everett Alvarez, Jr., Harold Joseph Alwan, Glendon Lee Ammon, Gareth Laverne Anderson, John Steven Anderson, John Thomas Anderson, Warren Leroy Anderson, Anthony Charles Andrews, Stuart Merrill Andrews, William Richard Andrews, Ralph Harold Angstadt, Francis Gene Anton, Jose Jesus Anzaldua, Jr., Victor Joe Apodaca, Jr., Ivan Dale Appleby.

Richard Duane Applehans, Bruce Raymond Archer, Steven R. Armistead, John William Armstrong, William Tamm Arnold, Gerasimo Arroyo-Baez, Alan Frederick Ashall, Carlos Ashlock, Donald Henry Asire, Edwin Lee Atterbury, Charles David Austin, Ellis Ernest Austin, Joseph Clair Austin, William Renwick Austin, II, Robert Douglas Avery, Richard Lee Ayers, Mark Albert Babson, Jr., Robert Leo Babula, Vladimir Henry Bacik, Kenneth Frank Backus, Arthur Edward Bader, Jr.

Bobby Ray Bagley, James Albert Bailey, James William Bailey, John Edward Bailey, Bill Allen Baird, Arthur Dale Baker, Elmo Clinnard Baker, Michael Dimitri Balamoti, Ralph Carol Balcom, Frederick C. Baldock, Jr., John Robert Baldridge, Jr., Arthur T. Ballard, Jr., Paul W. Bannon, Lawrence Barbay, William Orlan Bare, Charles Ronald Barnes, Robert Warren Barnett, Gregory I. Barras, Thomas Joseph Barrett, Michael Lero Batt, James Reginald Bauder.

Richard Gene Bauer, William Joseph Baugh, James Ellis Bean, Rudy Morales Becerra, Edward Eugene Beck, Jr., Henry James Bedinger, Quentin Rippetoe Beecher, James Alvin Beene, Burriss Nelson Begley, Glenn Arthur Belcher, James Franklin Bell, William George Bennett, Gregory Rea Benton, Jr., Kile Dag Berg, James Robert Berger, Charles Lee Bergevin, Bruce C. Bessor, Thomas John Beyer, Steven N. Bezold, Larry William Biediger, Charles Lawrence Bifolchi.

Earl Roger Biggs, Norman K. Billipp, James Douglas Birchim, Edward James Bishop, Jr., Robert Irvin Biss, Ralph Campion Bisz, Herndon Arrington Bivens, Arthur Veil Black, Cole Black, Gordon Byron Blackwood, Charles Edward Blair, John Charles Blevins, Ronald Glenn Bliss, Douglas Randolph Blodgett, Donald Bruce Bloodworth, Raymond Edward Bobe, Jon Keith Bodahl, Timothy Roy Bodden, John E. Bodenschatz, Jr., Paschal Glenn Boggs, Cristos C. Bogiaces, Jr.

Richard Eugene Bolstad, Jack Williamson Bomar, James Ervin Booth, Lawrence Randolph Booth, Delmar George Booze, Murray Lyman Borden, John Lorin Borling, John Arthur Boronski, Joseph Chester Bors, Robert Curtis Borton, Jr., Galileo Fred Bossio, Leo Sydney Boston, Russell Peter Bott, Michael Bouchard, Richard Lee Bowers, Roy Howard Bowling, Charles Graham Boyd, Alan Lee Boyer, Terry Lee Boyer, Allen Colby Brady, Richard Craig Bram.

James Alvin Branch, Michael Patrick Branch, Joseph William Brand, Harvey Gordon Brance, William James Brashear, Michael Lee, Brazelton, Richard Brazik, Herbert Owen Brennan, Richard Charles Brenneman, Barry Burton Bridger, Jerry Glen Bridges, Ernest Frank Briggs, Jr., Ronald Daniel Briggs, Robert Edwin Brinckmann, John Warren Brodak, Edward James Broms, Jr., John Henry Ralph Brooks, Nicholas George Brooks, William Leslie Brooks, Donald Alan Brown, Earl Carlye Brown.

George R. Brown, Harry Willis Brown, Paul Gordon Brown, Wilbur Ronald Brown, William Theodore Brown, Ralph Thomas

Browning, Charles Richard Brownlee, John Martin Brucher, Edward Alan Brudno, Richard Marvin Brunhaver, Alan Leslie Brunstrom, Hubert Elliott Buchanan, Louis Buckley, Jr., Victor Patrick Buckley, Leonard R. Budd, Jr., Edward Burke Burdett, Arthur William Burer, Richard Gordon Burgess, Charles W. Burkart Jr., Michael John Burke, Donald Dawson Burnham.

Donald Ray Burns, John Douglass Burns, Michael Paul Burns, Michael Thomas Burns, William David Burroughs, Jon Thomas Busch, John Robert Bush, Robert Edward Bush, James Edward Butler, Phillip Neal Butler, William Wallace Butler, Richard Leigh Butt, Neil Stanley Bynum, Hugh McNeil Byrd, Jr., Ronald Edward Byrne, Jr., Johnny C. Calhoun, Porter Earl Calloway, Kenneth Robbins Cameron,, Virgil King Cameron, Burton Wayne Campbell, Clyde William Campbell.

William Edward Campbell, Elwyn Rex Capling, Charles Edward Cappelli, Franklin Angel Caras, David Jay Carey, James Edmund Carlton, Jr., Allan Russell Carpenter, Nicholas Mallor Carpenter, Daniel Lewis Carrier, Larry Edward Carrigan, Patrick Henry Carroll, Dennis Ray Carter, James Louis Carter, Billie Jack Cartwright, Thomas Franklin Case, Donald Francis Casey, Alfonso Roque Castro, Jim Ray Cavender, Carl Dennis Chambers, Jerry Lee Chambers, Harlan Page Chapman.

Paul Claude Charvet, Arvin Roy Chauncey, Gary Anthony Chavez, Robert Preston Chenoweth, Fred Vann Cherry, Larry James Chesley, Chambless M. Chesnutt, Vincent Augusto Chiarello, Luis Gerardo Chirichingo, William Murre Christensen, Michael Durham Christian, Joseph Christiano, Eugene F. Christiansen, Carl Russell Churchill, Michael Daniel Chwan, Walter Alan Cichon, Frank Edward Cius, Jr., Richard Ames Chaflin, Gean Preston Clapper, Jerry Prosper Clark, John Calvin Clark, II

John Walter Clark, Lawrence Clark, Richard Champ Clark, Stanley Scott Clark, Thomas E. Clark, Fred L. Clarke, George William Clarke, Jr., Charles Peter Claxton, Thomas Dean Clem, James Arlen Clements, Curtis Roy Cline, Dean E. Clinton, Claude Douglas Clower, Robert F. Coady, Echol W. Coalston, Jr., Earl Glenn Cobeil, Deverton C. Cochrane, Harry Bob Coen, Gerald Leonard Coffee, James Derwin Cohron, George Thomas Coker.

Legrande Ogden Cole, Jr., Jimmy Lee Coleman, Allan Phillip Collamore, Jr., Raphael Lorenzo Collazo, James Quincy Collins, Jr., Richard Frank Collins, Thomas Edward Collins III, William Kevin Colwell, Douglas Craig Condit, John E. Conger, Jr., Bernard Conklin, John Francis Conlon III, James Joseph Connell, Lorenza Conner, Vincent John Connolly, Charles Richard Connor, Lawrence Yerges Conway, Donald Gilbert Cook, Glenn Richard Cook, Kelly Francis Cook, William Richard Cook.

David Leo Cooley, Henry Albert Coons, William Earl Cooper, H. C. Copeland, William Michael Copley, Gilland Wales Corbitt, Kenneth William Cordier, Arthur Cormier, Kenneth Leon Coskey, Robert Gordon Cozart, Jr., Philip Charles Carig, Carroll Owen Crain, Jr., Robert Roger Craner, Andrew Johnson Craven, Rendar Crayton, James E. Creamer, Jr., Joseph Crecca, Jr., James Alan Crew, John Hunter Crews III; Michael Paul Cronin, Herbert Charles Crosby.

Richard Alexander Crosby, Ariel L. Cross, Gregory John Crossman, Gerald Joseph Crosson, Jr., Frederick Austin Crow, Jr., Frederick Hugh Crowson, Carl Boyette Crumpler, Carlos Rafael Cruz, Kenneth Leroy Cunningham, Patrick Robert Curran, Thomas Jerry Curtis, Clifton Emmet Cushman, Bradley Gene Cuthbert, Raymond George Czerwiec, Thomas Carl Daffron, Douglas Edward, Dahil, Glenn Henri Daigle, Douglas Vincent Dailey, Charles Alva Dale, James Alexander Daly, Jr., Verlyne Wayne Daniels.

Benjamin F. Danielson, Edward Joseph Darcy, Oscar Moise Dardeau, Jr., Lenard Edward Daugherty, Robert Norlan Daughtrey, John Owen Davies, Joseph Edwin Davies, Brent Eden Davies, Charlie Brown Davis, Jr., Daniel Richard Davis, Edgar Felton Davis, Edward Anthony Davis, Gene Edmond Davis, Ricardo Gonzalez Davis, Robert Charles Davis, Thomas James Davis, Robert Gayle Davison, George Everette Day, Joe Lynn De Long, Ernest Leo De Soto, John Arthur Deering.

Samuel M. Deichelmann, Charles Edward Deitsch, David Stanley Demmon, James Eugene Dennany, William Roy Dennis, James Richard Dennison, Terry Arden Dennison, Jeremiah Andrew Denton, Jr., Thomas G. Derrickson II, Richard Carl Deuter, Rexford John Dewispelaere, Bennie Lee Dexter, Ronald J. Dexter, James Vincent DiBernardo, Robert Joseph DiTommaso, Stephen Whitman Diamond, William Calvin Diehl, Jr., John Francis Dingwall, John A. Dixon, Herb Doby, Edward Ray Dodge.

Donald Wayne Dodge, Ward Kent Dodge, Morgan Jefferson Donahue, Myron Lee Donald, James Edward Dooley, Robert Bartsch Doremus, Dale Walter Doss, Jefferson S. Dotson, Daniel James Doughty, Thomas Evan Douglas, Jack Paris Dove, Sr., Donald William Downing, Peter Edward Drabic, John Arthur Dramesi, Jerry Donald Driscoll, Dallas Alan Driver, David Henry Duart, Bruce Chalmers Ducat, John Francis Dudash, John Everett Duffy, Thomas Wayne Dugan.

Robert Ray Duncan, William Charles Dunlap, John Galbreath Dunn, John Howard Dunn, Michael Edward Dunn, Charles Gale Dusing, Richard Allen Dutton, Dean Arnold Duvall, Robert Raymond Dyczkowski, Melvin Carnills Dye, Dennis Keith Eads, David John Earll, Leonard Corbett Eastman, Curtis Abbot Eaton, Norman Dale Eaton, Joseph Yagnacio Echanis, Raymond Louis Echevarria, Wayne Alvin Eckley, Arthur Gene Ecklund, Robert John Edgar, William Rothroc Edmondson.

Robert Clifton Edmunds, Jr., Harry Sanford Edwards, Jr., James Thomas Egan, Jr., Norman Edward Eidsmoe, Dennis Lee Eilers, Frank Callihan Elkins, Robert Malcolm Elliot, Andrew John Elliott, Aritce Weldon Elliott, Jerry W. Elliott, Billy Joe Ellis, Jeffrey Thomas Ellis, Leon Francis Ellis, Jr., Randall Shelley Ellis, William Ellis, Jr., John Cooley Ellison, Richard Gene Elzinga, Roger Gene Emrich, Erich Carl Engelhard, Lawrence Jesse Englander, David Wayne Erickson.

John Lee Espensied, Edward Dale Estes, Walter O. Estes II, Michael John Estocin, Harry L. Ettmueller, Cleveland, Evans, Jr., James Joseph Evans, David Everson, Lawrence Gerald Evert, Patrick Martin Fallon, Hughs Michael Fanning, Joseph Peter Fanning, Robert St. Clair Fant, Jr., Fielding W. Featherston, John Anthony Feldhaus, Charles Richard Fellenz, John Heaphy Fellowes, Allen Eugene Fellows, John Fer, Douglas David Ferguson, Walter Ferguson, Jr.

William Fernan, Edward J. Fickler, Clifford Wayne Fieszel, John Sewart Finlay III, Dickie W. Finley, Arthur Thomas Finney, Charles E. Finney, Richard William Fischer, Donald Ellis Fisher, Donald Garth Fisher, Kenneth Fisher, Crosley James Fitton, Jr., Richard Allan Fitts, Joseph Edward Fitzgerald, Paul L. Fitzgerald, Jr., John Norlee Flanigan, Kenneth Raymond Fleenor, Horace Higley Fleming III, Hubert Kelly Flesher, Fredric Russell Flom, Carroll Edward Flora, Jr.

John Peter Flynn, Roscoe Henry Fobair, Brendan Patrick Foley, Willis Ellis Forby, David Edward Ford, Randolph Wright Ford, William Stannard Forman, Gary Henry Fors, Frederick John Fortner, Marvin Lee Foster, Paul Leonard Foster, Ralph Eugene Foulks, Jr., Donald R. Fowler, Henry Pope Fowler, Jr., San Dewayne Francisco, Martin Stanley Frank, Fred Augustus W. Franke, Jr., Charles Edward Franklin, William David Frawley, John William Frederick, Jr., Peter Joseph Frederick.

William V. Frederick, Edmund Henry Frenyea, Laurence Victor Friese, Bruce Carlton Fryar, Wayne Eugene Fullam, Robert Byron Fuller, William Otis Fuller, Frank Eugene Fullerton, Norman Carl Gaddis, Robert Hugh Gage, Ralph Ellis Gaither, Jr., Paul Edward Galanti, Russell Dale Galbraith, John Theodore Gallagher, Ronald Edmond Galvin, Richard Owen Ganley, Berman Gande, Jr., Jimmy Ray Garbett, John Garrett Gardner, Markham Ligon Gartley, Robert Russell Garwood.

James Wayne Gates, Charles Hue Gatewood, Dennis Lee Gauthier, Paul Stuart Gee, Stephen Jonathan Geist, James Edward George, Jr., Gerald Lee Gerndt, Donald Peter Gervais, Paul Everett Getchell, Vincent Frank Giammarino, Willard Selleck Gideon, Robert Michael Gilchrist, Thomas Eldon Gillen, Charles R. Gillespie, Jr., Tommy Emerson Gist, Danny Elloy Glenn, Calvin Charles Glover, Douglas J. Glover, Solomon Hughey Godwin, Kenneth B. Goff, Jr., Lawrence Herbert Golberg.

Edward Frank Gold, Robert Arthur Gomez, Jesus Armando Gonzalez, Wayne Keith Goodermote, Edwin Riley Goodrich, Jr., Charles Bebnard Goodwin, Bernard Joseph Goss, Theodore W. Gostas, Donat Joseph Gouin, Laurent L. Gourley, Robert Allen Govan, James William Grace, John George Graf, Paul Leroy Graffe, Dennis Lee Graham, James Scott Graham, David Fletcher Gray, Jr., Francis George Graziosi, Norman Morgan Green, Charles Edward Greene, Jr., Robert Lee Greer.

Robert Raymond Gregory, David Scott Greiling, Earl W. Grenzebach, Jr., Larry Irwin Grewell, James Lloyd Griffin, Rodney Lynn Griffin, Robert Smith Griffith, Christopher Grosse, Jr., Wade Lawrence Groth, Peter Arthur Grubb, Wilmer Newlin Grubb, Guy Dennis Gruters, Lawrence Nicholas Guarino, Gary John Guggenberger, Louis Fulda Guillermin, Andre Roland Guillet, Edward Joseph Guillory, Alan Wendell Gunn, Laird Guttersen, Theodore Wilson Guy, Harley B. Hackett III.

John R. Hagan, Robert Warren Hagerman, William Warren Hail, Collins Henry Haines, Donald Joe Hall, Frederick Mervyn Hall, George Robert Hall, James Shreve Hall, Keith Norman Hall, Thomas Renwick Hall, Jr., Roger C. Hallberg, Porter Alexand Halyburton, Dennis Clark Hamilton, Eugene David Hamilton, John Smith Hamilton, Roger Dale Hamilton, James Edward Hamm, Dennis Wayne Hammond, Eugene Allen Handrahan, Larry James Hanley, Terence Higgins Hanley.

Kenneth Hanna, Lester Alan Hanson, Robert Taft Hanson, Jr., Stephen Paul Hanson, Thomas Patterson Hanson, Stephen J. Harber, William Morgan Hardman, John Kay Hardy, Jr., William H. Hardy, Olin Hargrove, Jr., David Northrup Harker, Lee Dufford Harley, Gary Alan Harned, Carlyle Smith Harris, Cleveland Scott Harris, Gregory John Harris, Stephen Warren Harris, Donald L. Harrison, Patrick Kendal Harrold, Richard Danner Hartman, Gregg Hartness.

James Cuthbert Hartney, Elroy Edwin Harworth, Paul Alfred Hasenbeck, Arden Keith Hassenger, Steven Morris Hastings, David Burnett Hatcher, Leslie John Hauer, Robert Douglas Hauer, Edgar Lee Hawkins, Richard William Hawthorne, Daniel Henry Hefel, John Heilig, Donald Lester Heiliger, Lucius Lamar Heiskell, Steven W. Heitman, Lawrence Neal Helber, John Wayne Held, Robert Ray Helle, Gerald Robert Helmich, William Roy Henderson, Howard William Henninger.

Nathan Barney Henry, Ronnie Lee Hensley, Thomas Truett Hensley, Robert Dale Herreid, Frederick Daniel Herrera, James Wayne Herrick, Jr., Henry Howard Herrin, Jr., Ned Raymond Herrold, Peter Dean Hesford, Frederick Hess, Jr., Jay Criddle Hess, Roosevelt Hestle, Jr., Samuel Eugene Hewitt, James Martin Hickerson, Prentice Wayne Hicks, Terrin Dinsmore Hicks, Barry Wayne Hilbrich, Billy David Hill, Gordon C. Hill, Howard John Hill, Robert Laverne Hill.

Robert Bruce Hinckley, James Edward Hiteshew, James Otis Hivner, Cecil J. Hogson, Michael George Hoff, Sammie Don Hoff, Arthur Thomas Hoffson, Jerry Franks Hogan, Robert Eugene Holdeman, Lawrence Thomas Holland, Tilden Stewart Holley, David Hugh Holmes, Lester Evan Holmes, James William Holt, Robert Edwin Holton, Ronald Lee Holtzman, Earl Pearson Hopper, Jr., Ramon Anton Horinek, Thomas Teruo Horio, Stanley Henry Horne, John Charles Hosken.

Robert Eugene Hoskinson, Anthony Frank Housh, George Andrews Howes, David Louis Hrdlicka, Edward Lee Hubbard, Eric James Huberth, Lynn Ragle Huddleston, James Lindberg Hughes, Kenneth Raymond Hughey, Charles J. Huneycutt, Jr., James D. Hunt, Robert William Hunt, William Balt Hunt, Russell Palmer Hunter, Jr., Charles Gregory Huston, James Leo Hutton, Leo Gregory Hyatt, Di Reyes Ibanez, Roger Dean Ingvalson, Roger Burns Innes, Robert Newell Ireland.

Wayne Charles Irsch, James Wesley Jackson, Jr., Juan L. Jacquez, John Andrew Jakovac, Larry Carl Jamerson, Charlie Negus James, Jr., Gobel Dale James, Jeremy Michael Jarvis, Julius Skinner Jayroe, James Milton Jefferson, Perry Henry Jefferson, Derrell Blackbur Jeffords, Robert Duncan Jeffrey, Harry Tarleton Jenkins, Jr., George William Jensen, Jay Roger Jensen, Eugene Millard Jewell, Paul Frederick Johns, Vernon Zigman Johns, Bobby Louis Johnson, Bruce Gardner Johnson.

Frankie B. Johnson, Jr., Guy David Johnson, Harold Eugene Johnson, Samuel Robert Johnson, William Darrell Johnson, James E. Jones, Louis Farr Jones, Murphy Neal Jones, Robert Campbell Jones, William Eugene Jones, George Henry Jourcenais, Harold Kahler, Richard Raymond Kane, Paul Anthony Kari, Joseph John Karins, Jr., Carl Frederick Karst, James Helms Kasler, Abel Larry Kavanaugh, Joseph Thomas Kearns, Jr., John Charles Keiper, Richard Paul Keirn.

Jack Elmer Keller, Wendell Richard Keller, Donald Richard Kemmerer, Allan Gordon Kennedy, James Edward Kennedy, Robert D. Kent, Gail Mason Kerns, Everett Oscar Kerr, John Creighton Gille Kerr, Michael Scott Kerr, James Alan Ketterer, Wilson Denver Key, Richard Abbott Kibbey, Ernst Philip Kiefel, Jr., Thomas Michael Kilcullen, Melvin Joseph Killian, William A. Kimsey, Jr., Charles Douglas King, Donald Lewis King, William Louis Kinkade, Marshall Frederick Kipina.

Thomas Henry Kirk, Jr., Donald Martin Klemm, Dean Albert Klenda, William Blue Klenert, James Robert Klimo, Harrison Hoyt Klinck, Robert Earl Kline, Michael Lee Klingner, Kenneth Keith Knabb, Jr., Herman Ludwig Knapp, Thomas Edward Knebel, Henry C. Knight, Larry Dale Knight, Roy Abner Knight, Jr., Rodney Allen Knutson, Tom Y. Kobashigawa, Thomas Carl Kolstad, Aado Kommendant, Terry Treloar Koonce, Theodore Frank Kopfman, Walter Kosko.

Stephen Jay Kott, Galand Dwight Kramer, Edward L. Krausman, Jeffrey Marti Krommenhoek, Harold W. Kroske, Jr., Theodore Eugene Kryszak, Robert J. Kuhlman, Floyd Harold Kushner, John Charles Kwortnik, Gary Russell LaBohn, Michael Louis LaPorte, Richard Joseph Lacey, Melvin Earl Ladewig, John Wayne Lafayette, James Lasley Lamar, Kenneth Ray Lancaster, Charles Lane, Jr., Glen Oliver Lane, Michael Christopher Lane, Mitchell Sim Lane, Billy Ray Laney.

Richard Clive Lannom, Gordon Albert Larson, Carl William Lasiter, Clarence Albert Latimer, Bruce Edward Lawrence, William Porter Lawrence, Ronald Merl Lebert, Charles Richard Lee, Leonard Murray Lee, Wallace Wilson Leeper, Darel Dean Leetun, Douglas Paul Lefever, Edward W. Lehnhoff, Jr., William E. Lemmons, Lauren Robert Lengyel, Michael Robert Lenker, Edward Watson Leonard, Jr., Stephen Ryder Leopold, Leonard J. Lewandowski, Jr., Earl Gardner Lewis, Jr., James Wimberly Lewis.

Merrill Raymond Lewis, Jr., Robert Lewis III, Venon Peyton Ligon, Jr., William Allan Lillund, Warren Robert Lilly, Charles W. Lindewald, Jr., Marvin Nelson Lindsey, Ronnie George Lindstrom, Robert Charles Link, Donald Michael Lint, Hayden James Lockhart, Jr., Hubert Bradford Loheed, John Henry Sothorn Long, Julius Wollen Long, Jr., Stephen Glen Long, Luther Albert Lono, Arthur James Lord, Albin Earl Lucki, Carter Purvis Luna, Donald Alfred Luna, Jose David Luna.

Herbert Lamar Lunsford, Alan Pierce Lurie, Robert Lee Luster, Donavan Loren Lyon, James Michael Lyon, Henry Elmer MacCann, Don Allen MacPhail, Lyle Everett Mackedanz, Charles Macko, Notley Gwynn Maddox, Thomas Mack Madison, William Louis Madison, James A. Magnusson, Jr., Douglas Frank Mahan, Louis Frank Makowski, Richard Joseph Mallon, Jimmy McDonald Malone, John Michio Mamiya, Thomas Angelo Mangino, Charles Weldon Marik, Edward Holmes Martin.

John Murray Martin, Larry Eugene Martin, Richard D. Martin, Russell Dean Martin, Jerry Wendell Marvel, Phillip Louis Mascari, Daniel Francis Maslowski, William Henderson Mason, Martin John Massucci, Michael John Masterson; Ronald Lambert Mastin, Robert Susomu Masuda, Peter Richard Matthes, Oscar Mauterer, Calvin Walter Maxwell, Samuel Chapman Maxwell, Roderick Lewis Mayer, Ronald Michael Mayercik, William John Mayhew, John Sidney McCain III, Marvin R. McCain, Jr.

George Carlton McCleary, Jack McCrary, Glenn Dewayne McCubbin, Michael K. McCuistion, Eugene Barker McDaniel, Morris L. McDaniel, Jr., Norman Alexande McDaniel, Jr., Norman Alexander McDaniel, Emmett Raymond McDonald, Kurt Casey McDonald, John Terence McDonnell, Michael Owen McElhanon, Brian Kent McGar, James Maurice McGarvey, Francis J. McGouldrick. Jr., John Michael McGrath, William Darrell McGrath, John Bryan McKamey, Kenneth Dewey McKenney, James Clifford McKittrick, George Grigsby McKnight, Robert Charles McMahan.

Kevin Joseph McManus, Isiah McMillan, Cordine McMurray, Fred Howell McMurray, Jr., William G. McMurray, Jr., Thomas Mithell McNish, William Thomas McPhail, Everett Alvin McPherson, David Edward McRae, George Palmer McSwain, Jr., James Henry Mclean. Eugene Thomas Meadows, William Harley Means, Jr., Arthur Stewart Mearns, Edward John Mechenbier, Read Blaine Mecleary, Rick Eggburtus Medaris, James Patrick Mehl, Gustav Alois Mehrer, Michael Howard Mein, Charles Howard Meldahl.

Fredric Moore Mellor, George Bruce Menges, Virgil Kersh Meroney III, Raymond James Merritt, James Hardin Metz, William John Metzger, Jr., Alton Benno Meyer, William Michael Meyer, Francis Barnes Midnight, Richard M. Milikin III, Paul Lloyd Millius, Charles Worth Millard, Carl Dean Miller, Edison W. Miller, Edwin Frank Miller, Jr., Richard Arthur Miller, Roger Alan Miller, Joseph Edward Milligan, Michael Millner, James Burton Mills, George Ivison Mims, Jr.

Richard Willis Minnich, Jr., Richard Edward Mishuk, Albert Cook Mitchell, Gilbert Louis Mitchell, Thomas Barry Mitchell, Joseph Scott Mobley, Thomas Nelson Moe, Harold Deloss Monlux, Vincent Duncan Monroe, Paul Joseph Montague, Dennis Anthony Moore, Ernest Melvin Moore, Jr., Herbert William Moore, Jr., James Rodney Moore, Jerry Lawrence Moore, Maurice Henry Moore, Raymond Gregory Moore, Thomas Moore, Frank David Moorman, Manuel Jesus Morieda, James Leslie Moreland.

William David Moreland, Burke Henderson Morgan, Charles Elzy Morgan, Edwin Everton Morgan, Herschel Scott Morgan, James Sheppard Morgan, Thomas Raymond Morgan, Richard G. Morin, Charles Frank Morley, Merwin Lamphrey Morrill, Glenn Raymond Morrison, Jr., Joseph Castleman Morrison, Richard David Morrow, Richard Dean Mullen, William Francis Mullen, James Alfred Mulligan, Jr., Harold Eugene Mullins, Henry Gerald Mundt II, David Louie Munoz, Larron David Murphy, Patrick Peter Murray.

Armand Jesse Myers, Glenn Leo Myers, John Heber Nasmyth, Jr., Robert John Naughton, Dennis Paul Neal, Felix Viado Neco-Quinones, Bobby Gene Neeld, William Lee Nellans, James Raymond Nelson, Richard Crawford Nelson, William Humphrey Nelson, Roger Morton Netherland, Martin James Neuens, Wallace Grant Newcomb, Stanley Arthur Newell, Benjamin Byrd Newsom, Charles Vernon Newton, Donald Stephen Newton, Warren Emery Newton, Hubert C. Nichols, Jr., Daniel Russell Nidds.

Cowan Glenn Nix, Craig Roland Nobert, Robert Graham Nopp, Lee Edward Nordahl, Giles Roderick Norrington, Thomas Elmer Norris, Kenneth Walter North, Michael Robert Norton, James Ernest Nowicki, Bruce August Nystrom, Kevin O'Brien, Michael Francis O'Connor, Michael Davis O'Donnell, John Francis O'Grady, Robert Charles O'Hara, Donald Eugene Odell, Ernest Arthur Olds, Floyd Warren Olsen, Barry A. Olson, Gerald Everett Olson, Quinlan Roberts Orell.

Warren Robert Orr, Jr., Dale Harrison Osborne, Edwin Nelms Osborne, Jr., John Francis Overlock, Robert Duval Owen, Timothy Samuel Owen, Joy Leonard Owens, Eugene Matthew Pabst, Ronald Lyle Packard, David Eugene Padgett, Albert Linwood Page, Jr., Gordon Lee Page, Alexander J. Palenscar III, Gilbert Swain Palmer, Edwin David Palmgren, Robert Joseph Panek, Sr., Charles Carroll Parish, Frank C. Parker III, Woodrow Wilson Parker II, Lionel Parra, Jr., Frank Collins Parrish.

Thomas Vance Parrott, John William Parsels, Edward Milton Parsley, Don Brown Parsons, Jr., Donald Eugene Parsons, Robert Edward Pasekoff, Gary Pate, James Kelly Patterson, Kenneth James Patton, Marshall Irvin Pauley, George Francis Pawlish, Donald Elmer Paxton, John Allen Payne, Norman Payne, John Darlington Peace, III, Robert Harvey Pearson, Wayne Edward Pearson, Joe Palmer Pederson, Robert Delayney Peel, Gene Thomas Pemberton, Gordon Samuel Perisho.

Glendon William Perkins, Richard Robert Perricone, Elton Lawrence Perrine, Thomas Hepburn Perry, Gaylord Dean Petersen, Delbert Ray Peterson, Douglas Brian Peterson, James F. Pfister, Jr., Charles C. Pfordt, Jr., Daniel Raymond Phillips, Robert Paul Phillips, James Larry Phipps, William C. Pierson, III, Robert Edward Pietsch, Alan Dale Pittman, Peter X. Pike, Thomas Holt Pilkington, James Glenn Pirie, Victor John Pirker, John Joseph Pitchford, Jr., Peter Potter Pitman.

Albert Pitt, Robert Linwood, Platt, Jr., James Edwin Plowman, Joseph Charles Plumb, Jr., Dean Andrew Pogreba, Melvin Pollack, Ben Marksbury Pollard, George John Pollin, Harmon Polster, Jerry Lynn Pool, Russell Arden Poor, William Joseph Potter, Jr., William Tod Potter, Lynn Kesler Powell, William Elmo Powell, Lowell Stephen Powers, Trent Richard Powers, Milton Emmett Prescott, Jr., James Arthur Preston, Charles Francis Prevedel, Bunyan Durant Price, Jr.

Dallas Reese Pridemore, Joe Harold Pringle, Leo Twyman Profilet, Joseph D. Puggi, Dennis Gerard Pugh, Benjamin Harrison Purcell, Robert Baldwin Purcell, Frederick Raym Purrington, Charles Lancaster Putnam, Darrel Edwin Pyle, Thomas Shaw Pyle II, Harley Boyd Pyles, George Quamo, Michael Edward Quinn, Inzar William Rackley, Jr., Dayton William Ragland, Frank Delzell Ralston III, Rainer Sylvester Ramos, Charles James Ramsay, Donald J. Rander, Frederick Joel Ransbottom.

Melvin Douglas Rash, Dennis M. Rattin, Richard Raymond Ratzlaff, Robert Ernest Rausch, James A. Ravencraft, Harry M. Ravena III, James Edwin Ray, James Michael Ray, Ronald Earl Ray, King David Rayford, Jr., Paul Darwin Raymond, Charles H. W. Reed, Jr., James Wilson Reed, Richard Raymond Rehe, David George Rehmann, Harold Erich Reid, Edward Daniel Reilly, Jr., Lavern George Reilly, Thomas Edward Reitmann, Walter A. Renelt, Robert Alan Rex.

Ronald Reuel Rexroad, Jon Anzuena Reynolds, Charles Donald Rice, Richard Rich, Dale Wayne Richardson, Floyd Whitley Richardson, David John Richtsteig, David J. Rickel, William Ernest Ricker, Thomas F. Riggs, Herbert Jenjamin Ringsdorf, Robinson Risner, Wendell Burke Rivers, Marion Lee Roach, Richard Dean Roberts, John Hartley Robertson, John Leighton Robertson, Floyd Henry Robinson, Kenneth Dale Robinson, William Andrew Robinson, Charles Donald Roby.

Alton C. Rocket, Jr., Albert Edward Rodriguez, Ferdinand A. Rodriguez, Jerry Lee Roe, David John Rollins, Victor Romero, Joseph Rose, III, Luther Lee Rose, Robert Page Rosenbach, J. Lynn Ross, Jr., Joseph Shaw Ross, Charles Stoddard Rowley, James Milan Rozo, James Thomas Ruffin, Mark John Ruhling, Albert Edward Runyan, Bernard Francis Rupinski, Donald Myrick Russell, Kay Russell, Peter John Russell, Howard Elmer Rutledge.

John Leslie Ryder, Robert T. Saavedra, Mitchell O. Sadler, Jr., Harold Reeves Sale, Jr., Raymond Paul Salzarulo, Jr., William Dale Sanderlin, Robert James Sandvick, James Terry Savage, Robert Ralston Sawhill, Jr., Charles Joseph Scharf, Richard John Schell, Robert F. Scherdin, Thomas Edwin Schuerich, James Francis Schiele, Wesley Duane Schierman, Norman Schmidt, Walter R. Schmidt, Jr., Peter Vanruyter Schoeffel, Klaus Dieter Scholz, Fred Thomas Schreckengost, Raymond Cecil Schrump.

Robert Harry Schuler, Jr., Paul Henry Schultz, Sheldon D. Schultz, Robert James Schweitzer, Dain Vanderlin Scott, Martin Ronald Scott, Mike J. Scott, Gary Bernard Scull, Vincent Anthony Scungio, Lee D. Scurlock, Jr., Michael Anthony Seagroves, Bruce Gibson Seeber, James Eldon Sehorn, Robert Russell Sennett, Francis Lesli Setterquist, John Calvin Sexton, Jr., Leo Earl Seymour, Philip Raymond Shafer, Joseph Francis Shanahan, William Leonard Shankel, Michael Henry Shanley, Jr.

Earl Eric Shark, Lewis Wiley Shattuck, Charles Ervin Shelton, Peter Woodbury Sherman, Armon D. Shingledecker, James Richard Shively, John Reginald Shoneck, Jerry Michael Shriver, Donald Monroe Shue, Robert Harper Shumaker, Edwin Arthur Shuman III, Gary Richard Sigler, Lance Peter Sijan, Claude Arnold Silva, Edward Dean Silver, Thomas William Sima, Kenneth Adrian Simonet, Joseph Louis Simpson, Donald Maurice Singer, Daniel Everett Singleton, Jerry Allen Singleton.

Winfield Wade Sisson, Ronald Nicholls Sittner, Orval Harry Skarman, William E. Skivington, Jr., Burt Chauncy Small, Jr., Bradley Edsel Smith, David Roscoe Smith, Dewey Lee Smith, Gene Albert Smith, George Craig Smith, Hallie William Smith, Harding Eugene Smith, Sr., Harold Victor Smith, Harry Winfield Smith, Herbert Eugene Smith, Homer Leroy Smith, Howard Horton Smith, Lewis Philip Smith, II, Richard Dean Smith, Richard Eugene Smith, Jr., Robert V. Smith.

Victor A. Smith, Warren Parker Smith, Jr., Wayne Ogden Smith, William Arthur Smith, Jr., William Mark Smith, David William Sooter, Charles Everett Southwick, Donald Lee Sparks, John George Sparks, Larry Howard Spencer, Dyke Augustus Spilman, Domenick Anthony Spinelli, Donald Ray Spoon, Doyle Robert Sprick, Theodore Springston, Jr., Boyd Edwin Squire, Dean Paul St. Pierre, Charles David Stackhouse, Raymond Clark Stacks, Bruce Wayne Staehli, Hugh Allen Stafford.

Ernest Albert Stamm, Charles Irvin Stanley, Robert William Stanley, Ronald Stanton, William Robert Stark, Willie Ernest Stark, John Edward Stavast, Martin William Steen, Thomas Stegman, Mark Lane Stephensen, Thomas James Sterling, Larry James Stevens, Jack Thomas Stewart, Peter Joseph Stewart, Robert Allan Stewart, Phillip Joseph Stickney, Theodore Gerhard Stier, Joseph Millard Stine, Robert Lewis Stirm, Walter Morris Stischer, James Bond Stockdale.

Hervey Studdie Stockman, Kenneth A. Stonebraker, Thomas Gordon Storey, Ronald Edward Storz, Aubrey Eugene Stower, Jr., Floyd Wayne Strange, Richard Allen Stratton, William Harry Stroven, Robert Austi Stubberfield, William W. W. Stubbs, Leroy William Stutz, Randolph Bothwell Suber, Dwight Everett Sullivan, John Bernard Sullivan III, Timothy Bernard Sullivan, Thomas Wrenne Sumpter, Jr., James Lawrence Suydam, John Willard Swanson, Jr., Roger W. Swanson, Orson George Swindle III, Smith Swords III.

Derri Sykes, Robert Ernest Tabb, Bernard Leo Talley, Jr., Richard George Tangeman, Charles Nels Tanner, Marshall Landis Tapp, Lawrence Byron Tatum, James Erlan Teague, Dennis Andrew Tellier, Russell Edward Temperley, Erwin Bernard Templin, Jr., Refugio Thomas Teran, Irby David Terrell, Oral Ray Terry, Ross Randle Terry, James Calven Thomas, Kenneth Deane Thomas, Jr., Dennis L. Thompson, Donald Earl Thompson, Floyd James Thompson, George Winton Thompson.

William James Thompson, Gary Lynn Thornton, Larry C Thornton, Leo Keith Thorsness, Rainford Tiffin, Henry Albert Tipping, Jack H. Tomes, Samuel Kamu Toomey III, Loren Harvey Torkelson, John Cline Towle, Donald Joseph Trampski, Konrad Wigand Trautman, James Allen Treece, J. Forrest George Trembley, Alan Robert Trent, Robert Douglas Trier, William Leslie Tromp, Joseph Felix Trujillo, Robert Steven Trujillo, William Michael Tschudy, Glenn Ernest Tubbs.

Robert Leon Tucci, Edwin Byron Tucker, James Hale Tucker, Lonnie Joseph Tullier, James Henry Turner, Charles Robert Tyler, George Edward Tyler, Ralph Edward Uhlmansiek, Paul Gerard Underwood, Russell Keith Utley, Terry Jun Uyeyama, James Lee Van Bendegom, Gerald Gordon Van Buren, Richard Haven Van Dyke, Jack Linwood Van Loan, Larry Jack Van Renselaar, Eykel Martin D. Vanden, II, Michael Banard Varnado, Gerald Santo Venanzi, Milton James Vescelulis, Jr., Bobby Gene Vinson.

Francis Edward Visconti, Raymond Walter Vissotzky, Richard Dale Vogel, Raymond Arthur Vohden, Dewey Wayne Waddell, Robert Frost Waggoner, Gunther Herbert Wald, Herbert C. Walker, Jr., Michael Stephen Walker, Samuel Franklin Walker, Jr., Hobart M. Wallace, Jr., Michael John Wallace, Therman Morris Waller, Charles Milton Walling, Richard Ambrose Walsh, III, Jack Walters, Jr., Donald Glenn Waltman, Neal Clinton Ward, John Alan Ware, James Howie Warner, Arthur Leonard Warren.

Ervin Warren, Gray Dawson Warren, Samuel Edwin Waters, Jr., Jimmy Lee Watson, Ronald John Webb, Franklin Lee Weisner, Courtney Edw. Weissmuller, Robert John Welch, Norman Louross Wells, Larry Don Welsh, John Thomas Welshan, Gordon James Wenaas, John Henry Wendell, Jr., Michael Ray Werdehoff, Robert Larry Weskamp. John Thomas West, Donald Elliot Westbrook, David Robert Wheat, Eugene Lacey Wheeler, Charles Edward White, James Blair White.

Robert Thomas White, Lawrence W. Whitford, Jr., Warren Taylor Whitmire, Jr., James Wesley Widdis, Jr., Robert Earl Wideman, Danny Lee Widner, Wallace Luttrell Wiggins, Walter Eugene Wilber, Woodrow Hoover Wilburn, Robert Frederick Wilke, George Henry Wilkins, Robert Vincent Willett, Jr., David Richard Williams, Eddie Lee Williams, Howard Keith Williams, James Ellis Williams, James Randall Williams, Lewis Irving Williams, Jr., Roy Charles Williams, Don Ira Williamson, James D. Williamson.

Edward Arle Willing, Glenn Hubert Wilson, Gordon Scott Wilson, Wayne Vaster Wilson, David William Winn, Charles C. Winston III, David Marshall Winters, Robert Carl Wistrand, William Michael Wogan, Wayne Benjamin Wolfkeil, Donald Joseph Woloszyk, Don Charles Wood, Patrick Hardy Wood, Brian Dunstan Woods, Robert Deane Woods, John Bowers Worcester, Paul Laurence Worrell, Murray Lamar Wortham, Frederick Joseph Wozniak, Arthur Wright, Donald Lee Wright.

Gary Gene Wright, James Joseph Wright, Jerdy Albert Wright, Jr., Thomas Thawson Wright, Lawrence Daniel Writer, Walter Francis Worbleski, Blair Charlton Wrye, Patrick Edward Wynne, William P. Yarborough, Jr., Charles Luther Young, James Faulds Young, John Arthur Young, Robert Milton Young, Joseph S. Zawtocki, Jr., Roy Esper Ziegler II, David Hartzler Zook, Jr., Harold Jacob Zook, Charles Peter Zuhoski, Robert John Zukowski.

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

Mr. LEGGETT. I yield to the gentleman from New York.

Mr. WOLFF. I would like to ask the gentleman who spoke just a moment ago, is not that the same resolution that he offered in the Foreign Affairs Committee and which was turned down by the Foreign Affairs Committee, that he is referring to now? Did you not offer a resolution in the Foreign Affairs Committee that was turned down to this effect?

Mr. FINDLEY. I might say to the gentleman I drafted the resolution and introduced it. And it was my expectation frankly at that moment that it would be referred to the Foreign Affairs Committee but it was not so referred.

Mr. WOLFF. Did you not offer an amendment to the supplemental appropriation?

Mr. FINDLEY. No. The amendment I offered in committee dealt with another subject I will say to the gentleman.

Mr. WOLFF. Did the letter that you refer to have within it the question of ceasing negotiations?

Mr. FINDLEY. No, it did not.

Mr. WOLFF. It did not?

Mr. FINDLEY. It did not relate to the amendment added in the Armed Service Committee.

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

Mr. LEGGETT. I yield to the gentleman.

Mr. ROSENTHAL. Then that letter is irrelevant to the discussion that we are having here today?

Mr. FINDLEY. I will say to the gentleman that the gentleman from California (Mr. LEGGETT) did make comment about the language in the resolution as I introduced it so to that extent the colloquy certaintly is relevant.

Mr. ROSENTHAL. Is it the gentleman's position in any way, shape or form that the State Department is for the resolution we are going to have to vote on in a few minutes, is it?

Mr. FINDLEY. I have no way of judging the attitude of the State Department

on the committee amendment to the resolution.

Mr. ROSENTHAL. Then we wasted about 10 minutes of the House's time?

Mr. FINDLEY. I hope not.

Mr. LEGGETT. We have no recommendation from the State Department on the resolution in its present form and certainly that should be one of the factors that we should take into consideration when we vote on the resolution.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

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

Mr. BURTON of California. Mr. Speaker, I would first like to commend the gentleman in the well, our colleague, the gentleman from California (Mr. LEGGETT), for demanding a second which then made it procedurally possible for full and meaningful debate on this vital question.

And, secondly, I would like to most emphatically note and commend the actions and the courage of the gentleman from New York (Mr. RYAN) whose persistence this afternoon avoided what could have been a very foolish collective act by this House. He stood firm until we eliminated the language in the resolution that must have troubled most of us—the language that very clearly and explictly stated that no other negotiations should proceed to end this dreadful war until the prisoner of war issue was substantially resolved.

For that, Mr. Speaker, I think that every Member of this House as well as the people of the country owe a great debt of gratitude to the gentleman from New York (Mr. RYAN).

Mr. LEGGETT. Mr. Speaker, I must decline to yield further since my time is rapidly running out.

Mr. STRATTON. Mr. Speaker, will the gentleman yield to clarify a point?

Mr. LEGGETT. I yield to the author of the resolution for a question.

Mr. STRATTON. Mr. Speaker, will the gentleman indicate whether he is opposed to the resolution as first introduced or as amended by the committee?

Mr. LEGGETT. I think that is a proper question. My objection to the resolution goes not so much to the amendment of the chairman, that a great number of Members of the House probably found difficulty with, but to the fact that by commending this type of action it would seem to be encouraging a repetition of an unsuccessful effort. In turn, this would tend to leave the way open to a possible massive reescalation of the war in Southeast Asia.

Mr. STRATTON. Mr. Speaker, will the gentleman yield for just one other question?

Mr. LEGGETT. I am sorry, I cannot yield further. May I inquire of the Chair how much I have remaining?

The SPEAKER. The gentleman has 9 minutes remaining.

Mr. LEGGETT. I would say this, that certainly this was a very commendable action to get into the Son Tay prison in the way we did and to get out with as few casualties as we had. We had a helicopter that went down. We recovered the people. There were no deaths attributed to this action. But I think we must keep in mind that perhaps the activities of the 22d and 23d of November were not the only risks that were incident to the effort to recover the prisoners. I refer to an article that appeared in the Washington Star on December 2 in which it is pointed out that immediately following the raid on the prison we had the biggest attack in months on three Vietnam cities.

I go at length on page 7 of my dissenting remarks into an explanation of exactly the ramifications of that raid.

I point out on page 8 of our report the effect, as reported in The New York Times, of increased barrages that occurred all over South Vietnam, and in many areas the casualties were heavy.

We had the loss of two C–123 aircraft that went down close to the following weekend, in which we lost 38 Americans and 78 South Vietnamese. So I say we cannot tell whether or not the Son Tay raid should be commended. It might be a contributing factor to further escalation.

I think we would be making a mistake to rubberstamp what has taken place. We have had only one witness to come before our committee. That was a representative of the Pentagon. We were given no right of cross-examination, of this one witness.

I am satisfied that certainly this kind of activity could very well affect the overall outcome of war in Southeast Asia.

You might ask why am I so much concerned about commending the men who participated in this raid? Well, ask General Manor, who was not examined by our committee, but whose comments are reported in the press. He was director of the operation, and he was asked by a reporter as to whether he would recommend more raids. He answered:

> Speaking from a personal point of view, yes, I definitely would recommend more.

When asked about landing a division or an army-size unit to rescue POW's, the General said:

> I would hope it would be feasible.

So you can see there are lots of people floating around the Pentagon who think this kind of activity is really great, and there are many people who are not prepared to wind the war down.

I say again that I am prepared to give full support to honoring the heroism and courage of the men that actually participated in this raid. But as far as encouraging them to do it again, I think we are damn fools to do it.

Have we improved the plight of the prisoners of war? Well, Hanoi has put out their statement, which I have covered in my dissenting remarks, and they say that the United States is going to pay the price. How is it going to pay the price? Well, we know what the Germans did to the prisoners when we had an abortive escape during World War II.

Are the men given hope because we attempted to effect this rescue? Does the raid mean something to the men who are prisoners of war?

I think all of our information is that those men are kept incommunicado. They have no possible means of knowing whether or not a raid has been effected, and whether or not it has been successful or unsuccessful. If anything is said about it, you can bet your tintype the comments are going to be negative.

I would also point out that we have had in this particular connection a very severe credibility problem with the Pentagon. I did not ask Secretary Laird what happened over this weekend, but unsolicited to my office came a report from Dick Capen, the Assistant Secretary for Legislative Affairs, and in the report he said:

> You can disseminate this to your constituents. We received this report on November 23rd:
>
> "Gentlemen, security considerations now permit me to report to you details of the limited-duration, protective reaction air strikes conducted against military targets in North Vietnam—south of the 19th Parallel. . . .
>
> "I am particularly pleased to report that we suffered no—I repeat no—losses of any of these aircraft or their crews."

A few days later they came out and said, yes, a plane was knocked down, but we recovered the crew. They denied that the effort had anything to do with prisoner of war camps, and they would hold Hanoi precisely responsible for the welfare of all the prisoners. We now find these statements of denial to be untrue. So unfortunately we are in the situation where we cannot rely precisely on what is told us by the Pentagon, which is a very regrettable situation.

This action has not received the unanimous support from the press and commentators all over the United States. I have included in my approximately 20-page dissenting analyses from the New York Times, the Washington Post, the Washington Star, Time magazine, and Newsweek magazine.

For the United States to put itself or this Congress to put itself in a hermetically sealed chamber and ignore all these questions and all this dissent all over the country with respect to the wisdom of this action is not promotive of wise and considered American foreign policy and is hardly helpful to the prisoners.

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

Mr. LEGGETT. I yield to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I should like to commend the gentleman in the well, the gentleman from California (Mr. LEGGETT) not only for his statement before the House today, but also for his very effective dissenting views which appear in the committee report on House Resolution 1282—Report No. 91–1671.

The gentleman has rendered an important service to the House by emphasizing the serious implications of this resolution.

As the resolution now reads, the language which would have prevented negotiations at the Paris peace talks from proceeding has been eliminated, and I am happy that the House is not to be put in the position, when it votes, of having to vote on the former language as reported out by the Committee on Armed Services.

This resolution proposes to commend the courage of the men involved in the Son Tay rescue mission, including the

"official command," and, as it came before the House today, it further expressed the sense of the House "that no other negotiations should proceed until there is substantive progress on the prisoner-of-war issue."

In brief, House Resolution 1282, as it was reported out of the Armed Services Committee, would have stifled the Paris peace negotiations, preventing consideration of any other issue but the prisoners of war. That this was the intention of the majority of the members of that committee is demonstrated by the language of the committee report, which at page 2 describes the resolution as providing that:

No other negotiations should proceed until there is substantive progress on at least some phase of the prisoner of war problem.

And, at page 3, the committee report states that:

The negotiations should not proceed on any other point at Paris until there is at least the beginning of solving the problems of the POW's.

I came to the floor of the House today determined to make every effort and to use every legitimate parliamentary maneuver to keep the House from passing a sense-of-the-Congress resolution which would restrict or stifle the negotiations at Paris. Little enough has been happening there: the administration still refuses to place all the issues on the table. Now is no time to even further derogate the possibilities of substantive negotiations in Paris.

This last point is particularly noteworthy because just today the newspaper report that Secretary of State Rogers indicated that the administration looks favorably upon an extended cease-fire from Christmas through Tet. If the resolution, as it came to the floor, were passed by the House, it could only serve to make more difficult intensive negotiations during a cease-fire period. In fact, its passage might even forestall a cease-fire, since it would appear to reject any move save consideration of the prisoner of war issue.

Thus, because the language of House Resolution 128, providing that "no other negotiations should proceed until there is substantive progress on the prisoner-of-war issue" very seriously and adversely affected our diplomatic flexibility, that language was unacceptable to me and other Members. Therefore, we used the parliamentary tools of the House—such as time-consuming quorum calls—to delay the business of the House until the serious implications of House Resolution 1282 were known and there was an opportunity to rectify the most blatantly injurious language of the resolution.

I am gratified that these efforts have been successful. The chairman of the Armed Services Committee has now changed the most offensive language so that the resolution now reads:

No permanent agreement should be entered into until there is substantive progress on the prisoner-of-war issue.

Instead of—

No other negotiations should proceed until there is substantive progress on the prisoner-of-war issue.

The consequences of this change are particularly important. It is clear that the purpose of the resolution was to prevent discussion of any issue but prisoners of war. However, the elimination of the language nullifies that limitation upon the scope of negotiations.

The resolution, had it passed in its original form, could have been used even as justification for the suspension of the Paris peace talks, the rationale being that no progress was being made on the prisoner-of-war issue. That option is now foreclosed, by virtue of the change in language. And also the administration could have used the resolution, had it passed in its original form, as support for rejecting a cease-fire, the reasoning being that no cease-fire could be considered in light of the House's adamant insistence on "substantive progress" being made on the prisoner-of-war issue.

I want to make clear that my concern regarding the misguided language of House Resolution 1282 in no way mitigates or lessens my concern for the prisoners of war being held by the North Vietnamese—a concern which prompted me to vote last December 15 for House Concurrent Resolution 454, which provided:

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly protests the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

The continuing imprisonment of the prisoners of war cannot be condoned. Maltreatment of prisoners of war must be, and is, condemned—by us and by all Americans. The whole world, in fact, is calling for humane treatment of prisoners of war, as demonstrated by the passage of a resolution in the United Nations last week regarding humane treatment and compliance with the Geneva Convention of 1949. But House Resolution 1282, in its original form, did not really serve the ends of the prisoners of war, and their loved ones. In fact, even in its modified form, it does not do so.

What this resolution proposes to do is to praise the courage of the men who flew into North Vietnam to rescue the prisoners allegedly at Son Tay prison camp, and all those involved in that abortive endeavor. However, to praise courage is not to praise wisdom. And, so far as wisdom and good judgment are concerned, the rescue attempt certainly is subject to question. Suppose the prisoners actually had been at Son Tay? In such case, there would have been many more North Vietnamese guards. Can we really expect that they would have stood aside? Or is it not more likely that they might have undertaken to slaughter the prisoners in the camp, rather than allow their escape?

And what of the prisoners in other camps? Their lot can hardly now be improved. In all likelihood, their confinement has become more stringent subsequent to the Son Tay incident. Periodic movement of these weakened men will probably now be undertaken.

So, without question, I praise the courage of those brave men who risked their lives to save their fellow men. But, I cannot, by some intellectual sleight of hand, thereby vouchsafe the wisdom of the mission without doubt. Thus, I cannot blithely commend "the official command," as the resolution provides.

Moreover, the renewed bombing which accompanied that mission suggests, once again, that the administration remains determined to continue employing military force in a vain effort to resolve this political conflict. So long as military might is deemed the answer by the administration, there will be no peace. Withdrawals have occurred—and these are all to the good—but the emphasis is now on the use of massive air power in Southeast Asia. And continued reliance on military might, regardless of its form, will not bring peace.

Yet, the resolution before us ignores these issues. By doing so, it does a disservice to those very men who bravely demonstrated the enormous value they place on human life in seeking to rescue their comrades. Real service will be done them—and their comrades—by entering into intensive negotiations in Paris. A political settlement must be attained, and, without question, a basic component of that settlement must be the safe return of the prisoners of war. The way to hasten the safe return of these brave men is to bring the tragic war in Vietnam to a prompt end.

Mr. LEGGETT. Mr. Speaker, I thank the gentleman from New York.

Mr. Speaker, I reserve the balance of my time. I am going to need 2 minutes to close.

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

Mr. Speaker, this resolution was sponsored by 75 Members of the House who were stirred, as we all were, by the courage and bravery of the men who went into Son Tay in North Vietnam, only 20 miles from Hanoi, to attempt to rescue American prisoners of war. All the men who took part in this raid were volunteers.

The resolution, as introduced, expresses the commendation of the House to the official command and the officers and men who took part in this daring operation on November 21. As you all know by now, the forces successfully landed in the Son Tay compound but found that the prisoners had been removed some time before. The forces successfully returned to their home base without losing a man and with just two of them suffering minor injuries.

The resolution points out that the North Vietnamese have consistently failed to meet elemental standards of human decency in treating our prisoners of war and have consistently violated the Geneva Convention—by refusing to identify prisoners held—by refusing to allow inspection of prisons by the International Red Cross or some other independent body—by refusing to allow regular exchange of mail for all prisoners and—by refusing to release sick and injured prisoners.

The Son Tay operation came only after numerous attempts to force the North Vietnamese into better treatment of prisoners had failed.

In approving the resolution, our committee agreed with its sponsors that one of the important achievements of this operation was to let the POW's know and to let their families know that these men have not been forgotten and that we are willing to go to considerable lengths to secure their release.

But our committee has strengthened the resolution by an amendment which makes it a vehicle to express very clearly the concern of the House for the welfare of POW's. The amendment to the resolution does this by expressing the sense of the House that the prisoners of war issue should be given top priority at the peace talks in Paris and no permanent agreement should be entered into until there is progress on the problems of the prisoners of war.

The committee believes that the House should have an opportunity to express itself in this manner so as to unmistakably make clear to Hanoi and to the rest of the world the great importance that the Legislature of the United States places on the welfare of our men.

I do not have to tell Members of this House that the Paris negotiations have been fruitless to date. Just recently our chief negotiator, the Honorable David K. E. Bruce, said flatly that "there have never been any true negotiations."

Those negotiations last week passed their 93d plenary session.

Some complained the resolution could be pictured as preventing other potentially useful negotiations. We have clarified the language of the bill.

The committee does not believe that negotiations that have gotten absolutely nowhere in 2 years are going to be prevented from getting anywhere by the House suggesting an order of priorities which puts the major emphasis on the sanctity of human life.

It is the belief of our committee that if there could be agreement on just one beginning step in just one phase of the prisoner of war issue—as, for example, the repatriation just of seriously ill prisoners—it would be a real breakthrough in the possibility of negotiations. It could provide that elemental exchange of trust which is now lacking and without which no negotiations can be relied upon. Substantive progress on the prisoner of war issue would be a believable signal—the first believable signal—that the North Vietnamese are ready for serious negotiations.

When the North Vietnamese cannot treat seriously ill human beings with a minimum standard of human decency, how could the rest of the nations of the world have any confidence in their word? Knowing of their savage treatment of prisoners, how can we believe anything they say?

What could possibly be gained by the North Vietnamese by refusing to tell distraught wives whether or not their husbands are alive? There are women whose husbands have been missing for more than 3 years who do not know if they are wives or widows. In all of the American history prior to the Vietnam war no American has been held in captivity for more than 4 years. In North Vietnam today there are Americans who have been prisoners for as long as 6 years.

How can we, as a body, not stand up and say that the first order of priority is to put an end to this intolerable degradation?

I do not think we can do less than to pass this resolution so as to express the House's feeling for the POW's in the strongest terms.

Finally, I would remind Members that the resolution in its clauses concerning the peace negotiations expresses the sense of the House. We cannot bind the President. The Constitution gives the President authority to run foreign affairs. But this resolution tells the world with unmistakable clarity that the House of Representatives places the highest importance on the welfare of our prisoners of war.

This resolution was approved by our committee by a vote of 27 to 2. I urge the House's support.

Now, Mr. Speaker, there is a clarifying amendment which really makes the committee amendment better. The clarifying amendment perfects the language on page 2, lines 21 and 22, of the bill to read:

That no permanent agreement should be entered into until there is substantive progress on the prisoner of war issue.

The Speaker wanted it and I wanted it and I assume you want it. It is a good amendment. It is a good bill and it is amended well. It expresses the sense of our committee, your committee, and I hope the sense of this House.

Now, Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I appreciate the chairman of the committee, the gentlemen from South Carolina, yielding this time to me.

This resolution was a joint product of the gentlemen from Illinois (Mr. FINDLEY) and myself, introduced primarily, I think, to make it clear that the criticisms of this effort to rescue our prisoners of war that had been expressed extensively in the other body did not necessarily reflect the views of the Congress as a whole.

When this resolution is passed by a two-thirds vote this afternoon, as I hope and anticipate it will be, I think it will be a clear expression of our sentiment on this very important issue.

I think it ought to be made clear, also, that the gentleman from California (Mr. LEGGETT) who is opposing this resolution made it clear in his response to me that he is opposed to the original resolution. There were some Members earlier this afternoon who had some reservations about the meaning of lines 21 and 22 on page 2 of the resolution as it was reported by the committee. The clarifying amendment that the gentlemen from South Carolina has referred to has now made it clear that the committee was never opposed to negotiations. Our only desire is that there be some progress on the prisoner issue before we enter into any permanent agreement. But the gentleman from California (Mr. LEGGETT) is opposed to even commending those who participated in this raid.

It ought further to be made clear, Mr. Speaker that the hearings and report show——

Mr. LEGGETT. Will the gentleman yield?

Mr. STRATTON. I regret that I do not have the time to yield.

The hearings and the report make it clear that the representative of the administration who appeared on this bill was very properly a representative of the Defense Department, because this resolution was referred to the Committee on Armed Services. He is in fact a former colleague of ours, Hon. Armisted Selden of Alabama, the acting Assistant Secretary of Defense for International Security Affairs. And he strongly supported the resolution as originally introduced on behalf of the Nixon administration.

Now, Mr. Speaker, let me make two other points. I had the opportunity the other day, as a member of the U.S. Naval Academy Board of Visitors, to attend a meeting at Annapolis. The chairman of that Board is H. Ross Perot, the industrialist from Texas, who has done so much in the past year to call public attention to the issue of the prisoners of war and to obtain their release. In a public address last Friday in Mahan Hall in Annapolis, to a group made up of Navy wives from the naval community and their guests, Mr. Perot made two very significant comments.

First of all, Mr. Perot said his information from his contacts in North Vietnam is that this Sontay raid has created complete consternation in North Vietnam, just as complete consternation there as though some North Vietnamese had landed safely 25 miles outside of Washington and then had successfully extracted themselves. Mr. Perot's information is that General Giap, the top commander of the North Vietnamese military forces, is on the carpet in Hanoi today because of his inability to prevent this kind of raid from happening. That is the kind of consternation and confusion we ought to be encouraging.

Another thing Mr. Perot said is that in his various contacts with the North Vietnamese during the past year, in his efforts to get further information about the prisoners and to obtain more humane treatment of these prisoners, he has come to believe that the North Vietnamese pay a great deal more attention to what Members of the House of Representatives think than what the Members of the other body think, simply because they know we have to be elected every 2 years, and are therefore much closer to the sentiments and views of the people of the United States than are the Members of the U.S. Senate.

Therefore, Mr. Speaker, I want to assure my colleagues that if the resolution is passed overwhelmingly—and we are of course glad that the North Vietnamese recognize the fundamental difference between these two great Houses of the Congress—this will be a clear indication of the sentiments of the people of the United States.

Mr. Speaker, just one final comment: Mr. Perot also expressed his conviction that presenting these demands directly to the North Vietnamese representatives in person has a very beneficial effect. So if

this resolution is adopted today, as I am sure it will be, I would recommend that the House send a delegation directly to Paris to present this resolution directly and in person to the North Vietnamese delegation at those peace talks.

Mr. RIVERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois, the ranking minority member of the committee (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, all of us were stirred by the heroism of the officers and men who voluntarily undertook to rescue some of our prisoners of war from the North Vietnamese. And the great majority of us, I am sure, recognize the courage it took for the President and the Secretary of Defense to authorize this rescue attempt.

The resolution before the House today appropriately expresses the House's commendation for the official command and the officers and men who took part in the Son Tay operation. And it also, in a very strong way, expresses the House's deep concern for the welfare of the American prisoners of war by expressing our belief that the prisoner-of-war issue should be given the top priority at the peace talks in Paris and should be pursued ahead of all other items on the agenda.

I think one thing should be kept very clear. By no stretch of the imagination would this operation constitute an enlargement of the war. Whenever the President has exercised new initiatives on the war, some critics have accused him of intensifying the fighting or enlarging the conflict. President Nixon has not in any way slowed down his successful program for orderly withdrawal of our troops from South Vietnam. The Vietnamization program is on schedule and is showing encouraging results. What the President has done is to show Hanoi and the rest of the world that our gradual withdrawal from Vietnam in no way lessens our concern for the welfare of the POW's and our determination that they should be safely returned to their loved ones.

In this resolution the House joins in that deep concern.

Because this resolution, before amendment, calls for progress on the prisoner-of-war issue as top priority at the peace talks in Paris, some have charged that it could prevent progress which conceivably might come on another phase of the war. Of course it could not do that. The resolution expresses the sense of the House concerning the negotiations. It does not in any way bind the President or limit his constitutional authority in direction of foreign affairs. We simply could not do that. If an opportunity presented itself for a settlement on a major issue of the war independent of the prisoner-of-war question—such as a standstill cease-fire—the President would retain the initiative to take advantage of the opportunity.

I wholeheartedly support this resolution as amended.

The SPEAKER. The Chair recognizes the gentleman from California for his remaining time.

Mr. LEGGETT. Mr. Speaker, in the few minutes I have remaining I would say I think the intent of the resolution, as amended, is that we want to make indelibly clear in the Paris negotiations that the most important thing the United States has in mind is getting back our prisoners of war. I think the Hanoi and Vietcong negotiators have made it indelibly clear that the most important thing to them is the United States removing itself from Southeast Asia.

I would hope that now we could get into some serious negotiations, and that we would offer to pro rata remove ourselves from Southeast Asia if the other side would pro rata return to us our prisoners of war. I believe that if an offer were made in that fashion we would have real hope of getting these men back safe and sound.

I was glad to hear in the remarks made by all of the proponents of this resolution that nobody was encouraging the Pentagon to do this kind of thing again. I think it would be foolhardy to encourage the introduction of a division of men into North Vietnam, because that will lead to a reescalation of the war similar to that which has proven so futile in the past.

There have been a lot of allegations concerning this resolution with respect to our efforts to effect this successful commando raid, and I am not going to recount them again at this time, but I would hope that every man, when he votes on this resolution, if he sees fit to vote in favor of the resolution, would interpret his vote as commending only the courage of the men who participated in this raid, and not as encouraging the Pentagon to do this kind of thing again, which might well lead to a further reescalation of the war.

Mr. RIVERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, I thank the distinguished gentleman for yielding. I rise in overwhelming support for the resolution.

Mr. Speaker, I rise today to speak in support of House Resolution 1282. I am in complete accord with the decision of the President and Secretary of Defense Laird in approving the action that led to the military expedition of November 21, 1970. This course was clearly justified. It showed the Communists that the United States is not a "paper tiger," and our commitment to the men held captive by the North Vietnamese and the Vietcong has been reaffirmed.

The official command, officers and men involved in this voluntary mission to seek the release from captivity of U.S. prisoners of war believed to be held prisoner by the enemy at San Tay near Hanoi, North Vietnam, are to be congratulated for the courage they displayed in this hazardous and humanitarian undertaking. In the language of the resolution, the mission "has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere."

Ambassador Bruce recently said emphatically:

We intend to get those prisoners out.

This is indeed encouraging that we are speaking out. It is quite a change from 2 years ago. Before the Nixon administration took office, the official policy of the United States toward the prisoner of war problem was "low silhouette." In other words, the policy was a vague and discreet diplomatic struggle designed to ultimately win the release of the prisoners. This policy failed. It failed, in fact, to the extent that almost no one even realized that there was a problem at all. So far as the public was aware, there were no prisoners in Communist hands. The prisoner of war was truly the forgotten American.

Mr. Speaker, those with loved ones who are held captive can renew their stamina, courage, and faith in their quest to free the prisoners so long as the United States supports them and demonstrates that support through firm, positive action. Our prisoners of war are no longer "The Forgotten Americans"; they are remembered, and I pledge that my involvement will continue with the sense of urgency the problem demands until all prisoners are returned to American soil.

Mr. RIVERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. ICHORD).

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

Mr. Speaker, for the benefit of the RECORD, I would ask the gentleman from South Carolina exactly what is the clarifying amendment which the gentleman from South Carolina will offer under this unanimous-consent request?

Mr. RIVERS. Mr. Speaker, on page 2, line 21, that no permanent agreement should be entered into until there is substantive progress on the prisoner-of-war issue.

Mr. ICHORD. Mr. Speaker, I commend the gentleman for his leadership in presenting this resolution to the floor of the House.

Mr. Speaker, I rise in support of the resolution and also the amendment which I believe many of us in the House of Representatives would view as long overdue. Had the representatives of the Communist government of North Vietnam or its Vietcong "front" of subversives and terrorists shown any evidence of sincerity in attempts to bring about a peaceful solution of the conflict in Southeast Asia, the war would have been over long since and a resolution of this nature would not now be necessary.

But through protracted propagandizing at Paris, the Communists have demonstrated their total unconcern with the purpose of negotiations and, in the extended interim, have submitted captive American prisoners of war to unspeakable torture and mistreatment.

Some insight into the nature of the treatment accorded American POW's and the effect this has had on their wives and families suffering in anguish and ignorance here at home, was outlined in horrifying detail for our House Committee on Internal Security in the latter part of 1969 when two former POW's testified in public hearings in some detail about their experience in Hanoi's prison camps.

North Vietnam's attitude toward those captured in communism's cruel war against South Vietnam is unconscionable. Since Hanoi's negotiators have demonstrated the cynicism of their intentions in Paris as far as achieving a peace settlement is concerned, the very least we can do is insist that the plight of American servicemen be resolved. Until and unless there is a satisfactory solution that will assure prisoners of war held by Communist North Vietnam the basic humanitarian guarantees accorded to all combatants by international convention throughout modern times, the peace talks cannot possibly succeed.

Refusing to clearly identify the American prisoners who languish in North Vietnam's prisons and prohibiting the International Red Cross or some other worldwide humanitarian organization from even inspecting the prison facilities, together with documented evidence of brutal mistreatment of prisoners are crimes against humanity—not just American servicemen.

We must make Hanoi and their Communist supporters throughout the world understand that no further negotiating is possible before the prisoner of war matter is resolved to the complete satisfaction of the United States of America. On this there must be no further compromise or delay.

It should be noted that Hanoi's only rationale for torturing American POW's is the same used by Hitler's Nazi Germany in the persecution of 6 million Jews, namely, that the prisoners are, by their very existence—common criminals thereby justifying any inhuman treatment. America fought against this rationale in World War II. Can we do less in Vietnam, today?

Mr. RIVERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. MONTGOMERY).

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

Mr. Speaker, I rise in support of the House concurrent resolution and would like to commend my two colleagues for giving this body the opportunity to vote on the measure. As I stated yesterday, all Americans—both hawks and doves—should take pride in the fact we did make a very valiant effort to rescue some American prisoners of war. As we continue to deescalate the fighting in Vietnam, we cannot forget the American prisoners of war. We are now bringing our combat troops home at a greatly accelerated rate in order to save American lives and end U.S. involvement in the war. By the same token I feel we should take the necessary steps to save the lives of those U.S. servicemen being held captive by the North Vietnamese and Vietcong. We must do whatever necessary to reunite these men with their families.

The mission into North Vietnam last Friday was not a grade B movie or John Wayne theatrics, as it has been characterized by some. Rather it was a very worthwhile undertaking by a brave group of volunteers. It was a humane and compassionate gesture by a group of servicemen risking their lives to free their fellow servicemen.

I do not believe there is any doubt in anyone's mind that the American prisoners of war are being held captive under inhumane conditions. We do not even have a complete list of those Americans being held captive. Our country is continuing to negotiate in Paris and other reported secret sites. Yet these ongoing negotiations have been unsuccessful thus far and have done nothing to relieve the anguish of the POW's or their families. For this reason I believe we should explore every possible avenue of gaining freedom for the POW's.

These missions would not be possible without the help of volunteers from the ranks of the U.S. Armed Forces. For this reason I hope the Congress will give unanimous approval to this House concurrent resolution commending these men for their bravery, their gallantry, and their love of fellow man.

Mr. RIVERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. BUCHANAN).

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

Mr. Speaker, I cannot speak for the rest of the House, but when I cast my vote I am going to be saying to the Department of Defense I am glad you did it, and I hope you will do it again.

Thank you.

Mr. RIVERS. Mr. Speaker, I yield to the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Speaker, I support House Resolution No. 1282, which commends the American volunteers for their magnificent performance in attempting to rescue prisoners of war held by the Communists.

It goes without saying that all patriotic Americans are proud of those gallant men for one of the most daring and brilliantly executed rescue efforts ever recorded. It was indeed a great display of courage and devotion.

The Communists have constantly ignored the terms of the Geneva Convention in the treatment of prisoners of war and inspection of prison camps. They have been both brutal and uncivilized in the treatment of the Americans they hold. The Hanoi regime must be held fully accountable for their dastardly conduct.

Mr. Speaker, it is heartening to know that both the President and the Secretary of Defense have made it plain that other means will be undertaken to obtain the freedom of those prisoners. We must use every resource at our command to achieve that objective.

As I see it, if Hanoi persists, the further withdrawal of American combat troops from South Vietnam should be related to the willingness of the enemy to release all Americans held by them.

If that fails, then it must be assumed that the President will consider other steps, including appropriate punishment of the enemy for persistent violations of basic rules of human decency in the mistreatment of those prisoners.

Mr. RIVERS. Mr. Speaker, I yield to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, I support House Resolution 1282, which is intended to strengthen the efforts of our Government to rescue American prisoners of war. The Communist mind is beyond understanding. Their cruelty to those unfortunate Americans who are now their prisoners defies all humanitarian considerations. The present resolution would call for an end to peace negotiations in Paris until realistic steps are taken by the Communists to provide proper treatment for their American captives. I consider this a realistic step. It is questionable that any worthwhile exchange of views can ever take place between our negotiators and theirs until the Communists are motivated with higher ideals than they have demonstrated thus far. We should not continue to waste time in fruitless negotiations. If they want to negotiate in earnest, let them demonstrate it by humane treatment of our fellow countrymen who are in Communist hands. I am confident this resolution will be overwhelmingly adopted. I trust that the administration will accept it in the spirit in which it is offered and be governed by it.

Mr. RIVERS. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. PASSMAN).

Mr. PASSMAN. Mr. Speaker, I rise in support of this legislation.

I would like to commend the distinguished chairman of the Committee on Armed Services for bringing out this legislation.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman.

Mr. FULTON of Pennsylvania. Mr. Speaker, as a cosponsor of House Resolution 1282, I strongly support this legislation.

On December 2, 1969, I offered an amendment to House Resolution 613 requesting the President to continue to press the Government of North Vietnam to abide by the Geneva Convention of 1949 in the treatment of prisoners of war. This amendment was agreed to unanimously by the House of Representatives.

Likewise on September 22, 1970, in a telegram to President Nixon, I urged that the U.S. representatives at the Paris peace talks make clear to the North Vietnam delegation that the U.S. Government, its Congress and people place absolute first priority on obtaining guarantees on the identification, treatment, and repatriation of U.S. prisoners of war.

The officers and men who took part in the rescue mission of November 21, 1970, are to be highly commended for their courage, as are the wives, parents, and families of our U.S. prisoners of war.

Count on my strong support for our U.S. prisoners of war and their families, and for House Resolution 1282, to support efforts to rescue American prisoners of war incarcerated in North Vietnam.

Mr. RIVERS. Mr. Speaker, I want to make it perfectly clear that this amendment serves two purposes. It commends the courage of those men who volunteered for this raid and it expresses the sense of the House that we want the welfare of these people protected at the Paris peace talks. There is nothing mandatory on anybody.

We clarified it and tried to make it plain for those who could not see. But for me, Mr. Speaker, I want the world to know that I would tell that crowd in Hanoi, you will either treat them with

human dignity or some of you will not be here tomorrow.

It is as simple as that. They have left our men to rot and die. They have insulted these women who have gone throughout the length and breadth of the land trying to find out something about their husbands and with tearstained eyes and tearstained lips they have gotten no reaction from these people.

So far as I am concerned, Mr. Speaker, if I were the President of the United States, I would deliver an ultimatum to this crowd and let them guess where the next blow is coming from.

Mr. PIRNIE. Mr. Speaker, I enthusiastically join in this effort to express commendation for the valor of the officers and men who played such heroic roles in the attempted rescue of our prisoners of war on November 21, 1970. The personnel engaged in this inspiring mission volunteered to perform a task of unknown peril. Their response was in keeping with the highest tradition of American military heroism. It is worthy of note that they prepared for this undertaking with such meticulous care and detailed planning that the task was accomplished without loss of life. Although the mission was denied complete success, by the prior removal of the prisoners of war from the location at Son Tay, this fact in no sense lessens the exceptional character of the undertaking.

During these past years, and increasingly in recent months, we have been mindful of the sad plight of our American servicemen held as prisoners of war. We are very proud that there has been such general adherence to the high standards of conduct set forth in the U.S. code of conduct. Despite great deprivations and upspeakable physical hardships, our men have endured their confinement with heroic fortitude. They deserve our prayers and continuing support.

The mission for their liberation was evidence of our determination to gain their freedom and return to their families. Our concern should be manifested by a continual seeking of their release through every possible channel, particularly, through the negotiations in Paris. The negotiations must realistically address this grave matter and progress must be made to insure that the North Vietnamese provide all POW's the humane treatment to be accorded them under the rules of the Geneva Convention. This expression will serve notice to Hanoi that we are determined in this effort. Our prisoners of war and their longsuffering families must have continuing assurance that their cause is our cause. We must keep this commitment.

It is in this spirit that I commend and thank the brave men who planned and executed this inspiring foray. This resolution will speak, freely and forcibly, of our determination to secure humanitarian treatment of those they sought to rescue. It is overwhelmingly the sense of this body.

Mr. DANIEL of Virginia. Mr. Speaker, I rise in support of the resolution.

I have lived a sufficient number of years that I should have arrived at that point where nothing surprises me. But I am surprised—no, flabbergasted—at some of the response to the valiant attempt on November 21 to rescue American prisoners believed held at Son Tay.

The operation was in the best American tradition of direct action to accomplish an objective. Yet there were howls of anguish and frenzied breast-beating by those who would interpret any positive action on this country's part as adversely affecting progress at the Paris peace talks. I fail to see how you can adversely affect that which is nonexistent.

It requires a most peculiar sort of mental gymnastics to read something sinister into a purely humanitarian act performed by brave men who knowingly placed their own lives in jeopardly to aid their fellowmen. God grant that the majority of Americans never secumb to such twisted reasoning processes.

The intransigence of our enemy as regards prisoners is amply illustrated by my own experience. On September 9, 1970, I met with Vietcong representatives in Paris to discuss prisoners held by them. I was promised a response to my inquiry, but have heard nothing of substance since that date.

Those who advocate a policy of accommodation speak often of meaningful dialog. It is gratifying and refreshing to observe our Government in this instance speaking the only language the enemy appears to understand. Even more, it is inspiring and serves to restore one's faith in his fellow creatures to learn of the bravery displayed in this exercise.

Mr. KASTENMEIER. Mr. Speaker, I firmly believe this resolution represents an endorsement of a hypocritical scheme to exploit the tragic circumstances of American prisoners of war, their wives and families in furtherance of presently undisclosed military objectives. The road we are asked to take by an affirmative vote on this resolution may have been charted for us before. Implicit in this statement of support for efforts to rescue American prisoners is the authorization to send American troops into North Vietnam. Our initial limited involvement in South Vietnam was premised on a moral obligation to save the people of South Vietnam. Following the Gulf of Tonkin resolution, elicited from Congress by misrepresentation of fact, American participation in the war escalated, bringing death and destruction to hundreds of thousands of innocent beneficiaries of our misbegotten crusade and setting the stage for economic disaster in this country—all this notwithstanding a clear mandate for peace from the people of this country in the 1964 presidential election.

The mandate was repeated in 1968 but in 1970 we invaded Cambodia to protect our boys. Today we are asked to vote for another resolution. Will this, too, be used to expand our military operations under the pretense of rescuing American prisoners of war?

It is cruel to use the wives and families of American POW's to propagandize the American people in furtherance of this country's misguided and expanding involvements in Indochina. Only one thing will secure the release of prisoners of war—that is an end to the war.

This resolution proposes that we halt the Paris peace talks until we achieve satisfaction on the POW issue. We have yet to begin serious participation in these talks. Our policy of Vietnamization is the antithesis of a negotiated political settlement. Vietnamization is designed to entrench our unpopular military puppet government while we acquiesce in that Government's brutal treatment of over 30,000 political prisoners.

Is it any wonder that our pleas for just treatment of American prisoners of war go unheeded? Reports from Vietnam, including visual evidence presented in the news media, and testimony of returned veterans, suggest that the policy of the United States and its allies is not to take prisoners and when taken to subject them to brutal, even fatal interrogation—as in the case of bound prisoners being thrown from helicopters. Token good treatment of prisoners—for the benefit of congressional inspection tours—cannot conceal our complicity in the murder of not only military personnel but also of allegedly suspect civilians. If we expect to receive international support for our legitimate concern for American POW's we must have clean hands ourselves.

It is natural that those charged with the defense of this country will view the success or failure of a mission such as the Sontay raid in terms of the technical proficiency with which it was executed. That is as it should be. But as Congressmen, we must view these activities differently. The responsibility resides with the Congress to decide what threatens the security of this Nation and where and when such threats shall be met. Having decided this, the military may decide how the threat is to be met within bounds of international principals of warfare and basic concepts of humanity. A military mission can be approved by Congress only if it contributes to the stability of international relations and furthers the cause of peace, but in no case should the executive be encouraged to unilaterally expand military operations beyond the scope contemplated by Congress when asked to provide funds for the defense of our country. It is my opinion that this resolution to commend the abortive Sontay raid would constitute such encouragement.

Mr. TEAGUE of Texas. Mr. Speaker, I rise in support of this resolution, and in so doing would like to point out that the POW issue is one on which I have been working for a number of years. I made my first trip to Southeast Asia in 1964. It was while I was on this trip and visited aboard an Aircraft carrier that the Naval flyers expressed their great concern for those who did not return from their air strikes. Immediately upon my return, I wrote letters to our then Secretary of Defense, Secretary of State and to our Representative in the United Nations asking what steps had been taken and what steps were then contemplated to be taken in an effort to assist those men who were known POW's and to ascertain the status of those flyers carried as MIA.

In addition to working closely with a group of parents and wives in the Texas area in behalf of their husbands and sons, I have sponsored and worked for legislation in their behalf, to help ease

the burdens which they carry while awaiting some word on their loved ones.

The Government of North Vietnam is a signatory to the Geneva Convention and they have continued to violate the provisos of this Convention with respect to the treatment of prisoners of war. They have consistently refused to identify the prisoners they hold, to allow inspections of their prisons or release the sick and wounded. I sent a congratulatory message to the President of the United States for having had the courage to proceed with the mission of rescue when he knew his critics would berate him regardless of the outcome of the mission.

This body has passed a prior resolution calling for humane treatment of our prisoners of war. In spite of it, conditions have not improved. Therefore, Mr. Speaker, I heartily approve of the amendment to the resolution today requiring that the POW issue be made of primary import and that further negotiations in Paris be limited to this sole issue until some progress is made.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of House Resolution 1282, expressing support for efforts to rescue American prisoners of war in North Vietnam.

More than 25 years ago I was a prisoner of another war. The intervening years have done little to dim the memory of the disease, the dirt, the starvation, the misery, and the fear of that experience.

When trains were available, we were herded into boxcars to be moved like cattle from place to place. When no trains were available we were marched in columns throughout the country.

But the two things I remember most vividly were two bombing raids when Allied bombers filled the air above us. During one raid in Nurenberg more than half of the group were killed or injured. Yet we felt no animosity against the bombers; we were proud of them. We were proud that our pilots were still fighting for us; that our country still cared about us; and that we would eventually be free because they would not quit fighting until we were free.

Before we were captured my men and I were a proud company. We were fighting men, trained, ready, willing and able to fight for our country.

After our capture, we were unarmed frightened men, cut off from all communications with our friends, our families, our country.

Before our capture we could endure sleepless nights, limited rations, cold, and discomfort, because we knew we were fighting with the full backing of our Nation.

Afterward, the long, miserable, lonely hours and days seemed endless, and there was little to sustain hope.

It is hard for a man in his prison cell to see or feel any tangible evidence of concern on the part of others. In our case, the fact that our bombers were flying overhead convinced us our Government still cared. It gave us the strength to hold on until we could be rescued or rescue ourselves.

I managed to escape from a marching column, through the help of God, and of my cellmates who were spurred on to superhuman effort by the firm conviction that our country was worth fighting for.

This country is worth fighting for. But I often have wondered if the American soldiers who for the past few years have suffered from jabs of Communist bayonets; have been beaten and starved by Communist barbarians, still believe it is. We gave them little to sustain their hope before the Son Tay action. The loneliness of their long hopeless captivity must have been unbearable unless they somehow sustained the conviction that they were not the victims of some higher policy or grand strategy that would lead only to half victories and uncontrollable stalemates.

The American people have had enough of the torture and killing of our captive men by the arrogant North Vietnamese. They have had enough of breaches of treaties, stalling at peace talks, and of the total lack of interest exhibited by the United Nations and the free world in stopping it. And they are even more fed up with submission by some in our own Government to threats and violations of international law, for fear we might anger those who perpetrate the atrocities.

To ask where to look for help as a nation is an admission of weakness. We can and must look to ourselves—to the elected and appointed leaders of this Nation. And we must act now or admit our lack of ability to do so.

We must not remain silent. We must serve notice on the world that the Congress of the United States stands solidly in support of the President and the Secretary of Defense in their determination to rescue those who have suffered so long. We must applaud those brave men who directed and participated in the Son Tay action, and serve notice on the world that we have had enough.

If we must choose between nations with courage to stand with us in our demands for decency and those who pay decent human behavior only lipservice, let us stand with the courageous, whatever the risk. If we must choose as Americans between might and sniveling threats, abject fear, and weaseling, let us stand for what is right and the might to make it so.

Mr. Speaker, I am convinced that every American prisoner in North Vietnam who knows about Son Tay is proud today. We, too, are proud, and I believe we must say so.

Mr. Speaker, I urge adoption of House Resolution 1282.

Mr. COHELAN. Mr. Speaker, I will today vote in favor of House Resolution 1282. I wish to make it clear, however, that I strongly associate myself with the remarks of my distinguished colleague, ROBERT L. LEGGETT, and share his misgivings about the propriety of this type of legislation and the dangers hidden in expressing approval of what could be considered escalatory and potentially dangerous policy by the administration. I do want to make it clear, however, that I, and I am sure all of my colleagues, are vitally concerned with the welfare of our captured American prisoners of war. No one in this body wants American servicemen to be captive 1 day longer than necessary and I am hopeful that the administration will do everything in its power to terminate our presence in Southeast Asia and secure the release of our captured Americans. While I feel that the abortive attempt and corresponding bombing raids was a mistake, I support this resolution also as a means of commending the gallantry of the individual officers and men who volunteered for this dangerous mission. They and all of our servicemen who risked their lives deserve our continued respect.

Again, Mr. Speaker, I use this opportunity to call on the President to terminate our engagement in South Vietnam and bring all of our troops home as soon as possible.

Mr. PRICE of Texas. Mr. Speaker, I rise in support of House Resolution 1282, commending those Americans who, on November 21, 1970, risked their lives attempting to free American prisoners of war believed to be held at the Sontay prison camp near Hanoi. I was one of the original sponsors of this proposal, and I have submitted testimony in its behalf to the House Armed Services Committee.

The prisoner of war issue is one that torments Americans everywhere; for at the present time, there are more than 1,500 Americans listed as prisoners of war or missing in action in Southeast Asia.

A voluminous amount of evidence has been laboriously compiled, evidence that American prisoners are undernourished, denied access to adequate medical care, kept in solitary confinement for long periods of time, prohibited from communicating with their families and loved ones, and are often used as guinea pigs for trumped-up propaganda charges.

On numerous occasions, the United States has unsuccessfully appealed to the enemy to respect the terms of the 1957 Geneva Convention; however, North Vietnam and the Vietcong have consistently refused to release even the names of the U.S. prisoners they hold.

In fact, the chief North Vietnamese negotiator to the Paris peace talks has declared that he would never release a list of American prisoners, "as long as the United States continues its aggression and does not withdraw its troops from Vietnam."

In addition to inhumanely treating our captured countrymen, North Vietnam, by its steadfast position, is also creating great hardships for the families of the missing servicemen.

Thousands of families throughout the Nation live in daily torment and anxiety for the information they receive regarding the captured is skimpy at best and nonexistent at worst.

In the past 5 years, approximately 100 captured servicemen have been allowed to write to their families; however, letters have only trickled in at the average rate of two letters each year per prisoner.

If these few writers had been allowed to write the number of letters and cards permitted under the Geneva Convention, their families would have received 18,000 pieces of correspondence, as opposed to the less than 2,800 they actually received from their captured husbands and fathers.

I believe this Nation has a clear obligation to the imprisoned servicemen and their anxious families. I believe ths Na-

tion must do everything within its power to obtan the release of our countrymen.

In this vein, I think President Nixon and Secretary of Defense Laird are to be commended for bringing this issue out into the open for discussion and action. Before President Nixon took action the POW issue was a closed and silent issue. The people most affected in this country were the families of the imprisoned servicemen. But with the President's decision to bring the issue to the awareness of the American people, and Secretary Laird's positive program of information and Defense Department initiatives, the whole POW question has become firmly implanted in our consciousness and our concern.

It is in this same vein that I cosponsored a House resolution, the concept of which is now public law, calling on the North Vietnamese to provide humane treatment and to take appropriate steps leading to the prompt release of all American prisoners of war.

In addition I have made speeches, counseled at length with wives of POW's and their families and I have signed petitions and letters to various leaders of the North Vietnamese Government imploring them to deal with American prisoners on a humanitarian rather than a political basis.

I have also taken a personal offensive on the matter, an offensive which I would like to share with you.

Last September I traveled at my own expense to Paris in the hopes of arranging a meeting with members of the North Vietnamese delegation to the Paris peace talks. I wanted to discuss with them the prisoner of war issue and attempt to determine possible solutions to the problem.

After making several phone calls and talking to various intermediaries and Communist Party functionaries I was able to arrange a meeting with Nugen Minh Vy, Deputy Chief of the North Vietnamese delegation. We met on September 11 and talked for approximately an hour and a half. Vy took the basic position that, the United States was the aggressor in Vietnam. President Nixon was solely interested in trying to obtain a military victory, and while the North Vietnamese had no American prisoners of war as such, they were holding an unspecified number of American war criminals who had been captured while trying to perpetrate criminal acts against the people of the Democratic Republic of Vietnam.

I tried to convince him that he had a completely distorted, inaccurate, and unreliable concept of American involvement and policy in Vietnam. I painstakingly reiterated to him the nature of our commitment and the direction of our present policy. I also hammered home the points that: First, the American people do not regard their captured countrymen as war criminals; second, the American people are up in arms regarding the treatment the American POW's are getting at the hands of their Communist captors; and third, the American people believe the POW problem is a humanitarian rather than a military issue.

Before the meeting adjourned, I asked Vy about certain prisoners in particular whom I had flown combat with in Korea. I gave him pertinent information regarding these individuals, and while he did not specifically promise I would receive any answers to my questions, he did take the materials and promise he would look into the matter. In addition, I asked to be given a safe conduct pass and be permitted to travel to Hanoi, visit American POW's, and establish, firsthand, the nature of their confinement and the quality of their treatment. I said I would make a full disclosure of my findings to Congress and the American people upon my return from Hanoi.

At the close of the meeting, a second meeting was proposed for November 23, 1970. And when I left Paris, although I had no way of determining what impact if any I had made on the enemy, I did know that at least I had developed a high-level contact, a contact who was willing to sit down and discuss the issues surrounding the war with me.

In late November I returned again to Paris for our second meeting. But, after repeated and unsuccessful attempts to hold the meeting, attempts which spanned several days, I concluded that my efforts were stymied for the present.

The causes of this breakdown were twofold: First, the retaliatory bombing raids carried out by U.S. planes in response to the Communists' shooting down of one of our unarmed reconnaissance planes; second, the U.S. rescue raid on the Sontay prison camp near Hanoi.

Although I am naturally greatly disappointed I was unable to hold a second meeting with Nugen Minh Vy, my feelings of disappointment are more than outweighed by my positive feelings regarding the airstrikes and the rescue attempt.

The selected bombing raids show the North Vietnamese that we mean business and that our Nation will not allow the Communists to really engage in actions which violate any of the understandings we have arrived at with them. When we agreed to halt the bombing of North Vietnam on October 31, 1968, the North Vietnamese tacitly agreed not to shell major population centers, not to cross the DMZ in force and not to fire upon unarmed U.S. reconnaissance planes. Hopefully, the bombing strikes will make the Communists view their agreements more seriously.

As regards the POW raid, I believe the purpose of this mission was a noble one. The planning of this mission was a monument to the meticulous nature of military planning when clearly defined military goals are established. And its execution aptly demonstrates the effectiveness of our military forces when they are freed from political constraints and permitted to exercise their power.

The only lamentable facet of this rescue attempt was, of course, that American POW's had been moved prior to the raid. I would venture to say, however, that had any captured Americans been rescued, both they and their gallant rescuers would have been met and feted by the very demagogues who are now calling the mission a mistake.

The fact that no American prisoners were rescued by the raid is tragic but it by no means negates the courageous effort that was made or the benefits that were obtained. Americans everywhere have been dramatically shown that this Nation does indeed care for its own. American soldiers, especially those fighting in Southeast Asia, have been uplifted and have been given a renewed sense of purpose. Finally, our captured countrymen have had their faith restored and have been given dramatic evidence that they are not forgotten casualties of the war.

Mr. Speaker, I urge my colleagues to support this resolution which commends the gallant men who participated in this dangerous mission for their efforts were truly made in behalf of all Americans, congressional recognition and commendation is their right. It is their due.

Mr. SCHMITZ. Mr. Speaker, the gentleman from California (Mr. LEGGETT) has commented to the effect that no one who had spoken in favor of House Resolution 1282 up to the point where he made his remarks had advocated making another attempt to extract the Americans being held captive by the North Vietnamese Communists.

As a cosponsor of a resolution identical to House Resolution 1282—House Resolution 1287—I would like to state that in my opinion we should make another attempt to free our men. In fact, our next attempt should be of considerably greater magnitude, thus hopefully assuring a greater success.

In September of this year I introduced House Joint Resolution 1378. This resolution calls for a declaration of war against the North Vietnamese Communists unless within 30 days following passage of the resolution the enemy releases all American prisoners and starts large scale withdrawals of their armies from the territory of their neighbors.

To my mind this is still the best course to follow. Why not put it right on the line? Let us tell these barbarians that we have had enough of this protracted savagery on their part and that unless they choose to conform to more civilized standards of behavior we are going to remove them from the positions of responsibility which they hold. We would be doing a favor for not only the South Vietnamese people but for the North Vietnamese people as well.

Dr. Henry Kissinger, the President's adviser for national security affairs, has assured us that—

> I would have to say that if there is the danger of a general war in this administration, I do not believe, and we do not believe, that it will come from Southeast Asia. It is very hard to see what we could do in Southeast Asia that would produce a direct confrontation with the Soviet Union.

We obviously have the military capability to defeat the North Vietnamese Communists. To deny this fact is ridiculous. Let us muster up our courage and notify the Communists that unless they voluntarily release all the Americans which they hold and cease attacking their neighbors we are going to replace them with men of a more pacific mien.

This is the purpose of House Joint Resolution 1378, which I would like to insert at this point for the consideration of my colleagues.

Mr. BINGHAM. Mr. Speaker. I have the greatest admiration for the courage, dedication, and self-sacrifice of the men who took part in the attempt to free American prisoners in North Vietnam on November 21. Further, I deplore and condemn the failure of North Vietnam to observe the Geneva Convention with regard to these prisoners. I would gladly have voted for a resolution that expressed these sentiments.

However, I cannot vote for House Resolution 1282, even though it has been substantially improved by the last minute amendment to the last sentence made by the Committee, apparently on the floor of the House.

I cannot vote for the resolution because I construe it to represent commendation for those in high places who decided that the raid should be undertaken and directed that it be carried out. I believe the raid was a violation of international law, which cannot be justified merely because the North Vietnamese Government may be violating international law in other respects. I believe also that there was a substantial risk that the raid would bring about retaliation against American prisoners; at the very least those prisoners will now undoubtedly be constantly moved about, which in itself is a hardship for prisoners.

I also object to the resolution on the ground that it would be futile and misleading to instruct the American negotiators in Paris "to insist that the matter of prisoners be given first priority on the peace talks agenda." The first priority on that agenda must be the achievement of peace, so that not only the American prisoners will be freed, but that the killing will stop.

There is no question whatsoever that the return of American prisoners must be made a condition of any peace agreement. The way to get our American prisoners home is to achieve such a peace agreement, and the way to do that is to set a timetable for complete American withdrawal and to stop allowing Generals Thieu and Ky to make their political survival a condition of any settlement.

Let there be no mistake about it: The administration's Vietnamization policy is not a course that will free our American prisoners. I believe that the administration recognizes this elementary fact, and that that is why the administration has embarked upon irresponsible and reckless gambles in the hope of freeing at least some of the prisoners by military means.

Mr. HOGAN. Mr. Speaker, I share with every American a deep concern for our fighting men who are being held prisoners by the Vietcong and North Vietnamese. Our prayers and thoughts are constantly with these men and the members of their families who are also undergoing a special kind of torture.

In defiance of the Geneva Convention, the enemy has prohibited communication between these men and their families and refused to make available any information regarding their well-being.

Only through those few who have escaped or were released have we learned of the criminal treatment and lack of decency afforded American POW's. I, myself, had the privilege to meet and talk with Major James N. Rowe who endured a 5-year ordeal in the prison camps of North Vietnam before escaping to freedom. Major Rowe told of the political indoctrination and executions of American prisoners, and also related the horrors of being held by jungle captors constantly on the move, of insufficient food, of forced marches, and of daily threats of death.

When President Nixon called for an exchange of all prisoners of war in October of this year, I had high hopes that the Vietcong would see advantages in such a move and negotiate a mutual release of all prisoners as an indication of good faith on which to base further negotiations at the peace table. The complete rejection of this offer and the failure of all diplomatic and political channels to gain freedom for these men, placed the President in the position of having no peaceful alternative to pursue the release of these men or to secure any communication privileges for them with their families.

Due to the total lack of improvement in the situation and news of increasing deaths in the prisoner-of-war camps, I feel President Nixon acted responsibly in authorizing the recent rescue mission and took the only course of action available to him—other than to do nothing. My highest praise goes to those brave men who took part in this rescue effort thereby endangering their very own freedom and lives on behalf of their fellow soldiers.

Public reaction to the mission has shown that the American people support the President's decision. I recall that Major Rowe reiterated time and again that part of the Vietcong strategy to break down the faith and morale of American POW's was the use of American news sources quoting statements from people within our own Government, opposing our efforts in Vietnam.

Public opinion in our Nation is a weapon the North Vietnamese both fear and use. We are divided on many issues concerning the war and the conduct of withdrawal from that war. However, we have presented and, I believe, must continue to present a solid front on the issue of treatment and release of American prisoners of war. We must all continue our deep concern for our servicemen and their future, and we must continue to condemn the Communists for their reprehensible disregard for the value of human life.

At this particular time, I believe we can best support and encourage our American POW's by giving our unanimous support to further rescue efforts to secure the release of these men. It is my hope that when—or if—our men learn of congressional action in regard to these raids, they will find the House of Representatives 100 percent behind them.

Mr. CLEVELAND. Mr. Speaker, the bill before the House today, of which I am a cosponsor, offers a clear opportunity for all Members to go on record as being strongly opposed to the disgraceful and scandalous conditions which exist in North Vietnamese prisoner-of-war camps.

This vote today is not a hawk-dove vote. Neither is it a vote on the war in Southeast Asia. Rather it is a chance to reaffirm our support for humanitarian ideals and the values of human decency, and to demand that they be recognized as rights of American men who are being held as prisoners of war in North Vietnam.

Mr. Speaker, lest we have any doubt that these unfortunate people are suffering under cruel and barbaric conditions, I ask consent to insert into the RECORD an excellent and timely series written by William Selover which has appeared in the Christian Science Monitor during the past 10 days. This series has explored in depth the status of these prisoners, and the inhuman conditions under which they exist. It leaves no doubt that they are being tortured both mentally and physically. This series also leaves no doubt that these brave men are responding with courage and determination.

This series brings to light what has until now been largely untold. It discloses incidents of barbaric torture, and other cases of systematically applied torture. It tells of cruel punishment for such infractions as greeting a fellow prisoner. This series describes the endless isolation which is the daily life of these men. Further, this series, which was prepared before the decisive American rescue attempt, discloses that some American prisoners of war have been executed by the North Vietnamese. This is in addition to others who have died from the effects of their treatment and incarceration.

This documentation of the atrocities being inflicted upon these men is new, and adds to what we had already known about the refusal of the North Vietnamese to even release the names of the men held. This refusal to allow the families of the men held to even know whether their loved ones are dead or alive is nothing short of barbaric. So is the refusal to allow the prisoners, many of whom have been in solitary confinement for over 5 years, to either send or receive mail. This is brutal treatment of both the prisoners and their families.

Mr. Speaker, one of the lessons we should have learned from the events of the past decade is that the North Vietnamese have their ears closely tuned to world opinion. The charade going on in Paris, at the so-called peace negotiations, has been developed into a propaganda show by the North Vietnamese and the Vietcong. They have used these talks as a chance to influence world opinion, rather than a chance to find a just peace as so many of us had hoped. This all points out that the best way for the United States to get its sons out of North Vietnamese prisons is to mobilize world opinion so that the wrath of the world will be felt as the consequence of the refusal to abide by the Geneva Convention.

It is disturbing to note that the people who have cried most loudly about the supposed "immorality" of the war in Vietnam, and who have spoken out loudly over conditions supposed to exist in a South Vietnamese prison, now stand by with only perfunctory comments on the barbaric treatment of American prisoners by the North Vietnamese. These self-righteous people would do well to work against atrocity wherever it exists, and not just when it suits their political

purposes. Such a case of atrocity is in the prisons of North Vietnam. When there is an outcry of protest, the leaders of North Vietnam will hear, and will then treat our men with human decency, and under the standards of the Geneva Convention.

I am offering this excellent series from the Christian Science Monitor as a contribution to making the treatment of these POW's an issue of national concern, which it deserves to be. These articles shed needed light on exactly what is going on in those North Vietnamese prisons, and the atrocities which are being committed.

Likewise, I cosponsored this resolution because it too helps focus world opinion on the need to do something to help these unfortunate men. The rescue mission which was carried out was a decisive, bold action, which depended on the courage and bravery of the soldiers who volunteered for it. They deserve our commendation. Their action stands as a renewed commitment to help the POW's. I trust that this was but the first step of this commitment.

The series on the prisoners of war from the Christian Science Monitor follows:

[From the Christian Science Monitor, Nov. 25, 1970]

PWs: WHISPERED NAMES, TAPPING

(By William C. Selover)

WASHINGTON.—Behind the daring United States raids on North Vietnam, in the vain attempt to rescue American prisoners of war, is a sorry tale of mistreatment, isolation, and humiliation suffered by those held in Communist camps.

It is a story, too, of grinding silence.

In all six of the known North Vietnamese prisoner-of-war camps, speaking is forbidden and prisoners are isolated from one another.

The only sound, besides the occasional dry Hanoi propaganda broadcasts, is the sound of tapping, a tapping on walls, on doors, on steel bars—quiet, gentle tapping best known to prisoners.

It is the only real human contact the Americans have with each other.

When they do have a rare chance to meet face to face, the exchange is always in a quick, urgent whisper. Each says two things to each other: his own name, and the name of someone else. They put these names into mental storage in the slim hope that they may be released and be able to pass on information to families of prisoners.

Many prisoners have memorized more than a hundred names.

The same exchange takes place in the tapped messages—the trading of names.

So far, some 339 prisoners have been seen alive and in prison in North Vietnam. These names have come from various sources. Most of them have been confirmed by the nine prisoners the Communists have released in the past two years.

From them, much of the current information has been learned concerning treatment, numbers, and location of the prisoners. There are about 1,500 Americans currently missing in Southeast Asia. Most are pilots.

Prisoners are warned that attempts to communicate with one another would result either in deep solitary confinement, or execution.

One recently released prisoner told of his first month in captivity: He was placed in a bamboo hut on his stomach, with his feet in wooden stocks, arms tied behind him in ropes. Except for two brief periods a day, he was kept in that position for 29 days. His weight went from 170 pounds to 115 pounds.

In other locations, the prisoners were kept in leg irons, in isolated cells. All were treated as criminals and subjected to cruel propaganda. The Geneva Conventions regarding prisoners of war are totally ignored by Hanoi.

All of this places great pressure on the White House to seek every avenue toward the release of the prisoners. State Department officials have been exploring every possibility, including some bizarre, offbeat suggestions, similar to the diplomatic ploy used at the time of the Pueblo release. They are designed to save face.

The Pentagon's deep rescue raid received top priority by the White House. But because of this, it may have lessened chances that the men can be released by creative diplomacy.

[From the Christian Science Monitor, Nov. 28, 1970]

FAMILIES' FRUSTRATIONS GROW: UNITED STATES MULLS NEW DEAL FOR POW'S

(By William C. Selover)

WASHINGTON.—Every other month Mrs. Doris Paxton and her teenage daughter, Leslee, send a small package to Hanoi.

It's addressed to Lt. Col. Donald E. Paxton, an American pilot downed over Laos Feb. 22, 1969.

Mrs. Paxton never knows if it reaches her husband. In fact, she has never heard any word at all from him, or about him. His name has not appeared on the lists of those prisoners of war confirmed captured.

But her package goes anyway—bolstered by her hopes and prayers that somehow the deck of cards, the Yo-Yo, the reading material, the wool socks, and the home-made fudge may find him.

Still, reflecting quietly in her comfortable ranch-style home in McLean, Va., she finds it's not always easy to hope as she marks the days since his downing.

Mrs. Paxton is just one of hundreds of wives and mothers who are similarly counting the days. Some have done it for more than five years.

What she fears most now is that the war may just wind down and fizzle out without any more being done for the prisoners.

This concern is shared widely among the families of those missing or held prisoner. With the progress of the Vietnamization program and the exit of American servicemen from Southeast Asia, they wonder what will happen to their men. They are deeply frustrated over the prospect.

It is exactly this frustration that has driven government officials here to explore every avenue of hope, to devise dramatic ways to rescue them, to initiate diplomatic initiatives of every description, through every likely channel and some unlikely ones.

Diplomatic efforts are still being pressed by the White House, and in a small, paneled office high on the seventh floor "executive suite" of the State Department overlooking the Lincoln Memorial and the Potomac River beyond.

Throughout the summer and fall, every head of state who visited Mr. Nixon, especially those whose countries have ties with Hanoi, heard from the President about the prisoners.

He urged them to approach Hanoi with the question. The President and his aides have been especially pressing Eastern European countries and the Soviet Union to do something.

But informed sources here say the response in Hanoi has been disappointing. United States intelligence sources report that in recent months, whenever the question has been raised with Hanoi leaders, the interview has been either terminated or transformed into a hostile chill. "They are apparently becoming very sensitive about it," said one official.

Thus, officials have seen that over the past year the chances of successfully freeing the prisoners through conventional diplomacy—or even getting their names—have diminished markedly.

Because of this, there is currently under consideration in certain quarters here a plan born of the successful effort to free the Pueblo crew through a bizzare, outlandish proposal.

It would consist merely of private assurances to Hanoi that should it agree to release the prisoners, the returning men would be forbidden from meeting with the press for a specified period of time—say a couple of months. (In the Pueblo case, the U.S. agreed to sign a document apologizing for the incident, but only after renouncing it first.)

In the current situation with the PWs in Vietnam, the proposal under study is not so outlandish, but it still pays primary consideration to the all-important Oriental issue of "saving face."

SPLIT OPINION ASSUMED

Underlying this plan is the assumption that there may be a divergence of views within the Communist leadership in Hanoi, with some officials in favor of releasing the prisoners, while others are against it.

The fact that nine prisoners have been released without explanation in the past two years is believed to support the contention that there may be some sentiment in Hanoi for wholesale release.

This view holds that the balance of opinion among the Hanoi leaders could be shifted by the assurance that the released prisoners would not immediately go before television cameras and before the world recounting incidents of mistreatment, torture, and brutality.

Stories of such incidents have come out of the testimony of some of the prisoners already released.

The North Vietnamese, according to sources here, apparently are extremely sensitive to world opinion in the face of such charges.

It is assumed that the whole prisoner issue is troublesome for Hanoi. It is all a matter of disposing of the problem without shame in the eyes of the world, it is felt, or of "saving face."

A publicity blackout could be the answer.

EFFECT OF RAID ASSESSED

It is felt here the blackout is worth exploring, and some officials are convinced that following the dramatic Son Tay raid, Hanoi may be more willing to go the diplomatic route.

Not everyone agrees, of course. Some powerful voices on Capitol Hill think otherwise. They feel the raids were an extreme provocation, reducing the hope of finding a diplomatic solution.

But they could be wrong.

In any case, the Nixon administration has tried the Pentagon plan and may try it again.

Defense Secretary Melvin R. Laird insists that the daring raid of Nov. 2 is just the beginning. Other "strong" and "unusual" measures to free the prisoners are planned, he says.

Pressure on the White House to "do something" was apparently the most convincing argument for the Son Tay rescue effort.

Next step may be the news blackout pitch.

The clear indication here is that no effort will be spared, and no route unexplored, when it comes to the release of American prisoners of war.

[From the Christian Science Monitor, Nov. 30, 1970]

SOME GIFTS GET TO U.S. PRISONERS

(By William C. Selover)

WASHINGTON.—What American prisoners of war held in North Vietnam most want are photographs—photographs of their children, of their wives, their families, and loved ones.

Many of the families spend $25 to $35 every two months on packages and letters that contain photographs along with other items ranging from homemade brownies to playing cards.

Month after month the mailings have continued. Indications are that sometimes the mail gets through.

But more often than not, when pictures are sent, their Communist captors snatch these little mementos of home and freedom away before they are delivered.

It's all part of the psychological pressure that the prisoners—some in captivity for more than five years—have received in prison camps in North Vietnam.

"It's all so unnecessary," says Mrs. Virginia Capling of Chicago. "It's as though they're deliberately trying to punish the family." Mrs. Capling's husband, Rex, was shot down over North Vietnam two years ago.

President Nixon wants to change all that.

NEW EFFORTS UNDER WAY

Mr. Nixon announced in late October, "I have instructed the Postmaster General to make every effort to see that our prisoners of war receive their mail. And by every effort, I mean, if possible, even going to Hanoi to accomplish that objective."

Postmaster General Winton M. Blount hasn't gone to Hanoi yet, but he has gone to Geneva under this dictate.

Until now, the only way many letters are assured delivery is through an antiwar group in New York, the Committee of Liaison, headed by Mrs. Cora Weiss.

Members of the group have made periodic trips to Hanoi to deliver the mail and return with letters.

But the letters returned, some 3,000 so far, are hollow reminders that the men in captivity are under severe restrictions: Each letter is only six lines long, and each must conform to a stringent form.

Letters from families are under the same restrictions.

The Committee of Liaison supplies the form letters. Most families are very reluctant to use this source, not wanting to cooperate with an antiwar group. But apparently, it provides almost the only assured link with the prisoners.

TYPICAL LETTER RELEASED

One family received this typical letter, squeezed on six lines of the form:

"Dear mom, dad and family,

"How's everyone? I am in excellent health and still retain my optimistic outlook on everything. So don't worry a bit about me. The food and treatment here are very good. I got your packages. They were great. I think about you all much of the time and look forward to being home soon. Love, Robert."

But "Robert" (not his real name) wrote that over a year ago. He is still captive.

Many letters ask for photographs. And even though they are sent regularly in packages, letters continue to return indicating that they haven't been delivered.

There is less formal restriction on the content of packages, which go through regular postal channels, by way of Switzerland and the Soviet Union. (Some letters sent this way through regular mails have reached their destinations as well.)

SOME PACKAGES ARRIVE

Since the package program was first permitted, beginning in 1968, some 5,400 have been sent this way. Letters received by families show that certain things have actually arrived.

But not always.

Recently, some letters were returned indicating that the addressee had passed on. This is a jolting tragedy for families waiting at home, especially since this has sometimes occurred after families have seen their captured loved ones in propaganda photos, or have seen the texts of news conferences in which they participated.

But the fact that some letters are returned with such information is taken by some officials here as a sign that the Hanoi regime may be softening its stance on the prisoners.

But until the North Vietnamese leaders begin to respect the Geneva Convention on mails (four letters and two cards per month), there is not much reason to hope.

One returned prisoner (and there have been nine in the past two years) reported that letters taken from deceased Americans, destined to wives and families at home, have been read tauntingly to the prisoners.

This type of brazen, psychological cruelty in what the administration wants stopped. And apparently the White House intends to spare nothing in this effort.

[From the Christian Science Monitor, Dec. 2, 1970]

MISTREATMENT DESCRIBED: PW's "BLOW WHISTLE" ON HANOI

(By William C. Selover)

WASHINGTON.—A tragic tale of torture, brainwashing, murder, and medical neglect is slowly filtering out of Communist prisoner-of-war camps in Southeast Asia, where hundreds of American pilots have been confined, some for up to six years.

These facts have come to light slowly, with this risk: The released prisoners who have told their stories had been warned that those remaining in the war camps faced reprisals.

NO TESTIMONY GIVEN

But the released prisoners have nonetheless been urged by their buddies to "blow the whistle" on Hanoi, to refute the claims that they are giving humane treatment to prisoners, and not to fear what might happen as a result.

One prisoner, the subject of intensive torture, particularly wanted his story told.

He said if he gets tortured some more, "at least he'll know why he's getting it and he will feel that it will be worth the sacrifice," according to Lt. Robert Frishman, released in 1969.

He was speaking of Lt. Comdr. Richard Allen Stratton, who had refused to appear before a North Vietnamese delegation to testify that he had received humane treatment.

Because of his refusal, he was thrown into a dark cell for 38 days to think about it.

What he had to think about was the kind of treatment he had, in fact, received: He had cigarette burns and rope scars on his arms to remember. He had been deprived of his sleep, beaten, his fingernails had been removed, and he was forced to suffer in solitary confinement with untreated wounds.

STATEMENT SQUEEZED OUT

Ultimately, Colonel Stratton made his statement. However, he appeared before press and photographers while walking around bowing and appearing glassy-eyed, giving the impression that he had been brainwashed. The trick apparently worked. And Hanoi, since then, forced him to make statements saying he hadn't been brainwashed.

But most men in prison camps offer less resistance to making periodic statements of humane treatment. To get these statements, the men are forced to sit on a hot stool in a stuffy room with no sleep, with mosquitoes biting them.

"In two days your feet swell up and then it creeps up your legs until they're numb," reported Lieutenant Frishman, who went through it.

"Some have gone for 150 hours. Others passed out from heat exhaustion in 48."

EXECUTIONS REPORTED

Several men have in recent weeks been reported by Hanoi to have died in confinement. Chances are, medical treatment was not adequate, or coercion was too intensive.

But there is no way of knowing. Not yet.

Some American prisoners held in South Vietnam camps have been executed after months of confinement. Some were avowed acts of reprisal. Often, though, this information came out later, sometimes a year or two later.

Officials here say, however, that most of the time cooperative prisoners have not been subjected to anything more than the torture of a humdrum existence, depressing solitude, and hopeless meals.

A typical day for a prisoner begins at about 5 a.m. in the summer, and a half an hour later in the winter.

He leaves his room only to empty his night bucket. He then has the Voice of Vietnam or Radio of Hanoi to begin the day. This is English-language propaganda, designed to demoralize the troops.

A guard arrives to pass out the daily allotment of three cigarettes per person.

The first meal is at 10 in the morning, and the second, and last, is at about 4 in the afternoon. Each consists of pumpkin soup and pig fat, with some bread. The prisoner's weight loss is generally between 30 and 50 pounds in the first nine weeks.

Occasionally, if he has behaved well, he can sweep leaves or sit in the sun for a period. Sometimes he can read propaganda material.

"But for the most part," said one prisoner, "I would just have to use American ingenuity to keep my mind busy and fight the isolation."

MESSAGES TAPPED OUT

Prisoners are generally forbidden to speak to each other. But when guards are out of hearing range, they manage to tap out Morse-coded messages to their fellow prisoners.

Occasionally a whispered word or two is exchanged.

The most urgent need for this communication is to gather an accurate name-count, so that families on the outside might one day learn whether their son, or brother, or husband is dead or alive. Some prisoners report that up to 600 names of men alive and well may be available.

Hanoi has never officially released a single name of a prisoner. But, through peace groups and confirmed by the memorized lists of released prisoners, some 339 have been accounted for. Officials don't accept this as a complete list.

FIGURES TALLIED

About 1,500 men have been lost in that area.

With scraps pieced together from intelligence reports, officials here now say that there have been about 376 Americans known alive in North Vietnam at one time or another, 78 in South Vietnam, and three in Laos. Thus 457 out of the 1,500 missing have been spotted alive in confinement.

The saga of the search for names took a dramatic turn last September when Astronaut Col. Frank Borman undertook a 14-country mission to seek the names, at the request of President Nixon.

He went first to Moscow and Warsaw. Then on to Stockholm; Paris; Geneva; Belgrade; Algiers; Tehran, Iran; Delhi; Bangkok, Thailand; Vientiane, Laos; Saigon; Hong Kong; and ending in Tokyo. Of this 25-day trip, Colonel Borman could only report "American anguish and human tragedy."

He got nothing—except attention. And world attention was what President Nixon determined early in his administration the plight of the PWs deserved.

It's a humanitarian issue on which countries opposed to American aims in Southeast Asia may nevertheless agree. They agree that mistreatment is repugnant, that torture is reprehensible, and that Hanoi's refusal even to let a representative of the International Red Cross into the country, much less to inspect the prison camps, is deplorable.

There has been some criticism of treatment of Communist prisoners in South Vietnam. Officials here admit that there

have been instances of mistreatment. But, they insist, it is the exception rather than the rule, and those found guilty of violating international standards set up by the Geneva Convention are punished.

Generally, officials say, with the Red Cross inspecting each Allied prison camp about twice a month, and with the willingness of the Allies to provide the Communists with a list of prisoners held, there is no comparison between Communist and Allied treatment of prisoners.

The big difference is essentially oriental in nature and thus somewhat inscrutable for the Westerners: The Hanoi leadership has shown no interest whatsoever in the names of its missing soldiers. It considers its men, when captured, as disgraced. Some 36,000 Communist prisoners are held in South Vietnam. Between 8,000 and 9,000 are North Vietnamese

But the American families and the American people are profoundly interested in every single American prisoner. That's why Mr. Nixon has clearly gone to the public on this issue.

[From the Christian Sciences Monitor, Dec. 3, 1970]

DAILY TRIPS TO MAILBOX: PW FAMILIES WAIT, HOPE

(By William C. Selover)

WASHINGTON.—Time weighs heavily on the hands of hundreds of wives, parents, and children of men lost in Southeast Asia. The men are mostly downed pilots. Some are listed as missing in action, others are confirmed prisoners.

Either way, the families they left behind bear the burden of not knowing what has happened or what may happen to their loved ones.

For Mrs. Virginia Capling in Chicago, that daily walk to the mailbox is her hardest moment.

An attractive, outgoing woman, Mrs. Capling, whose husband, Rex, an Air Force major, was shot down over North Vietnam two years ago, does not know whether her husband is alive or dead, whether he is sick or well, or whether he will ever return home again.

Some day, she may know more—when Hanoi decides to tell her. Meanwhile, she keeps making that daily trip to the mailbox, keeping up her hopes.

"WE WANT TO BE UNITED"

"We've carried this burden alone and we're tired," she told Monitor Chicago correspondent Guy Halverson. "We want our fellow Americans to speak out and join us. We want to be united in this issue."

Until May, 1969, the Pentagon warned families not to discuss the plight of their lost loved ones with anyone outside of the immediate family.

The Pentagon apparently felt it would be easier on those remaining if the Hanoi regime was not embarrassed by a lot of publicity.

Then, a year and a half ago, Defense Secretary Melvin R. Laird lifted the ban on the PW issue. "From that point on," Mrs. Mary Ann Waters told Curtis J. Sitomer, a Monitor Los Angeles correspondent, "I could no longer in good conscience play the role of a plain old housewife."

Soon she joined a group "with a terribly long name"—the National League of Families of American Prisoners and Missing in Southeast Asia.

Her husband, Capt. Samuel E. Waters Jr., flew off on a bombing mission over North Vietnam on Dec. 13, 1966. Mrs. Waters was left on Okinawa caring for her two infant children, Robbie and Samantha. Her husband never returned. She has had no word from him since. "Our only report was that he had ejected safely out of the plane," says Mrs. Waters.

Describing her work with the National League of Families, Mrs. Waters explained that her first task was just to inform the American public that there are, in fact, prisoners over there.

"Many people had no idea about this incredible situation," she said.

"Then we urged the writing of letters to congressmen as well as other government officials as well as those in charge in North Vietnam."

She has corresponded with ambassadors in the Soviet Union, Sweden, France, India, and Cambodia, asking them to intercede to help her husband.

On Thanksgiving Day, she joined about 50 other southern California families of American prisoners of war in Los Angeles's Pershing Square, in a symbolic tribute to their missing and imprisoned loved ones.

They solemnly partook of a Thanksgiving breakfast of hog fat, pumpkin mash and rice—the routine, twice-daily meal for Hanoi's captives.

These activities help keep the women busy and active, giving them a feeling of purpose in a deeply frustrating situation. State Department officials here, constantly in touch with families of prisoners, say that the activity is therapeutic, that it helps them go from day to day.

PETITION CIRCULATED

Mrs. Lone Chavez, the wife of an Air Force captain downed at the end of July, circulated a petition in her office calling on Hanoi to comply with the Geneva Convention. She wants to know if her husband, Gary, was captured. He is officially listed as missing.

Speaking about her husband to the Monitor's San Francisco correspondent, David Holmstrom, Mrs. Chavez confided: "He told me once that if anything happened to him he hoped I would make as big a stink as possible about it."

So she's trying. As are other wives.

At the national headquarters of the League of Families, a small office in a handsome new building on Capitol Hill, members of the league keep lists, coordinate letter writing, and keep in touch with government officials on the subject.

CRUSADER ROLE DISLIKED

And they let their views be known. But it's not easy for some women to make their private grievances public.

"I dislike crusading women," the head of the National League of Families, Mrs. Bobby G. Vinson, says. "It upsets me tremendously to bleed publicly."

But that's what she sometimes has to do to gain attention to her plight, and the plight of hundreds like her. Her husband, an Air Force colonel, is missing in North Vietnam.

"If it is true that the Communists are watching public opinion, in this country, and the world," she says, "please let them know that the world community condemns them for this inhumane action."

That's the whole idea of the league.

But for some women, it is too much.

DISHEARTENING REMINDER

For Mrs. Doris Paxton, such activity as a constant reminder, only disheartens her. She would rather go bowling with her friends, or, as she has done part-time, work for her local church in suburban McLean, Va.

Her husband, Lt. Col. Donald E. Paxton, an American pilot, was downed over Laos in February, 1969. Nothing has been heard from him or about him.

She and her daughter, Leslee, share moments of fun and laughter in the afternoons when Leslee gets home from high school.

But in quieter moments, sitting back in a burnt-orange, velvet chaise, with the picture of her husband at her side, Mrs. Paxton wonders why this had to happen, what Hanoi expects to gain from keeping American prisoners, from their mistreatment, from confining them to soltitude, even from withholding their names. "I don't think they can gain any more from them," she concludes, "just the frustration factor."

Mrs. Paxton was among the many wives and families encouraged by the raid into North Vietnam to rescue some American prisoners. "How marvelous it would have been if they had been able to bring some of them out," she says.

As for fears being expressed in Congress and elsewhere that reprisals could result from the effort, Mrs. Paxton believes that "any man being held would accept the reprisals and thank God that the government went in to do something."

And in southern California, Mrs. Mary Ann Waters was "thrilled" with the recent rescue attempt.

"Those boys now know that somebody over here cares what happens to them." But she believes that the raid would never have been attempted if the Paris negotiations "were going well."

SOME DISAGREE

Not every wife could agree with the raids.

Mrs. Chavez thinks it was not the wisest thing that could have been done. "I'd like to see some quiet diplomatic work done," she said, "instead of a highly publicized 'Steve Canyon' effort. It is inexcusable that the intelligence was so poor," she said, referring to the fact that the raid was made on an empty camp.

Even though her husband volunteered for duty in Vietnam his attitude changed once he was there. Mrs. Chavez opposes American involvement there and would like to see a "new administration with a new attitude toward the war."

But Mrs. Chavez is clearly in the minority among officer's wives.

Most of them support the administration's position and treat the PW issue as their own personal tragedy.

It's most difficult for the children, many families agree.

The Waters children are aware that their father is a prisoner of war. "I often take them with me," Mrs. Waters says, referring to her TV appearances, speeches, and other activities. "We all joined the Thanksgiving event. This type of thing gives them a feeling of relationship with their dad."

Miss Kris Capling, an ebullient, pert young lady of seven, was four when her father was transferred overseas. "I think this is hardest on the children," Mrs. Capling says. "In the beginning, I didn't tell her anything. When she was six, I told her that her father was in an accident and that he had to bail out of his plane. But that he'd be home when the war was over."

[From the Christian Science Monitor, Dec. 7, 1970]

VIETNAM UNIQUE: PW'S LANGUISH AS POLITICAL PAWNS

(By William C. Selover)

WASHINGTON.—Earlier this year, delegations of wives of United States prisoners held in North Vietnam converged on Paris to meet with representatives of the Hanoi government.

They went there seeking information about their husbands. Some carried signs asking: "Am I a wife or a widow?"

In all instances they were rebuffed.

The most responsive reply they got was that their requests would be forwarded to Hanoi for consideration.

But for the most part, the Communist delegates reverted to the pattern of accusing the U.S. of "exploiting family sentiments." And the wives were told to return to the U.S. and join the peace movement if they wanted their husbands back.

It was a cruel ploy.

UNPRECEDENTED POLICY CHARGED

As tempting as the prospect may have appeared to some, no one did it. Not a single

PW wife has joined the antiwar movement, according to State Department sources.

The Hanoi demand was all part of the unprecedented manner in which the prisoner issue has become an international political football. Never before, in any other war (at least, not so far as State Department officials can ascertain), have prisoners been held as international hostages, ransomed to a political and military settlement of the war.

American officials at Paris and elsewhere have been told by North Vietnamese and Veit Cong representatives that the prisoners will be released if the President sets a timetable for pullout of U.S. troops from the area. They have also called for the replacement of the Thieu-Ky regime in Saigon with one favorable to Hanoi.

The President has been under considerable pressure from some quarters here, particularly in Congress, to actually agree to announce a U.S. withdrawal date, to see what happens. But officials at the State Department, deeply skeptical of the Hanoi intentions, predict the Communists would use the "salami tactic" in bargaining. "Once you accept the initial demands, then they add conditions," one official explained.

EXCHANGES EFFECTED BEFORE

In earlier wars, even the Korean war, the prisoner issue was resolved by an exchange of prisoners. "This is the first time in recent memory," said one official, "that the issue has been tied to political settlement, not to prisoner exchange."

The fact is, Hanoi is just not interested in their nearly 8,000 prisoners now held in allied camps in South Vietnam. These men are considered disgraced. Hanoi has never even asked about them. And when prisoners are occasionally returned to Hanoi, they are watched or held for some time.

Hanoi has refused to operate through International Red Cross channels to deliver the mail. Rather, it works through peace groups in the U.S., requiring the wives and families to make their requests through a group called the Committee of Liaison, a peace group in New York.

"I'D LIKE TO HEAR, BUT—"

For wives whose imprisoned husbands have long and distinguished service records, it is particularly galling to have to deal through a peace group to obtain some word from Hanoi.

"I would like to hear something," explained a wife of a pilot downed two years ago over Laos. "But I don't want to go through a peace group, as desperately as I want to hear. I want to hear it officially. . . . In my case, my husband would have 20 years of service next July. . . ."

Most wives support the President's determined withdrawal and his Vietnamization program.

But, at the other end of the spectrum, the political right wing in this country is using the PW issue as an excuse to press for a widening of the war, to seek a "total victory," and to extend bombing raids into populated areas of the north.

SILENCE BROKEN

The Rev. Carl McIntire, the self-proclaimed war hawk, calling for a total victory over communism in the area, cited the PW issue as a rationale.

Somewhere in the middle, U.S. officials are trying strongly to counter the treatment of prisoners by the Hanoi regime as political booty. "We cannot permit them to be political hostages," astronaut Frank Borman told Congress after undertaking a mission on behalf of the prisoners for President Nixon.

After having been fairly silent on the prisoner issue, the U.S. now speaks out on it in every forum.

At the UN recently, for example, Sen. Claiborne Pell (D) of Rhode Island, U.S. representative in Committee III, referring to the North Vietnamese charge that U.S. prisoners are "war criminals," told the Assembly:

"I believe it is obvious that the North Vietnamese have merely made an attempt to cast a veil over the refusal to accord proper and reasonable treatment of the prisoners or permit access to them," he said. "In fact, they have signaled their intent to use these unfortunate captured military men as political pawns."

And, at the Paris peace talks, the PW issue has become the most visible of all the current questions.

The Nixon administration has its own reasons for "going public" on this issue at the moment, not the least of which is to detract from the resumed bombing of the north and to garner world opinion in behalf of the American prisoners.

But in the end it is the prisoner and his family who experience the most tragic of the traumas—seeing their intensely personal sadness exploited on every hand for narrow political gain.

Mr. ZABLOCKI. Mr. Speaker, I want to join my colleagues in support of House Resolution 1282, a resolution commending the brave American servicemen who attempted the daring raid at Son Tay in an effort to free American prisoners of war believed to be held there.

Although the mission of those men was not, regrettably, a success, their bravery and gallantry deserves the recognition which the resolution bestows. Working far beyond enemy lines as they were, their lives were in constant danger. But they were heedless of personal risk in their dedication to free their captured American comrades.

Although future raids such as the one at Son Tay may not be possible because the North Vietnamese certainly can be expected to take every precaution against further attempts, the event undoubtedly has given the loved ones of those in captivity renewed hope.

Moreover, while we cannot be certain that our prisoners have learned about the raid, I am confident that with time they too will know what was risked on their behalf and be strengthened in the knowledge.

Mr. Speaker, as you know, the Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, of which I am chairman, has done considerable work on the prisoner problem. Approximately a year ago—on December 15, 1969—the House approved House Concurrent Resolution 454, calling for the humane treatment and release of American prisoners held in Southeast Asia. That resolution subsequently was passed by the Senate.

Although the legislation before us today is a House resolution and does not require Senate concurrence, it too will have its effect. We cannot, I believe, make too clear or vote too often our demands for humane treatment for our captured men as required by the Geneva protocol on prisoners of war.

In that regard, let me assure you, Mr. Speaker, the chairman of the Armed Services Committee, and all other interested members, that the Subcommittee on National Security Policy and Scientific Developments of the Foreign Affairs Committee intends to continue its work on the prisoner-of-war problem in an effort to explore all possible avenues toward the humane treatment and ultimate release of our captured servicemen.

Because of the purpose which House Resolution 1282 is meant to serve, I am happy to give it my support and vote.

Mr. GRIFFIN. Mr. Speaker, it is altogether fitting that we pass this resolution giving the No. 1 priority to the release of our POW's from Vietnam at the peace talks in Paris, and commending the brave and courageous men for their daring and precision attempt to rescue the men at the Son Tay camp in North Vietnam on November 21.

The valor displayed by these men who participated in this dramatic rescue attempt is in the highest tradition of the U.S. military service and is deserving of our highest order of praise and commendation.

Also, the determination to obtain the release of American prisoners of war and persons missing in action was clearly indicated to the North Vietnamese and the nations of the world by this rescue attempt. This determination, likewise, deserves the endorsement of Congress as a further means of underscoring our intent of not abandoning the brave and courageous men languishing under the cruel and inhuman fist of a ruthless enemy.

Most importantly, Mr. Speaker, our call for improved treatment, release of names, inspection of prisons, and all matters regarding these prisoners as the absolute No. 1 point in all further discussions in Paris is the single most important proposal relating to this war that has yet been brought before this Congress.

The adoption of this resolution will do more to restore the spirits of the families of these prisoners than anything this Government can do as well as contributing tremendously to their ultimate release.

Mr. WOLFF. Mr. Speaker, I believe that those gallant men who volunteered and actually went into North Vietnam on November 21, 1970, are deserving of high praise for their bravery.

While the volunteers who undertook this assignment are to be commended for great courage—and rightly so—those who were responsible for the planning and intelligence work leading up to the ill-fated invasion deserve to be condemned. I find it incredible that our intelligence could be so weak that we would send volunteers into an area from which our POW's had been removed 3 weeks previously.

We risked the lives of our men held prisoners in North Vietnam and we risked the lives of those who joined the unsuccessful rescue effort. It was a great error to jeopardize these lives and the fault of the error rests with the intelligence-gathering apparatus and those men who planned this mission so poorly.

Also, Mr. Speaker, I was pleased to be among those Members who arranged to have the last paragraph of the resolution, as originally written, corrected. This is the part referring to future negotiations. I share the frustration of my colleagues at the lack of success in Paris, but I believe those talks must continue. For it is a simple truth that if we are not talking to the enemy we cannot achieve

the negotiated settlement which is our stated goal.

The correction which requires progress on the prisoner-of-war issue with a permanent agreement is a good one.

Mr. HORTON. Mr. Speaker, I rise in support of the resolution commending the Son Tay rescue mission and the brave men who participated in that operation.

I believe we should take note of several important aspects of this mission. First, it was not an escalation or expansion of the war. It was, rather, a humanitarian mission of rescue. Second, it should be noted that the participants—volunteers all—distinguished themselves not only by their bravery, but by their professionalism.

Admittedly, my knowledge of the extensive preparations for the mission is limited; however, I have read of the impressive training and preparations at Eglin Air Force Base for the mission. The dedication and professionalism shown by the volunteers—in their training, as well as their conduct on the operation, reflects very favorably on our Armed Forces, indeed.

In a time when we read daily about drug use, racial friction, and disciplinary problems in our armed services, the Son Tay mission serves to remind us that our armed services are also characterized by tough determination, courage, and efficiency.

In this respect, Mr. Speaker, I was especially pleased by the concluding words of the resolution, which read, in part:

> This hazardous and humanitarian undertaking . . . has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere.

Mr. Speaker, it takes a special kind of courage to survive a prisoner of war camp. The American prisoner is dependent upon himself alone for his survival. Living under wretched conditions, he is vulnerable to his own thoughts of despair and abandonment. His captors torment him with stories of the hatreds and disunity here at home. And they encourage him to forget his country as they seek to convince him that he has been forgotten. It takes a special, quiet kind of bravery for a man to survive this treatment. The kind without trumpets or cheering crowds. His will to survive is largely based on his faith in this country and its people. The Son Tay mission has justified and confirmed that faith.

I think, however, that we must redouble our efforts to achieve release or, at least, humane treatment for our prisoners in North Vietnam. Our best diplomats should be assigned to that function and all channels of our communication with the North Vietnamese—official and unofficial, public and private, national and international—should be very, very busy with that task.

I am certain the mission "lifted the hopes and spirits" of our other soldiers as well. The fighting man's will to serve his country also rests on faith in America and I'm sure the pride we felt at home was similarly felt by our men in the field.

For these reasons, Mr. Speaker, I was especially pleased with the wording of the resolution. The men who participated in the mission should be commended, not merely for their courage at Son Tay, but for reminding us that this courage and professionalism exists throughout our armed services and can be called upon for hazardous missions, even when the possibilities for success are unknown.

I was—as we all were—very disappointed that the men found no prisoners at Son Tay. It serves to remind us that gathering intelligence is often as much an art as a science, that frequently we must be satisfied with impressions when facts are unavailable. To the extent that our intelligence-gathering in North Vietnam can be improved, it certainly should be. Perhaps better use can be made of agents on the ground, since we have experienced the limitations of aerial photographs.

Closely related is the matter of security. It is imperative that security be as tight as possible in a mission where American lives are at stake. My conversations with Vietnam veterans, as well as press reports, suggest that our South Vietnamese allies are not as security-conscious as they can be. Since they must be included in the planning of many operations, I think we should increase our efforts to help them improve their security precautions and procedures.

The Son Tay mission serves to remind our allies, our adversaries, and ourselves that American activity in Vietnam, from its beginnings to the day our soldiers leave, has been and will be, a professional effort. Hopefully, our nation will soon end this tragic war and we will be able to get on with answering our needs at home.

Mr. EDWARDS of California. Mr. Speaker, had House Resolution 1282 been a straightforward commendation of the bravery of the men who, under orders from above, participated in the Sontay raid, I would have no difficulty in supporting it.

Nor do my reservations about this legislation have anything to do with my very real sympathy for the prisoners of war and their families. Surely all of them have borne more than their share of heartache and misery as a result of this unfortunate and illegal war.

It is tragic that the war continues at all. A recent Gallup poll indicates that a majority of Americans support the proposal for total American withdrawal by a fixed date in 1971. Our Government's approval of this proposal would insure the release of all the prisoners of war, on both sides.

House Resolution 1282 is unacceptable because it also commends those in high places who authorized the raid. These same officials, including Secretary of Defense Laird, have indicated that more raids are contemplated and I cannot think of anything more detrimental to the health and safety of the prisoners if this is true. How do we know that the Sontay raid has not already resulted in retaliation against the American prisoners of war? How do we not know that this abortive raid has not resulted in added discomfort to the prisoners as they are moved from prison to prison for security reasons? How many prisoners were killed or injured in the massive bombings which accompanied the raid?

For these reasons I cannot support any resolution that compliments the "official command." The individual officers and men who so bravely participated; yes, but not the President, the Secretary of Defense, and those in charge who ordered this irresponsible gamble.

All America should be indebted to the distinguished gentleman from California (Mr. LEGGETT) for his magnificent leadership in leading the opposition to this ill-conceived bill.

And had it not been for the perseverance and parliamentary skill of the distinguished gentleman from New York (Mr. RYAN) the resolution would have been even worse—it would have done serious damage to the peace talks in Paris. The gentleman from New York deserves much credit.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the motion offered by the gentleman from South Carolina (Mr. RIVERS) that the House suspend the rules and pass the resolution (H. Res. 1282), as amended.

Mr. RIVERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 347, nays 15, answered "present" 1, not voting 71, as follows:

[Roll No. 387]

YEAS—347

Abernethy	Chamberlain	Fisher
Adair	Chappell	Flood
Adams	Clancy	Flowers
Albert	Clark	Flynt
Anderson, Calif.	Clausen, Don H.	Foley
Anderson, Ill.	Clawson, Del	Ford, Gerald R.
Andrews, Ala.	Cleveland	Ford, William D.
Andrews, N. Dak.	Cohelan	Foreman
Annunzio	Collier	Forsythe
Arends	Collins, Ill.	Fountain
Ashbrook	Colmer	Fraser
Ashley	Conable	Frelinghuysen
Ayres	Conte	Frey
Baring	Corbett	Friedel
Barrett	Corman	Fulton, Pa.
Bennett	Coughlin	Fuqua
Betts	Cowger	Galifianakis
Bevill	Cramer	Gallagher
Biester	Crane	Garmatz
Blackburn	Culver	Gaydos
Boggs	Cunningham	Gettys
Boland	Daniel, Va.	Giaimo
Bow	Daniels, N.J.	Gibbons
Brademas	Davis, Ga.	Goldwater
Bray	Davis, Wis.	Gonzalez
Brinkley	Delaney	Goodling
Brock	Dellenback	Green, Pa.
Brooks	Denney	Griffin
Broomfield	Dennis	Griffiths
Brotzman	Derwinski	Gross
Brown, Mich.	Devine	Gubser
Brown, Ohio	Dickinson	Gude
Broyhill, N.C.	Dingell	Hagan
Broyhill, Va.	Donohue	Haley
Buchanan	Dorn	Hall
Burke, Fla.	Downing	Hamilton
Burke, Mass.	Dulski	Hammer-schmidt
Burleson, Tex.	Duncan	Hanley
Burlison, Mo.	Eckhardt	Hansen, Idaho
Burton, Utah	Edmondson	Hansen, Wash.
Bush	Edwards, Ala.	Harsha
Byrne, Pa.	Edwards, Calif.	Harvey
Byrnes, Wis.	Eilberg	Hastings
Cabell	Erlenborn	Hathaway
Caffery	Esch	Hawkins
Camp	Eshleman	Hays
Carey	Evans, Colo.	Hébert
Carney	Evins, Tenn.	Hechler, W. Va.
Carter	Fallon	Henderson
Casey	Fascell	Hicks
Cederberg	Feighan	Hogan
Celler	Findley	Holifield
	Fish	

Horton	Minshall	Scherle
Hosmer	Mize	Schmitz
Howard	Mizell	Schneebeli
Hull	Mollohan	Schwengel
Hungate	Monagan	Scott
Hunt	Montgomery	Sebelius
Hutchinson	Moorhead	Shipley
Ichord	Morgan	Shriver
Jacobs	Murphy, Ill.	Sikes
Jarman	Murphy, N.Y.	Sisk
Johnson, Calif.	Myers	Skubitz
Johnson, Pa.	Natcher	Slack
Jonas	Nedzi	Smith, Calif.
Jones, Ala.	Nelsen	Smith, Iowa
Jones, N.C.	Nix	Smith, N.Y.
Jones, Tenn.	Obey	Snyder
Karth	O'Hara	Springer
Kazen	Olsen	Stafford
Keith	O'Neal, Ga.	Staggers
Kleppe	O'Neill, Mass.	Steed
Kluczynski	Passman	Steele
Koch	Patman	Steiger, Ariz.
Kuykendall	Patten	Steiger, Wis.
Kyl	Pelly	Stratton
Kyros	Pepper	Stubblefield
Landgrebe	Perkins	Taft
Landrum	Philbin	Talcott
Langen	Pike	Taylor
Latta	Pirnie	Teague, Calif.
Lloyd	Podell	Teague, Tex.
Long, La.	Poff	Thompson, Ga.
Long, Md.	Pollock	Thompson, N.J.
Lujan	Price, Ill.	Thomson, Wis.
McCarthy	Price, Tex.	Udall
McClory	Pryor, Ark.	Ullman
McCloskey	Pucinski	Van Deerlin
McClure	Quie	Vander Jagt
McCulloch	Quillen	Vanik
McDade	Railsback	Vigorito
McDonald, Mich.	Randall	Wampler
	Rarick	Ware
McEwen	Rees	Watson
McFall	Reid, Ill.	Whalen
McMillan	Reid, N.Y.	Whalley
Macdonald, Mass.	Reuss	White
	Rhodes	Whitehurst
Madden	Riegle	Whitten
Mahon	Rivers	Widnall
Mailliard	Roberts	Williams
Mann	Robison	Wilson, Bob
Marsh	Rodino	Wilson, Charles H.
Martin	Rogers, Colo.	
Mathias	Rogers, Fla.	Winn
Matsunaga	Rooney, N.Y.	Wold
May	Rooney, Pa.	Wolff
Mayne	Rostenkowski	Wright
Meeds	Roth	Wyatt
Melcher	Roybal	Wylie
Michel	Ruppe	Wyman
Miller, Calif.	Ruth	Yates
Miller, Ohio	St Germain	Yatron
Mills	Satterfield	Young
Minish	Saylor	Zablocki
Mink	Schadeberg	Zion
		Zwach

NAYS—15

Bingham	Conyers	Ottinger
Brown, Calif.	Harrington	Rosenthal
Burton, Calif.	Kastenmeier	Ryan
Chisholm	Leggett	Scheuer
Clay	Lowenstein	Stokes

ANSWERED "PRESENT"—1

Morse

NOT VOTING—71

Abbitt	Farbstein	Pickle
Addabbo	Fulton, Tenn.	Poage
Alexander	Gilbert	Powell
Anderson, Tenn.	Gray	Preyer, N.C.
	Green, Oreg.	Purcell
Aspinall	Grover	Reifel
Beall, Md.	Halpern	Roe
Belcher	Hanna	Roudebush
Bell, Calif.	Heckler, Mass.	Rousselot
Berry	Helstoski	Sandman
Biaggi	Kee	Stanton
Blanton	King	Stephens
Blatnik	Lennon	Stuckey
Bolling	Lukens	Sullivan
Brasco	McKneally	Symington
Button	MacGregor	Tiernan
Collins, Tex.	Meskill	Tunney
Daddario	Mikva	Waggonner
de la Garza	Morton	Waldie
Dent	Mosher	Watts
Diggs	Moss	Weicker
Dowdy	Nichols	Wiggins
Dwyer	O'Konski	Wydler
Edwards, La.	Pettis	

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution as amended was agreed to.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Stanton.
Mrs. Sullivan with Mrs. Dwyer.
Mr. Lennon with Mr. Beall of Maryland.
Mr. Brasco with Mr. Grover.
Mr. Aspinall with Mr. Button.
Mr. Dent with Mr. Halpern.
Mr. Fulton of Tennessee with Mr. Morton.
Mr. Stephens with Mr. Belcher.
Mr. Roe with Mr. McKneally.
Mr. Pickle with Mr. MacGregor.
Mr. Nichols with Mr. Collins of Texas.
Mr. Moss with Mr. Bell of California.
Mr. Waggonner with Mr. Berry.
Mr. Tiernan with Mrs. Heckler of Massachusetts.
Mr. Helstoski with Mr. Roudebush.
Mr. Biaggi with Mr. Wydler.
Mr. Blatnik with Mr. Sandman.
Mr. Edwards of Louisiana with Mr. Rousselot.
Mr. Gray with Mr. Mosher.
Mr. Blanton with Mr. Meskill.
Mr. Hanna with Mr. Wiggins.
Mr. Stuckey with Mr. Reifel.
Mr. Purcell with Mr. Weicker.
Mr. Preyer of North Carolina with Mr. Lukens.
Mr. Mikva with Mr. Dowdy.
Mr. Kee with Mr. Watts.
Mr. Waldie with Mr. Pettis.
Mr. Alexander with Mr. O'Konski.
Mr. Anderson of Tennessee with Mr. Tunney.
Mr. Gilbert with Mr. King.
Mr. Daddario with Mr. Diggs.
Mrs. Green of Oregon with Mr. Symington.
Mr. Abbitt with Mr. de la Garza.
Mr. Farbstein with Mr. Powell.

Mr. WYATT changed his vote from "present" to "yea."

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

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the pending resolution.

The SPEAKER. Without objection, so ordered.

There was no objection.

SURVIVOR ANNUITIES UNDER CIVIL SERVICE

Mr. DULSKI. Mr. Speaker, I move to suspend the rules and pass the bill (S. 437) to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes, as amended.

The Clerk read as follows:

S. 437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332(f) of title 5, United States Code, is amended by inserting immediately after the first sentence thereof the following new sentence: "An employee or former employee who returns to duty after a period of separation is deemed, for the purpose of this subsection, to have been in a leave of absence without pay for that part of the period in which he was receiving benefits under subchapter I of chapter 81 of this title or any earlier statute on which such subchapter is based.".

SEC. 2. (a) Section 8339(i) of title 5, United States Code, is amended by striking out "his spouse" and inserting in lieu thereof "any spouse surviving him".

(b) Section 8339(j) of title 5, United States Code, is amended—

(1) by inserting "(1)" immediately after "(j)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) An employee or Member, who is unmarried at the time of retiring under a provision of law which permits election of a reduced annuity with a survivor annuity payable to his spouse and who later marries, may irrevocably elect, in a signed writing received in the Commission within 1 year after he marries, a reduction in his current annuity as provided in subsection (1) of this section. His reduced annuity is effective the first day of the month after his election is received in the Commission. The election voids prospectively any election previously made under paragraph (1) of this subsection.".

SEC. 3. (a) Section 8341(a) of title 5, United States Code, is amended—

(1) by inserting "and" at the end of paragraph (2)(B);

(2) by striking out paragraph (3); and

(3) by renumbering paragraph (4) as paragraph (3).

(b) Section 8341(b) of title 5, United States Code, is amended to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, if an employee or Member dies after having retired under this subchapter and is survived by a spouse to whom he was married at the time of retirement, or by a widow or widower whom he married after retirement, the spouse, widow, or widower is entitled to an annuity equal to 55 percent, or 50 percent if retired before October 11, 1962, of an annuity computed under section 8339(a)–(h) of this title as may apply with respect to the annuitant, or of such portion thereof as may have been designated for this purpose under section 8339(i) of this title, unless the employee or Member has notified the Commission in writing at the time of retirement that he does not desire any spouse surviving him to receive this annuity.

"(2) If an annuitant—

"(A) who retired before April 1, 1948; or

"(B) who elected a reduced annuity provided in paragraph (2) of section 8339(j) of this title;

dies and is survived by a widow or widower, the widow or widower is entitled to an annuity in an amount which would have been paid had the annuitant been married to the widow or widower at the time of retirement.

"(3) A spouse acquired after retirement is entitled to a survivor annuity under this subsection only upon electing this annuity instead of any other survivor benefit to which he may be entitled under this subchapter or another retirement system for Government employees. The annuity of the spouse, widow, or widower under this subsection commences on the day after the annuitant dies. This annuity and the right thereto terminate on the last day of the month before the spouse, widow, or widower—

"(A) dies; or

"(B) remarries before becoming 60 years of age.".

(c) Section 8341(d) of title 5, United States Code, is amended to read as follows:

"(d) If an employee or Member dies after completing at least 18 months of civilian service, his widow or widower is entitled to an annuity equal to 55 percent of an annuity computed under section 8339(a)-(e) and (h) of this title as may apply with respect to the employee or Member, except that, in the computation of the annuity under such section, the annuity of the employee or Member shall be at least the smaller of—

"(1) 40 percent of his average pay; or

"(2) the sum obtained under such section after increasing his service of the type last performed by the period elapsing between the date of death and the date he would have become 60 years of age.

The annuity of the widow or widower commences on the day after the employee or Member dies. This annuity and the right thereto terminate on the last day of the month before the widow or widower—

"(A) dies; or

"(B) remarries before becoming 60 years of age.".

(d) Section 8341(e)(2) of title 5, United States Code, is amended by striking out "subsection (a)(4)" and inserting in lieu thereof "subsection (a)(3)".

SEC. 4. Section 8344(a) of title 5, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: "If the annuitant is receiving a reduced annuity as provided in section 8339(i) or section 8339(j)(2) of this title, the increase in annuity payable under subparagraph (A) of this subsection is reduced by 10 percent and the survivor annuity payable under section 8341 (b) of this title is increased by 55 percent of the increase in annuity payable under such subparagraph (A), unless, at the time of claiming the increase payable under such subparagraph (A), the annuitant notifies the Commission in writing that he does not desire the survivor annuity to be increased. If the annuitant dies while still reemployed, the survivor annuity payable is increased as though the reemployment had otherwise terminated. If the annuitant dies while still reemployed and the described reemployment had continued for at least 5 years, the person entitled to survivor annuity under section 8341(b) of this title may elect to deposit in the Fund and have his right redetermined under this subchapter.".

SEC. 5. (a) The amendment made by the first section of this Act is effective only with respect to annuity accruing for full months beginning after the date of enactment of this Act; but any part of a period of separation referred to in such amendment in which the employee or former employee was receiving benefits under subchapter I of chapter 81 of title 5, United States Code, or any earlier statute on which such subchapter is based shall be counted whether the employee returns to duty before, on, or after such date of enactment. With respect to any person retired before such date of enactment, any such part of a period of separation shall be counted only upon application of the former employee.

(b) The amendments made by section 2(a) and 3 of this Act shall not apply in the cases of employees, Members, or annuitants who died before the date of enactment of this Act. The rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

(c) The amendments made by section 2(b) of this Act shall apply to an annuitant who was unmarried at the time of retiring, but who later married, only if the election is made within 1 year after the date of enactment of this Act.

(d) The amendment made by section 4 of this Act shall apply only with respect to a reemployed annuitant whose employment terminates on or after the date of enactment of this Act.

SEC. 6. The Act of August 25, 1958 (72 Stat. 838; 3 U.S.C. 102, note), is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) Each former President shall be entitled for the remainder of his life to receive from the United States a monetary allowance at a rate per annum, payable monthly by the Secretary of the Treasury, which is equal to the annual rate of basic pay, as in effect from time to time, of the head of an executive department, as defined in section 101 of title 5, United States Code. However, such allowance shall not be paid for any period during which such former President holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate.";

(2) Subsection (e) is amended to read as follows:

"(e) The widow of each former President shall be entitled to receive from the United States a monetary allowance at a rate of $20,000 per annum, payable monthly by the Secretary of the Treasury, if such widow shall waive the right to each other annuity or pension to which she is entitled under any other Act of Congress. The monetary allowance of such widow—

"(1) commences on the day after the former President dies;

"(2) terminates on the last day of the month before such widow—

"(A) dies; or

"(B) remarries before becoming 60 years of age; and

"(3) is not payable for any period during which such widow holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate."; and

(3) Subsection (f) is amended to read as follows:

"(f) As used in this section, the term 'former President' means a person—

"(1) who shall have held the office of President of the United States of America;

"(2) whose service in such office shall have terminated other than by removal pursuant to section 4 of article II of the Constitution of the United States of America; and

"(3) who does not then currently hold such office.".

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

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

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

There was no objection.

Mr. DULSKI. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of S. 437, as amended.

The amendment strikes out all after the enacting clause and substitutes a new text. There is only one substantive difference between the amendment offered and the amendment reported by the committee.

This difference is in the provisions relating to the widows of former Presidents.

The amendment provides that the annual monetary allowance for a widow of a former President be increased from $10,000 to $20,000. The committee amendment provides for a monthly pension equal to 55 percent of the monetary allowance for a former President.

The amendment also requires that the widow of a former President waive the right of any annuity or pension to which she may be entitled from the United States in order to receive the monetary allowance. A similar provision is in existing law, but was not included in the committee amendment.

The main purpose of the bill is to correct several inequities in existing law. Presently a retiree who accepts a reduced annuity in order to provide a survivor benefit for his wife, cannot extend that survivor annuity to a subsequent spouse. He is also precluded from having his full annuity restored.

The legislation now before us will permit the post-retirement spouse of such a retiree to qualify for survivor benefits if the spouse was married to the retiree at least 2 years immediately before the retiree's death.

Other major elements of the bill are—

First. It will extend to widowers of deceased female employees the same treatment accorded widows of male employees.

Second. It will provide credit for periods of separation due to injuries incurred while performing official service.

Third. It will allow a retiree, unmarried at the time of retirement, to provide survivor benefits for a subsequently acquired spouse, upon election to accept a reduced annuity.

Fourth. The bill provides for an increase in the annual allowance for former Presidents from $25,000 to an amount equal to the rate of pay for level I of the Executive schedule, the rate for Cabinet officers (presently $60,000). The Cabinet officer rate was the basis for setting the $25,000 allowance in 1958.

I would like to commend the gentleman from New Jersey (Mr. DANIELS) chairman of our Retirement Subcommittee, for the outstanding work he and his colleagues on the subcommittee performed in finalizing this legislation.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey, the chairman of the subcommittee (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Speaker, I rise in support of S. 437, as amended, and for the purpose of explaining the proposed amendments to the bill, most of which are of a technical and perfecting nature.

Mr. Speaker, more Americans are spending more years in retirement periods of uncertain length and indeterminate needs than ever before in history. The economic and social problems growing out of this development require devoting our attention to its impact upon that segment of our retiree population covered by the civil service retirement system.

The hearings conducted by the Subcommittee on Retirement, Insurance, and Health Benefits reveal the need for remedying the inequities these retirees face—particularly, those faced by their widows—and the policies which have perpetuated those inequities. It is the primary objective of this legislation to alleviate the economic uncertainties and difficulties they now face by providing annuity protection to the surviving spouses of certain of these retired Federal employees.

The amendment under consideration incorporates several related proposals: H.R. 3661, introduced by the chairman of the Committee on Post Office and Civil Service, Mr. DULSKI; H.R. 468, introduced and acclaimed over the years by the gentlewoman from Michigan, Mrs. GRIF-

FITHS; H.R. 434, sponsored by our colleague from Oklahoma, Mr. EDMONDSON; and H.R. 11120, authored by the gentleman from Virginia, JOEL BROYHILL. I commend the part that each of these colleagues have played in assisting the committee in bringing to the floor of the House a long-overdue measure of simple equity. I am gratified with the overwhelming support given it by the members of the Retirement Subcommittee and the full committee.

The existing provisions of the civil service retirement law provides that upon an employee's retirement he may accept, in lieu of the maximum benefit to which he is otherwise entitled, a reduced annuity and, thus, provide a survivor annuity to only that spouse to whom married on the date of retirement. Acceptance of the reduced benefit is irrevocable and the reduction in annuity continues, irrespective of whether the designated spouse predeceases the retiree or the marriage is terminated by divorce. The law does not extend the survivor protection thus provided to the spouse of a postretirement remarriage.

The major purpose of this legislation is to amend existing law so as to provide for the automatic substitution of a spouse acquired after retirement as an eligible survivor-annuitant. Such substitution is justified on the premise that the socioeconomic need to provide survivor protection for a spouse acquired subsequent to retirement is no less than the need to protect a previous spouse.

Entitlement to the survivor benefit will automatically be vested in the widow or widower who survives the retiree, if such survivor has been married to the retiree for at least 2 years preceding the retiree's death, or if the survivor is the parent of a child born of the marriage. Thus, the eligibility requirement will be identical to the existing provision of law respecting the surviving spouse of an employee who dies in active employment.

Neither does existing law permit a retiree who is, or was, unmarried at the time of retirement to subsequently elect a reduced annuity upon marriage and, thus, provide a survivor annuity for the spouse acquired after retirement.

The bill recognizes the relative equity of persons in this circumstance by permitting a retiree who is unmarried upon retirement to later elect a reduced annuity in order to provide a benefit for his spouse.

Although present law allows an unmarried retiring employee who is in good health to elect a reduced annuity in order to provide a survivor benefit to a person having an insurable interest, it does not provide him an opportunity to substitute a spouse acquired subsequent to retirement as the survivor-annuitant. Recognizing that such a retiree might likewise desire to protect a spouse acquired after retirement, in lieu of the person named at retirement, the bill allows such a substitution.

Generally, under present law, when an annuitant is reemployed he is considered covered by the retirement system, but no deductions are withheld from his salary. If he completes five or more years of continuous, full-time reemployment service, he may elect to have his annuity recomputed on the basis of his entire service, and elect survivor benefits based on the resulting increased annuity.

On the other hand, he, as well as an annuitant who completes between one and five years of continuous full-time reemployment service, is entitled upon separation to a supplemental annuity based only on the reemployment service. The supplemental annuity, however, does not increase the benefits potentially payable to any survivor. This has been a reasonably satisfactory arrangement for annuitants whose reemployment service is relatively brief, because the resulting supplemental annuities are not large enough to provide a significant increase in a spouse's potential benefit.

It is recognized, nonetheless, that there are instances of an annuitant working for an extended period and earning a supplemental annuity large enough to provide a meaningful increase in the spouse's potential survivor benefit. While not creating a survivor annuity not previously provided upon initial retirement, the bill provides a workable method of allowing use of supplemental annuities to increase benefits to potential survivors. The supplemental annuity would be reduced by 10 percent and the spouse would be entitled to an increased survivor benefit equal to 55 percent of the supplemental benefit. In addition, the bill provides for automatically increasing the survivor rate accordingly in the event the annuitant dies while still reemployed, and for allowing the eligible survivor-annuitant to exercise the option of recomputation where the annuitant dies while still in service after 5 years of reemployment.

Under present law, in order for the husband of a deceased female employee to qualify for a survivor benefit he must—in addition to meeting either the 2-year marriage or parentage requirement—be incapable of self-support by reason of physical or mental disability, and must have received more than one-half of his support from his wife. This provision reflects a difference in treatment which is based solely upon whether the employee is a man or a woman. However, the difference in survivorship protection accorded male and female employees in active service does not exist with respect to the protection available after retirement—there being no duration of marriage, parentage, incapacitation, or dependency requirements to be met on the part of either a widow or widower where the employee, at time of retirement, accepts a reduced annuity to provide a spouse's survivor benefit.

The committee takes cognizance of the fact that the female employee contributes the same percentage rate of deduction as does the male employee, but her nondependent widower has no survivorship entitlement; whereas, a male employee's widow is automatically awarded a survivor benefit, irrespective of the fact that she may be self-sustaining. The legislation corrects this inequitable situation by removing the dependency requirements applicable to surviving widowers of female employees, thus according them the same treatment accorded widows of deceased male employees.

Further, Mr. Speaker, the amended bill proposes to treat an employee who is separated from Federal service while in receipt of compensation benefits for a job-incurred injury or illness as though he had been carried in a leave-without-pay status during such periods for retirement eligibility and computation purposes.

Lastly, the amendment provides for updating the monetary allowances payable to former Presidents of the United States and to their widows. In enacting Public Law 85–745, approved August 25, 1958, the Congress provided a lifetime monetary allowance of $25,000 per annum for any person who has served as President of the United States, and an annual benefit of $10,000 for the widow of a former Chief Executive.

While the $25,000 allowance to a former President was then equated with the salary of a Cabinet member, such allowance has not been updated during the 12 intervening years—whereas, Cabinet officers' salaries have been increased to a present figure of $60,000. The widow's benefit, likewise, has remained unchanged.

The amendment increases the annual Presidential allowance to a rate comparable to the salary of a Cabinet member—currently $60,000—and increases the widow's allowance from $10,000 to $20,000.

Mr. Speaker, both the subcommittee and the full committee were unanimous in reporting this legislation, and its provisions are fully endorsed by the administration. Therefore, I urge its unanimous adoption.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. DANIELS of New Jersey. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. I would like to commend the gentleman in the well. The bill will correct what is probably one of the most inequitable practices of the pension system and one of the most inequitable things that has ever occurred in employee relationship in the House. It has been grossly unfair that from women the same amount has been collected that has been collected from men, and yet their husbands, their spouses, have not had the same rights. I commend the gentleman, and I assure the women judges, in spite of the fact that they are not included in this bill, that I have introduced a bill that will include their husbands, too. These things are quite unfair. I do thank the gentleman and the full committee for correcting this inequity.

Mr. DANIELS of New Jersey. I also wish to commend the gentlewoman from Michigan for her leadership in connection with this amendment.

Mr. CORBETT. Mr. Speaker, I rise in support of S. 437, which corrects longstanding inequities in the civil service retirement program.

Presently, a Federal employee upon retiring may elect to provide his wife a survivor benefit, for which he must take a reduced annuity of 2½ percent on the first $3,600 and 10 percent on whatever is remaining of his annual annuity. However, in the event his wife predeceases him, he cannot substitute a subsequent spouse to receive survivor benefits, although his annuity continues to be reduced. The same is true of an un-

married retiree, who elects a reduced annuity in order to provide a survivor benefit to a person with an insurable interest. Namely, he cannot substitute a spouse as survivor annuitant in the event of marriage subsequent to retirement. Also, a retiree who was unmarried at the time of retirement may not subsequently elect a reduced annuity, and, thus provide a survivor annuity for a spouse acquired after retirement.

This bill ends the above-named inequities in the following manner:

First. Provides for automatic substitution of a subsequently acquired spouse, effective when the remarriage has lasted 2 years or upon the birth of a child of such marriage.

Second. Permits a retiree who was unmarried at retirement to elect, within 1 year after remarriage, a reduced annuity in order to provide a survivor annuity to a spouse to whom married for at least 2 years or who is the parent of a child born of such marriage.

Third. Allows an unmarried retiree who provided for a person with an insurable interest, to change his election, within 1 year after marriage, to provide survivor benefits to a spouse whom he has been married to for at least 2 years or is a parent of a child born of the marriage.

Mr. Speaker, from a purely humane and social point of view, it is imperative that we act quickly to remedy this most unfair situation.

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

Mr. CORBETT. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Speaker, I rise in support of S. 437, a bill designed to end the gross inequities existing under the survivor benefits provisions of the civil service retirement program.

Today, too many civil service annuitants who elected a reduced annuity, upon retirement, to provide a survivor benefit to their spouse, now find that even though their spouse has died they cannot redesignate a later spouse to receive survivor benefits. Nevertheless, their annuity will always continue to be reduced. This does not seem to be fair. In other words, it is the same as denying one the right to redesignate beneficiaries to one's will or insurance policies.

There are other inequities this bill eliminates, and they have been thoroughly explained by the able and distinguished chairman of our Subcommittee on Retirement, Insurance, and Health Benefits, Mr. DANIELS.

It is also worth noting that on November 24, 1970, the House passed H.R. 4183, a bill to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after retirement may qualify for survivor benefits, and sent it to the President for his signature.

Mr. Speaker, I do not wish to belabor a rather obvious point. That is, the passage of this legislation is important to many present and future annuitants, who through no fault of their own, are deprived of the honorable responsibility of providing survivor benefits for their spouse, even though they are paying for it.

I urge my colleagues to approve this legislation.

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

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

Mr. GROSS. I thank the gentleman for yielding. I assume that the amendment offered by the gentleman from New York is embodied in the 4 or 5 pages of typewritten copy which I hold in my hand?

Mr. DULSKI. That is correct.

Mr. GROSS. I will say to the gentleman that this amendment, in my opinion, vastly improves the bill. I still have some question about it, but reluctantly I will support the legislation with the amendment, and I commend the gentleman for offering it.

Mr. DULSKI. I thank the gentleman.

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

Mr. CORBETT. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT) whatever time he may consume.

Mr. SCOTT. Mr. Speaker, I appreciate the gentleman yielding and rise in support of the bill.

We did hold hearings on this measure and to the best of my knowledge, all the witnesses who appeared before our subcommittee supported the bill before us. I offered an amendment, that the committee did not see fit to adopt, which would have required that the second spouse be at least 50 years of age at the time the retiree qualified for an annuity. Nevertheless, I think this is a good bill. It has been long desired by both Government employees and retirees and I urge its passage by the House.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of that portion of S. 437 that relates to survivor annuities.

For many years I have urged the Congress to adopt legislation to liberalize the current civil service retirement law with respect to survivor annuities.

This bill would permit the retired Federal employee to designate a new spouse as survivor if he is predeceased by the person named as survivor at the time he retired. Moreover, this bill also provides for the reemployed annuitant that had previously been manditorily retired because he is over the age of 70 years and is subsequently called back to Federal service at the interest of the Government. The effect of this later case is to permit him to accumulate additional service toward his eventual retirement annuity and to be able to pass on to his survivor the increased annuity he would gain by his further employment.

At retirement a civil service retiree is at the low ebb of his income. At this point it is very difficult for him to make the decision which could result in a substantial reduction in his annuity. He has a tendency at this point to gamble on whether he will outlive his spouse or not. If the retiree fails in that gamble and the surviving spouse outlives the annuitant the country or the community has the problem of providing for the surviving spouse. On the other hand, if the annuitant outlives the spouse, he must continue to live at a reduced annuity. For the annuitant, it is a sort of Russian roulette game. We must, if we can, remove this provision from the retirement law that requires him to gamble and give him a more equitable basis to plan for the protection of his survivor. I hope this will be done in the near future.

As my colleagues know my district encompasses one of the largest centers for retired Federal employees in our Nation. One of the most frequent requests I have from these fine people concerns that portion of this bill which would permit an annuitant to designate a second spouse as his survivor. In this case the Congress has to accept the fact of life that an annuitant may remarry and that he has a legal and a moral right to provide for this new spouse which might result from a subsequent marriage. This bill will correct this antiquated policy.

In the latter case, which I mentioned earlier, the law never contemplated the problem of additional benefits for a retired person being recalled to Federal service after the mandatory retirement age. Such cases exist and the omission to provide for such a situation should be corrected. Granted this situation is rare, but when such cases occur to recall a retiree in his senior years, it is because the Government needs his service and it is always a matter of the highest national interest to utilize a rare talent. The Government in this instance should have no qualms to permit the increased annuity benefit which such employees might earn.

Last, I have examined this bill and I find that adequate provisions have been taken to assure the actuarial soundness of these measures. For these reasons I urge the passage of the bill.

Mr. SCHMITZ. Mr. Speaker, I want to be on record in opposition to S. 437, which would more than double the present "monetary allowance" for ex-Presidents. In view of the sky-high and still rising cost of Government today, the heavy tax burden and the enormous deficit, I have made it an invariable rule never to vote for Government pay increases which exceed the rise in the cost of living. This applies to ex-Presidents just as to anyone else.

Mrs. MINK. Mr. Speaker, I rise in support of S. 437, legislation relating to survivor annuities under the civil service retirement program.

I would like to draw particular attention to the provision of this bill which will eliminate a discriminatory policy affording lesser recognition to the contributions of women to the retirement fund.

Under existing law a widower of a Federal employee does not receive survivor benefits based on his wife's earnings unless he was dependent on her for more than half his earnings and incapable of self-support. No such requirement is imposed on widows of Federal Government employees.

It is not generally realized, but in practice this requirement means that a woman must earn three times as much as her husband in order for him to be "dependent" on her. Further, her husband must be physically or mentally disabled to the extent that he could not support himself in any case. The obvious purpose of such requirements, imposed on

the earnings of women but not on those of men, is to insure that a man's earnings receive paramount recognition while those of a woman are deemed meaningless and unimportant to the family.

At a time when nearly half of women of employable age are in fact working, either from choice or necessity, the basis on which this policy was founded has long been outdated. The policy remains as an obsolete reminder of bygone times when a woman's place was solely "in the home," but its continued existence is far more than a dusty anachronism. As a law in force it represents an enormous inequitable burden on women who in many cases are the principal breadwinners of their family. In any case, it is grossly unfair to give lesser meaning to the contribution of women to family security while at the same time extracting just as much in civil service retirement taxes from women's earnings as from those of men.

The bill removes the dependency requirements applicable to surviving widowers of female employees, thus according them the same treatment given widows of deceased male employees.

This long-needed improvement will help remove sex discrimination from the Federal Government retirement system. I have long supported this change to bestow equal rights on women under the system.

While in this light the change is designed to give equal rights to women, in actuality men stand the most to gain. It is the widower and indirectly other surviving members of the family who will benefit by having survivor funds resulting from the deceased wife's years of earnings.

This is a good example of how providing equal rights for women benefits all. Accordingly I highly recommend approval of this legislation by my colleagues.

Mr. PEPPER. Mr. Speaker, I rise to indicate my strong support for the changes in survivors annuities proposed in the amendments to S. 437. I have been concerned for a long time with the inequities which this legislation is designed to correct.

In my bills, H.R. 7496, H.R. 12202, and H.R. 12612, introduced in the early part of this 91st Congress, I sought to provide on a more equitable basis survivor annuities for the second wives of annuitants and for the surviving husbands of women who have established civil service rights comparable to those accorded to male employees of the Federal Government.

I am very pleased, therefore, that this legislation recognizes that justice to the men and women who have served their National Government requires that the retirement system be made responsive to their needs. It is a fact of life that many retiring employees have elected to accept reduced benefits in order to provide annuities for their widows and have then found themselves widowers whose remarriages did not provide benefits for their second wives. This legislation corrects this situation by providing that annuities can be paid to second wives and by providing that retired civil servants who marry after retirement can elect to provide annuities for their widows.

This legislation also eliminates the discrimination against female civil servants who previously could not provide annuities for their surviving husbands unless the widowers were financially dependent upon their wives. This dependency requirement is not applied to the spouses of male civil servants and equity demands that it not be applied to female employees of the Government.

I regret that this legislation does not provide, as I proposed in my bill, H.R. 6528, minimum benefits for civil service annuitants of $200 per couple and $100 per person. But it is important that the inequities dealt with in this legislation be eliminated. And I commend the Committee on the Post Office and Civil Service for its favorable report on this legislation. I hope that the other body will concur in the House amendments so that this legislation will become law before we adjourn the 91st Congress.

Mr. CORBETT. Mr. Speaker, we have no further requests for time.

Mr. DULSKI. Mr. Speaker, we have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York (Mr. DULSKI) that the House suspend the rules and pass the bill S. 437, 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. DULSKI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill (S. 437) just passed.

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

There was no objection.

RIVERS AND HARBORS AND FLOOD CONTROL ACT OF 1970

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19877) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, as amended.

The Clerk read as follows:

H.R. 19877

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

TITLE I—RIVERS AND HARBORS

SEC. 101. The following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated. The provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public Law Numbered 14, Seventy-ninth Congress), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full.

NAVIGATION

Pleasant Bay, Massachusetts: House Document Numbered ——, at an estimated cost of $10,221,000;

Baltimore Harbor, Maryland and Virginia: House Document Numbered ———, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of such project;

Atlantic Intracoastal Waterway Bridges, Virginia and North Carolina: House Document Numbered ———, at an estimated cost of $11,220,000;

Manteo (Shallowbag) Bay, North Carolina: House Document Numbered 91–303, at an estimated cost of $10,769,000;

Port Sutton, Tampa Harbor, Florida: House Document Numbered 91–150 maintenance;

Tampa Harbor, Florida: House Document Numbered 91–401, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of such project; after the date of enactment of this Act the Secretary of the Army, acting through the Chief of Engineers, shall maintain the Port Sutton Terminal Channel and the East Bay Channel and Turning Basin.

Freeport Harbor, Texas: House Document Numbered ———, at an estimated cost of $13,710,000;

Quachita and Black Rivers, Arkansas and Louisiana: House Document Numbered ——, at an estimated cost of $13,500,000;

Missouri River, North Dakota, South Dakota, and Nebraska: House Document Numbered ——, at an estimated cost of $35,-981,000;

Coos Bay, Oregon: House Document numbered 91–151, at an estimated cost of $9,-100,000.

BEACH EROSION

Lido Key, Florida: House Document Numbered 91–320, at an estimated cost of $240,000; the Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse or credit local interests for work performed by them subsequent to July 1, 1968, and in accordance with the recommended plan of improvement.

SEC. 102. The Secretary of the Army acting through the Chief of Engineers, is authorized and directed to make a survey subject to all applicable provisions of section 110 of the Rivers and Harbors Act of 1950 of the feasibility of constructing and maintaining a navigation channel having a depth of seventeen feet at mean low water and a width of one hundred feet, extending a distance of approximately two and one-half miles from deep water in Saint Georges Creek, Maryland, to the Harry Lundeberg School of Seamanship at Piney Point, Maryland, and terminating in a turning basin at that bottom.

SEC. 103. The costs of operation and maintenance of the general navigation features of small boat harbor projects authorized between January 1, 1970, and December 31, 1970, under the authority of this Act, section 201 of the Flood Control Act of 1965, or section 107 of the River and Harbor Act of 1960, shall be borne by the United States.

SEC. 104. The proviso in section 6 of the Act of July 3, 1930, as amended (48 Stat. 948; 33 U.S.C. 569a), is amended to read as follows: *"Provided,* That individuals so engaged may be paid at rates not to exceed the daily equivalent of the rate of GS–18 for each day of their services."

SEC. 105. The civilian members of the Board on Coastal Engineering Research authorized by the Act of November 7, 1963 (33 U.S.C. 426–2) may be paid at rates not to exceed the daily equivalent of the rate for GS–18 for each day of attendance at Board meetings, not to exceed thirty days per year, in addition to the traveling and other necessary expenses connected with their duties on the Board in accordance with the provisions of 5 U.S.C. 5703 (b), (d), and 5707.

SEC. 106. The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Harbors and rivers in American Samoa and the territory of Guam, in the interests of navigation, flood control, and related water resources purposes.

Kanawha and James Rivers, with a view to determining the availability of providing a waterway connecting the Kanawha River, West Virginia, and James River, Virginia, by canals and appurtenant facilities.

Ventura Marina to Ventura Keys, Ventura County California.

Elk River, Maryland.

Stillpond Creek, Kent County, Maryland.

Patapsco River, Brooklyn, Maryland

Shooters Island, New York, possible removal and utilization for fill and widening of Arthur Kill.

SEC. 107. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to conduct a survey of the Great Lakes and Saint Lawrence Seaway to determine the feasibility of means of extending the navigation season in accordance with the recommendations of the Chief of Engineers in his report entitled "Great Lakes and Saint Lawrence Seaway—Navigation Season Extension."

(b) The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Departments of Transportation, Interior, and Commerce, including specifically the Coast Guard, the Saint Lawrence Seaway Development Corporation, and the Maritime Administration; the Environmental Protection Agency; other interested Federal agencies, and non-Federal public and private interests, is authorized and directed to undertake a program to demonstrate the practicability of extending the navigation season on the Great Lakes and Saint Lawrence Seaway. Such program shall include, but not be limited to, ship voyages extending beyond the normal navigation season; observation and surveillance of ice conditions and ice forces; environmental and ecological investigations; collection of technical data related to improved vessel design; ice control facilities, and aids to navigation; physical model studies; and coordination of the collection and dissemination of information to shippers on weather and ice conditions. The Secretary of the Army, acting through the Chief of Engineers, shall submit a report describing the results of the program to the Congress not later than July 30, 1974. There is authorized to be appropriated to the Secretary of the Army not to exceed $6,500,000 to carry out this subsection.

(c) The Secretary of Commerce, acting through the Maritime Administration, in consultation with other interested Federal agencies, representatives of the merchant marine, insurance companies, industry, and other interested organizations, shall conduct a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and the Saint Lawrence Seaway beyond the present navigation season, and shall submit a report, together with any legislative recommendations, to Congress by June 30, 1971.

SEC. 108. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, study, and undertake measures in the interests of water quality, environmental quality, recreation, fish and wildlife, and flood control, for the Cuyahoga River Basin, Ohio. Such measures shall include, but not be limited to, clearing, snagging, and removal of debris from the river's bed and banks; dredging and structural works to improve streamflow and water quality; and bank stabilization by vegetation and other means. In carrying out such studies and investigations the Secretary of the Army, acting through the Chief of Engineers, shall cooperate with interested Federal and State agencies.

(b) Prior to initiation of measures authorized by this section, such non-Federal public interests as the Secretary of the Army, acting through the Chief of Engineers, may require shall agree to such conditions of cooperation as the Secretary of the Army, acting through the Chief of Engineers, determines appropriate, except that such conditions shall be similar to those required for similar project purposes in other Federal water resources projects.

SEC. 109. (f) Section 110 of the River and Harbor Act of 1958 (72 Stat. 297) is amended to read as follows:

"(f) There is hereby authorized to be appropriated the sum of $2,000,000 to carry out the provisions of this section and, upon completion of transfer to the State of Illinois of all right, title, and interest of the United States in and to the canal, an additional sum of $6,528,000 to be expended for the repair, modification, and maintenance of bridges, title transfer, modification or rehabilitation of hydraulic structures, fencing, clearing auxiliary ditches, and for the repair and modification of other canal property appurtenances, notwithstanding subsection (b) of this section."

SEC. 110. The project for the Trinity River and tributaries, Texas, authorized in section 301 of the River and Harbor Act of 1965 (79 Stat. 1073) is hereby modified to provide that not to exceed $75,000 of the costs incurred in 1968 and 1969 by the Trinity River Authority of Texas for aerial photography and mosaic preparation furnished to and accepted by the Secretary of the Army, acting through the Chief of Engineers, shall be credited as a part of the local contribution required of such authority for such project.

SEC. 111. (a) In any case where the Administrator of the Environmental Protection Agency determines that dredged spoil from an area within an authorized Federal navigation project is significantly polluted and the Secretary of the Army thereafter determines that dredged spoil disposal facilities are available for the disposition of such spoil, then open water disposal of such dredged spoil shall be discontinued. The Administrator of the Environmental Protection Agency and the Secretary of the Army shall not make any determination under this section except after consultation with the Governors of all affected States.

(b) The Secretary of the Army, acting through the Chief of Engineers, shall undertake to establish the contained spoil disposal facilities authorized in subsection (c) at the earliest practicable date, taking into consideration the views and recommendations of the Administrator of the Environmental Protection Agency as to those areas which, in the Administrator's judgment, are most urgently in need of such facilities.

(c) The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct, operate, and maintain, subject to the provisions of subsection (d), contained spoil disposal facilities of sufficient capacity to meet the requirements of this section for a period not to exceed ten years. Before establishing each such facility, the Secretary of the Army shall obtain the concurrence of appropriate local governments and shall consider the views and recommendations of the Administrator of the Environmental Protection Agency and other appropriate heads of Federal agencies with respect to the effect of the proposed facility on the quality of the water and land resources involved, and on the environment. Section 9 of the River and Harbor Act of 1899 shall not apply to any facility authorized by this section.

(d) Prior to construction of any such facility, the appropriate non-Federal interest or interests shall agree in writing to (1) furnish all lands, easements, and rights-of-way necessary for the construction, operation, and maintenance of the facility; (2) contribute to the United States 25 per centum of the construction costs, such amount to be payable either in cash prior to construction, in installments during construction, or in installments, with interest at a rate to be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue; (3) hold and save the United States free from damages due to construction, operation, and maintenance of the facility; and (4) except as provided in subsection (g), maintain the facility after completion of its use for disposal purposes in a manner satisfactory to the Secretary of the Army.

(e) The requirement for appropriate non-Federal interest or interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (d) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that the State or States involved, interstate agency, municipality, or other appropriate political subdivision of the State or industrial concern is participating in an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and is making progress satisfactory to the Administrator.

(f) Notwithstanding any other provision of law, all costs of disposal or dredged spoil from the project for the Great Lakes connecting channels, Michigan, shall be borne by the United States.

(g) The participating non-Federal interest or interests shall retain title to all lands, easements, and rights-of-way furnished by it pursuant to subsection (d). A spoil disposal facility owned by a non-Federal interest or interests may be conveyed to another party only after completion of the facility's use for disposal purposes and after the transferee agrees in writing to use or maintain the facility in a manner which the Secretary of the Army determines to be satisfactory.

(h) Any spoil disposal facilities constructed under the provisions of this section shall be made available to Federal licensees or permittees upon payment of an appropriate charge for such use. Twenty-five per centum of such charge shall be remitted to the participating non-Federal interest or interests except for those excused from contributing to the construction costs under subsections (e) and (f).

(i) This section, other than subsection (j), shall be applicable only to the Great Lakes and their connecting channels.

(j) The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to extend to all navigable waters, connecting channels, tributary waters, connecting channels, tributary streams, other waters of the United States and water contiguous to the United States, a comprehensive program of research, study, and experimentation relating to dredged spoil. This program shall be carried out in cooperation with other Federal and State agencies, and shall include, but not be limited to, investigations on the characteristics of dredged spoil, alternative methods of its disposal, and its effects on receiving waters.

SEC. 112. In all cases where real property shall be taken by the United States for the public use in connection with any improvement of rivers, harbors, canals, or waterways of the United States, and in all condemnation proceedings by the United States to acquire lands or easements for such improvements, the compensation to be paid for real property taken by the United States above the normal high water mark of navigable waters of the United States shall be the fair market value of such real property based

upon all uses to which such real property may reasonably be put, including its highest and best use, any of which uses may be dependent upon access to or utilization of such navigable waters. In cases of partial takings of real property, no depreciation in the value of any remaining real property shall be recognized and no compensation shall be paid for any damages to such remaining real property which result from loss of or reduction of access from such remaining real property to such navigable waters because of the taking of real property or the purposes for which such real property is taken. The compensation defined herein shall apply to all acquisitions of real property after the date of enactment of this Act, and to the determination of just compensation in any condemnation suit pending on the date of enactment hereof.

SEC. 113. (a) Subsection (a) of section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended by striking out "$10,000,000" and inserting in lieu thereof "$25,000,000". Subsection (b) of such section 107 is amended by striking out "$500,000" and inserting in lieu thereof "$1,000,000".

(b) Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946, as amended (33 U.S.C. 426g), is amended (1) by striking out "$10,000,000" and inserting in lieu thereof "$25,000,000", and (2) by striking out "$500,000" and inserting in lieu thereof "$1,000,000".

(c) The amendments made by this section shall not apply to any project under contract for construction on the date of enactment of this Act.

SEC. 114. The New York Harbor Collection and Removal of Drift project is hereby modified substantially in accordance with the plans on file in the Office, Chief of Engineers, subject to the approval of such plans and recommendations for requirements of local cooperation by the Secretary of the Army and the President.

SEC. 115. The project for Santa Barbara Harbor, California, authorized by the River and Harbor Act approved March 2, 1945, is hereby modified to provide that the dredging and maintenance of such project shall be the responsibility of the United States.

SEC. 116. The multiple-purpose plan for improvement of the Arkansas River and tributaries, authorized by the River and Harbor Act of July 24, 1946, as amended and modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct a bridge and necessary approach facilities across Spaniard Creek, Muskogee County, Oklahoma, as a replacement for the former bridge which was removed in connection with the construction of Lock and Dam Numbered 16. Appropriate non-Federal interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall own, operate, and maintain the bridge and approach facilities after completion of construction.

SEC. 117. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake measures to clear the channel of the North Branch of the Chicago River, Illinois, of fallen trees, roots, and other debris and objects which contribute to flooding, unsightliness, and pollution of the river.

(b) Prior to initiation of measures authorized by this section, such non-Federal interests as the Secretary of the Army, acting through the Chief of Engineers, may require, shall agree to such conditions of cooperation as the Secretary of the Army, acting through the Chief of Engineers, determines appropriate, except that such conditions shall be similar to those required for similar project purposes in other Federal water resources projects.

(c) There is authorized to be appropriated to the Secretary of the Army not to exceed $200,000 for the Federal share of the project.

SEC. 118. Title I of this Act may be cited as the "River and Harbor Act of 1970".

TITLE II—FLOOD CONTROL

SEC. 201. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this title. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated.

LOWER MISSISSIPPI RIVER BASIN

The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further modified and expanded to include the project for flood protection within the areas of eastern Rapides and south-central Avoyelles Parishes, Louisiana, that are drained by the Bayou des Glaises diversion channel, and Lake Long, and their tributaries, substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered —, at an estimated cost of $15,333,000.

OHIO RIVER BASIN

The project for flood protection on Mill Creek, Ohio, is hereby authorized, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–413, at an estimated cost of $32,642,000.

MISSOURI RIVER BASIN

The project for flood protection and other purposes in the Blue River Basin, vicinity of the Kansas Cities, Missouri and Kansas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–332, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project.

The project for Oahe Dam and Reservoir, Missouri River, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 91–23, at an estimated cost of $732,000.

GREAT LAKES BASIN

The project for flood protection along Red Run Drain and Lower Clinton River, Michigan, is hereby authorized, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered —, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project.

The project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes is hereby authorized, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered —, at an estimated cost of $19,070,000. Prior to the commencement of this project, including, but not limited to, acquisition of real property, the Secretary of the Army, acting through the Chief of Engineers, shall investigate all possible alterative methods, including, but not limited to, possible relocation of elements of the project, installation of channels, provision of levees and floodwalls, decreasing of size of project facilities, rerouting of streams, raising or lowering pools, and deepening channels and movement on the stream, or any combination of the foregoing that can accomplish the purposes of this project and shall report his findings and determinations to the Congress.

RED RIVER OF THE NORTH

The project for flood protection and other purposes on Wild Rice River, Minnesota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 366, Ninetieth Congress, at an estimated cost of $8,359,000.

The project for flood protection and other purposes on the Sheyenne River, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–330, at an estimated cost of $20,000,000.

SOURIS RIVER BASIN

The project for Burlington Dam and Reservoir on the Souris River, North Dakota, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–321, at an estimated cost of $29,240,000.

UPPER MISSISSIPPI RIVER BASIN

The project for flood protection on the Mississippi River at Davenport, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered —, at an estimated cost of $12,263,000.

ARKANSAS RIVER BASIN

The project for flood protection and other purposes on the Deep Fork River in the vicinity of Arcadia, Oklahoma, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–299, at an estimated cost of $24,900,000.

ARKANSAS-RED RIVER BASIN

The project for water quality control in the Arkansas-Red River Basin, Texas, Oklahoma, and Kansas, designated as part I, authorized by the Flood Control Act of 1966, is hereby modified to include part II of such project, substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered —, except that the amount authorized for part I shall be utilized for initiation and partial accomplishment of parts I and II.

SABINE RIVER BASIN

The project for flood protection and other purposes in the Sabine River Basin, Texas and Louisiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered —, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project.

SANTA BARBARA COUNTY COASTAL STREAMS

The project for flood protection on Atascadero Creek and its tributaries at Goleta, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–392, at an estimated cost of $13,830,000.

SAN JOAQUIN RIVER BASIN

The project for Merced County Streams, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered —, at an estimated cost of $37,260,000.

SACREMENTO RIVER BASIN

The project for flood protection and other purposes on Cottonwood Creek, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered —, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project.

COMMONWEALTH OF PUERTO RICO

The project for flood protection and other purposes for Portugues Dam and Reservoir,

Puerto Rico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered ——, at an estimated cost of $11,110,000.

The project for flood protection and other purposes for Cerrillos Dam and Reservoir, Puerto Rico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered ——, at an estimated cost of $16,351,000.

The project for flood protection and other purposes for channel improvement at Ponce, Puerto Rico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered ——, at an estimated cost of $14,295,000.

SEC. 202. (a) The plan for flood protection in the Big Sandy River Basin, Kentucky, West Virginia, and Virginia, included in the comprehensive plan for flood control in the Ohio River Basin, authorized by the Flood Control Act, approved June 22, 1936 (49 Stat. 1570), as amended and modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to relocate Levisa Fork of the Big Sandy River at Pikeville, Kentucky, and to construct related drainage facilities, in connection with the city of Pikeville's model city program. Such channel relocation shall be accomplished by excavation of an open cut to connect the points of the horseshoe bend in Levisa Fork at Pikeville, and the open cut shall be designed and constructed to such dimensions and grades as will permit relocation of the river with the Chesapeake and Ohio Railway on the left descending bank and United States Highway Numbered 23 on the right descending bank of such open cut. Spoil material from the open cut shall be utilized for filled areas included in the model city plan.

(b) The work authorized by this section shall not be commenced until an agreement satisfactory to the Secretary of the Army, acting through the Chief of Engineers, has been entered into with the Department of Housing and Urban Development, the State Highway Department of Kentucky, the Federal Highway Administration, the Appalachian Regional Commission, the Chesapeake and Ohio Railway Company, the city of Pikeville, and other participating agencies, relative to the financial responsibility of each participant in the model city project; and appropriate non-Federal interests have furnished the cooperation required by section 3 of the Flood Control Act, approved June 22, 1936 (49 Stat. 1570), as amended. Financial participation of the Department of the Army shall be based upon an equitable distribution of costs among the participants, but shall not exceed $2,000,000.

SEC. 203. The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate and participate with concerned Federal, State, and local agencies in preparing the general plan for the development of the water resources of the Western United States authorized by the Colorade River Basin Project Act (82 Stat. 885).

SEC. 204. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with the Commonwealth of Puerto Rico, political subdivisions thereof, and appropriate agencies and instrumentalities thereof, in the preparation of plans for the development, utilization, and conservation of water and related land resources of drainage basins and coastal areas in the Commonwealth of Puerto Rico, and to submit to Congress reports and recommendations with respect to appropriate participation by the Department of the Army in carrying out such plans. Such plans that may be recommended to the Congress shall be harmonious components of overall development plans being formulated by the Commonwealth and shall be fully coordinated with all interested Federal agencies.

(b) The Secretary of the Army, acting through the Chief of Engineers, shall consider plans to meet the needs of the Commonwealth for protection against floods, wise use of flood plain lands, improvement of navigation facilities, regional water supply and waste management systems, outdoor recreational facilities, the enhancement and control of water quality, enhancement and conservation of fish and wildlife, beach erosion control, and other measures for environmental enhancement.

SEC. 205. Notwithstanding the first proviso in section 201 of the Acts entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes" approved June 30, 1948 (62 Stat. 1171), and May 17, 1950 (64 Stat. 63), the authorization in section 203 of the Act of June 30, 1948, and section 204 of the Act of May 17, 1950, of the project for local protection at East Grand Forks, Minnesota, shall expire on April 17, 1975, unless local interests shall before such date furnish assurances satisfactory to the Secretary of the Army that the required local cooperation in such project will be furnished.

SEC. 206. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to elevate, relocate, or make such other changes as may be necessary to insure that the road located in the Wolf Creek Park area, running in an east-west direction and crossing Wolf Creek, Harris Branch, and Strain Branch in the Navarro Mills Reservoir, Texas, will at all times be above elevation four hundred and forty-three feet above mean sea level.

SEC. 207. Paragraph (2) under the heading "Lower Mississippi River Basin" in section 203 of the Flood Control Act of 1966 (Public Law 89-789) is amended by striking out "Baton Rouge, Louisiana," and inserting in lieu thereof "Cairo, Illinois,".

SEC. 208. Subsection (b) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property.", approved August 13, 1946 (33 U.S.C. 426e(b)), is amended by inserting "(1)" after "except that", by striking out "and, further, that" and inserting "(2)" in lieu thereof, and by inserting before the period at the end thereof a comma and the following: "and (3) Federal participation in the cost of a project providing hurricane protection may be, in the discretion of the Secretary of the Army, acting through the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs".

SEC. 209. It is the intent of Congress that the objectives of enhancing regional economic development, the quality of the total environment, including its protection and improvement, the well-being of the people of the United States, and the national economic development are the objectives to be included in water resource projects prosecuted by the Secretary of the Army, acting through the Chief of Engineers, and in the evaluation of benefits and costs attributable thereto.

SEC. 210. The project for the western Kentucky tributaries (Obion Creek), Kentucky, authorized as part of the comprehensive plan for the lower Mississippi Basin in the Flood Control Act of 1965, is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, shall, after the date of enactment of this Act, relocate at Federal expense all transmission lines (both gas and electric) in western Kentucky required to be relocated by this project or, at his discretion, reimburse or credit local interests for such relocations made by them.

SEC. 211. (a) Section 3013 of title 10, United States Code, is amended by striking out "four Assistant Secretaries" and inserting in lieu thereof the following: "five Assistant Secretaries", and by adding at the end thereof the following: "One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Civil Works. He shall have as his principal duty the overall supervision of the functions of the Department of the Army relating to programs for conservation and development of the national water resources including flood control, navigation, shore protection, and related purposes."

(b) Paragraph (15) of section 5315 of title 5, United States Code, is amended by striking out "(4)" and inserting in lieu thereof "(5)".

SEC. 212. The Secretary of the Army, acting through the Chief of Engineers, is authorized, in the interests of flood control and related purposes, to remove logjams in the lower Guadalupe River, Texas. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work and to perform all such work hereafter.

SEC. 213. The Secretary of the Army, acting through the Chief of Engineers, is authorized to resolve the seepage and drainage problem in the vicinity of the town of Niobrara, Nebraska, that may be related to operation of Gavins Point Dam and Lewis and Clark Lake project, Nebraska and South Dakota, subject to a determination by the Chief of Engineers with the approval of the Secretary of the Army, of the most feasible solution thereto. There is authorized to be appropriated to the Secretary not to exceed $7,800,000, to carry out this section.

SEC. 214. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform dredging operations in the Coal River Basin, West Virginia, for the purpose of improving the channel capacities in the interest of flood control. Such operations shall be performed on an interim basis pending completion of the Kanawha River Basin comprehensive study being undertaken by Federal and State agencies and implementation of the pertinent study recommendations by the Department of the Army. Appropriate non-Federal public interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall, prior to initiation of dredging operations, agree to furnish the necessary lands, disposal areas, easements, and rights-of-way, and hold and save the United States free from damages due to the dreging operations.

SEC. 215. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed, as part of the comprehensive study of the water and related resources of the Susquehanna River Basin, to investigate and study, in cooperation with the Administrator of the Environmental Protection Agency and other interested departments, agencies, and instrumentalities of the Federal Government and of the governments of States and their political subdivisions, the availability, quality, and use of waters within the basin with a view toward developing a comprehensive plan for the development, conservation, and use of such waters. The Environmental Protection Agency shall have the responsibility in carrying out this section for those aspects of the development, conservation, and use of such waters which are essentially within its jurisdiction.

(b) In connection with such investigations and studies the Secretary of the Army, acting through the Chief of Engineers, and in cooperation with the Environmental Protection Agency and all other interested Federal agencies, shall make such studies and develop such plans as deemed necessary for the construction, operation, and maintenance of facilities in selected regions of the basin, in-

cluding augmentation of streamflows by releases of stored waters.

(c) Such facilities may include, but shall not be limited to, water conveyance systems; regional waste treatment, interceptor, and holding facilities, water treatment facilities; and facilities and methods for recharging ground water reservoirs.

(d) The Secretary of the Army, acting through the Chief of Engineers, shall submit to the Congress the plans prepared pursuant to this section, which shall include all recommendations of the Environmental Protection Agency with respect to matters under its jurisdiction, and shall include recommendations for authorization and appropriate financial participation and cooperation by the States, political subdivisions thereof, and other local interests.

(e) In determining the need for storage for regulation of streamflow and water release, the Secretary of the Army, acting through the Chief of Engineers shall not be limited by the provisions of section 3(b) (1) and (4) of the Federal Water Pollution Control Act, but may include recommendations, if appropriate, which are consistent with section 8 of the Federal Water Pollution Control Act, and other like project purposes of water resources projects.

SEC. 216. The project for flood protection on the Klamath River at and in the vicinity of Klamath, California, authorized by the Flood Control Act of 1966 (80 Stat. 1405), is hereby modified to require the Secretary of the Army, acting through the Chief of Engineers, to provide, as an essential part of the project, bank protection works extending approximately two miles downstream from the project to protect the north bank of the river from erosion due to Klamath River flows. Non-Federal interests shall furnish lands and interests therein necessary for the works, hold and save the United States free from damages due to the works, and operate and maintain the works after completion.

SEC. 217. The Secretary of the Army, acting through the Chief of Engineers, is authorized to review the operation of projects the construction of which has been completed and which were constructed by the Corps of Engineers in the interest of navigation, flood control, water supply, and related purposes, when found advisable due to significantly changed physical or economic conditions, and to report thereon to Congress with recommendations on the advisability of modifying the structures or their operation, and for improving the quality of the environment in the overall public interest.

SEC. 218. The Secretary of the Army is hereby authorized and directed to cause surveys for flood control and allied purposes, including channel and major drainage improvements, and floods aggravated by or due to wind or tidal effects, to be made under the direction of the Chief of Engineers, in drainage areas of the United States and its territorial possessions, which include the localities specifically named in this section. After the regular or formal reports made on any survey authorized by this section are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law except that the Secretary of the Army may cause a review of any examination or survey to be made and a report thereon submitted to Congress, if such review is required by the national defense or by changed physical or economic conditions.

Great Swamp, New River Basin, South Carolina.

Streams flowing through West Brazoria County Drainage District Numbered 11 in Brazoria County, Texas.

Vermilion River, Ohio.

Huron River, Ohio.

Black River, Lorain County, Ohio.

Black Creek, Clay County, Florida.

Grand Lake, St. Marys, Ohio.

Coody Creek, Muskogee, Oklahoma.

SEC. 219 The Claremont Dam and Reservoir, New Hampshire, authorized by the Flood Control Act approved June 28, 1938 as a part of the comprehensive plan for flood control and other purposes for the Connecticut River Basin, is not authorized after the date of enactment of this Act.

SEC. 220 The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to provide bank revetment works along the Ohio River at Newburgh, Indiana, to protect public and private property and facilities threatened by erosion.

SEC. 221. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $1,400,000 for the prosecution of the Comprehensive Plan for the Upper Mississippi River Basin, approved in the Act of June 28, 1938, as amended and supplemented by subsequent acts of Congress.

SEC. 222 (a) After the date of enactment of this Act the construction of any water resources project by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under the provisions of section 215 of the Flood Control Act of 1968 or under any other provision of law, shall not be commenced until each non-Federal interest has entered into a written agreement with the Secretary of the Army to furnish its required cooperation for the project.

(b) A non-Federal interest shall be legally constituted public body with full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform.

(c) Every agreement entered into pursuant to this section shall be enforcible in the appropriate district court of the United States.

(d) After commencement of construction of a project, the Chief of Engineers may undertake performance of those items of cooperation necessary to the functioning of the project for its purposes, if he has first notified the non-Federal interest of its failure to perform the terms of its agreement and has given such interest a reasonable time after such notification to so perform.

(e) The Secretary of the Army, acting through the Chief of Engineers, shall maintain a continuing inventory of agreements and the status of their performance, and shall report thereon annually to the Congress.

(f) This section shall not apply to any project the construction of which was commenced before January 1, 1972.

SEC. 223. The Secretary of the Interior in financing the relocation of the existing Placer County Road from Auburn to Foresthill, California, as part of the construction of the Auburn Dam and Reservoir on the Auburn-Folsom South Unit of the Central Valley Project, California, may provide for the cost of construction of a two-lane river level bridge across the North Fork of the American River with a substructure and deck truss capable of supporting a four-lane bridge.

SEC. 224. Section 204 of the Flood Control Act of 1950 is amended by adding at the end of the authorizations set forth under the center heading "COLUMBIA RIVER BASIN" the following new paragraph:

"The Secretary of the Army, acting through the Chief of Engineers, is authorized to pay to those railroad employees suffering long term economic injury through reduction of income as the result of the relocation of rail transportation facilities due to the construction of Libby Dam, Montana, such sums as he determines equitable to compensate such employees for such injury. There is authorized to be appropriated to carry out this paragraph, not to exceed $900,000."

SEC. 225. That the plan for flood protection in the Big Sandy River Basin, Kentucky, West Virginia, and Virginia included in the comprehensive plan for flood control in the Ohio River Basin, authorized by the Flood Control Act, approved June 22, 1936 (49 Stat. 1570), as amended and modified is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide the towns of Williamson and Matewan, West Virginia, with comprehensive flood protection by a combination of local flood protection works and residential flood proofing and to initiate advanced engineering design and construction thereof as described by the Chief of Engineers in Report on Tug Fork, July 1970, at a total cost not to exceed $10,000,000 except that no funds shall be appropriated to carry out this section until such modification is approved by the Appalachian Regional Commission and the President.

SEC. 226. This title may be cited as the "Flood Control Act of 1970".

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the legislation we have before us today, H.R. 19877, the Rivers and Harbors and Flood Control Act of 1970, represents a solid program which was developed by careful and comprehensive study and consideration by all the members of the Committee on Public Works. I would like to commend especially, the tireless efforts of our distinguished chairman, the gentleman from Maryland (Mr. FALLON) and of the able subcommittee chairman who did so much to put this excellent package together, the chairman of the Flood Control Subcommittee, the gentleman from Alabama (Mr. JONES), and the chairman of the Rivers and Harbors Subcommittee, the gentleman from Minnesota (Mr. BLATNIK).

They and the ranking minority members, the outstanding gentleman from Florida (Mr. CRAMER) and the gentleman from Ohio (Mr. HARSHA) are to be commended for the legislative proposal reported from the Committee on Public Works.

Mr. Speaker, these two Subcommittees on Rivers and Harbors and Flood Control heard testimony on many navigation, beach erosion and flood control projects. We carefully analyzed and examined all projects presented to the subcommittee, as well as the subject matter of numerous legislative proposals.

Title I, the Rivers and Harbors Act of 1970 included authorization for navigation projects and one beach erosion control project, at an estimated Federal cost of $184,741,000 and includes work in 13 States.

Title II calls for development of some 19 projects in a dozen States. The authorized work would amount to $400,000,000.

Environmental statements for all projects in this bill have been submitted by the committee in accordance with the requirements of section 102 of the National Environmental Policy Act of 1969.

This is authorizing legislation. This bill does not appropriate a penny of taxpayers' money at this time. Passage of the bill will not affect the present fiscal situation of the United States. However, passage will place the Nation in a position to develop these projects as rapidly as the economic and fiscal situation of the Nation allows.

Mr. Speaker, in addition to the specific projects authorized in this bill, we considered recommendations for a number of small projects each having an estimated Federal cost of less than $10,000,000.

Section 201 of the Flood Control Act of 1965 permits the congressional Committees on Public Works to approve projects under $10,000,000 by resolution. Our committee presently has under active consideration, a number of flood control, navigation, and beach erosion projects which qualify for authorization under section 201.

Before concluding my remarks, Mr. Speaker, I would like to take this opportunity to mention one specific project located in my own congressional district; that is, the Cottonwood Creek project proposed by the U.S. Corps of Engineers. The reasons are respectfully submitted here for consideration:

Early this year, northern California experienced another major flood disaster during which the damage mounted into the millions of dollars. The floodwaters had hardly subsided when the full Committee on Public Works authorized an on-the-spot inspection and seminar on the situation. A detailed report on our findings was filed with the committee.

One of the main contributing factors to flooding all along the Sacramento River was the heavy runoff on Cottonwood Creek, the major uncontrolled tributary to the Sacramento River. This, plus maximum flood control releases from the Lake Shasta Reservoir behind which an exceptionally heavy runoff was being experienced, resulted in substantial damage including the inundation of virtually all of the town of Tehama. Had the Cottonwood project been completed, there is no doubt but that all this damage could have been avoided.

The alltime record flow of floodwaters in Cottonwood Creek is 60,000 cubic feet per second. This year the maximum hit 58,500 feet per second. I might interject here that the Corps of Engineers projections show a 10-year flood crest of 50,000 second feet, but we have experienced this twice in the past 6 years—60,000 second feet in December 1964, and 58,500 in January of this year.

Safe channel flows are in the order of 15,000 cubic feet per second.

You can see how the Corps of Engineers can estimate easily that completion of the Cottonwood project would result in annual flood damage savings of $3,417,000.

With a total estimated construction cost of $174,000,000 the flood control and other benefits which would accrue from completion of this multiple-purpose project would result in a benefit-cost ratio of 1.3 to 1, even at the higher interest rates now in force.

In addition to flood control, the benefits in the proposed project would include increased municipal, domestic, and irrigation water supply, increased recreation opportunity in an area to which the millions living in the Metropolitan San Francisco Bay area often turn for their moments in nature's outdoors, enhancement of fish and wildlife, and area development in a region now suffering from one of the highest unemployment rates in the Nation.

It is a small wonder that we have virtually unanimous support for the project from State and local government, from chambers of commerce and boosters groups, from farm organizations and from conservation groups, including the Sierra Club.

In the formulation of the feasibility study by the Corps of Engineers, continuous coordination has been maintained with all of these agencies and organizations.

This was accomplished through a California State-Federal interagency group comprised of the State of California's Department of Water Resources, the U.S. Bureau of Reclamation, the U.S. Soil Conservation Service, and the Corps of Engineers. In addition, close coordination was maintained with conservation and other citizen groups.

After the proposed plan of improvement was completed, the views of all interested Federal and non-Federal agencies were obtained through individual conferences and through a formal hearing held July 7, 1970, in Cottonwood, Calif.

No objection has been raised to the project by any Federal agency—their comments have been indicative of the need for this development. The State of California has submitted testimony to the full Committee on Public Works urging its approval, and the county boards of supervisors in Shasta and Tehama Counties have urged its construction.

In summary, we have a fine project, consisting of two earthfill dams, one at Dutch Gulch, standing 268 feet high with a crest of 21,810 feet and storing 1,100,000 acre-feet of water, and one on the South Fork of Cottonwood Creek standing 238 feet high with a crest of 29,340 feet, storing about 900,000 acre-feet of water.

Mr. Speaker, with a favorable benefit-cost ratio and general support among Federal, State, and local governments and the people of the region, I believe we have, in H.R. 19877, the inclusion of a project most worthy of consideration. I do, therefore, urge favorable consideration by my colleagues of the omnibus bill.

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

Mr. Speaker, the bill that we are considering today is in recognition of the duties of the Government to consider the plight of its citizens, who, by virtue of natural phenomenon, or by virtue of their location, need Federal action to protect themselves and their property from harm. This bill presents some 30 project reports for flood control and rivers and harbors projects located in 21 States and Puerto Rico. It covers all types of works under the jurisdiction of the committee within the province of the Corps of Engineers. It provides for one comprehensive river basin plan previously approved by the Congress and expands this plan in accordance with the findings of the GAO and the committee to consider aspects of the environment and means of protecting the environment while accommodating the needs of our citizens. The total authorization for projects included in this bill is $584,793,000.

In addition to the bill before us, the committee has heard testimony concerning a number of projects each having an estimated Federal cost of less than $10 million. Those projects that qualified for authorization under the provisions of section 201 of the Flood Control Act of 1965 are under consideration by the Committee on Public Works for action under the authority of the act. Section 201 of the Flood Ccntrol Act of 1965 permits congressional committees on Public Works to approve projects under $10 million by resolution. It is my understanding that action will be taken on 201 projects prior to the conclusion of this Congress.

There is one portion of this bill with which a number of the members of the committee do not find themselves in agreement; that is, section 224. That section authorizes the Secretary of the Army, acting through the Chief of Engineers, to pay to railway employees such sums as he determines equitable to compensate them for their economic injury in the form of reduced income which resulted from the relocation of rail transportation facilities due to the construction of Libby Dam, Mont. A matter of this nature and potential magnitude requires indepth hearings and evaluation before the committee takes action. No one can fail to sympathize with any citizen of the United States who suffers with direct or indirect economic injury as the result of a Federal project. Nevertheless, the principle followed by the amendment to the Flood Control Act is one that can prove to be extremely burdensome financially. If carried to its extreme, it would require that in case any highway that is built, and, incidentally, shortens a route so that a truckdriver would be entitled to less pay for the same service, would be the basis for additional payments by the Federal Government because of that shortening.

Similarly, seamen could have a claim against the U.S. Government for the difference in wages that they would receive after a canal is built compared to that which they would have earned before a canal is built. On the other side of the coin, those citizens who might have to drive a greater distance to work as a result of a Federal project could then feel that they had the right to claim the difference in mileage costs. The Federal Government would have an endless series of problems trying to find a way to compensate every conceivable applicant who might construe this language to mean that by setting a precedent wherever there is a relocation of rail lines, highways, or waterways, that they are eligible for some compensation. Under these circumstances, we believe, that this is too far reaching, and therefore, we oppose it.

In addition to legislation dealing directly with projects or to monetary authorizations, this bill and report contain several references to factors which the committee feels require attention. Among these are the needs for recodification of the general and permanent laws relating to civil works projects of the Corps of Engineers. In the River and Harbor Act of 1965, we directed the Secretary of Army to transmit a suggested draft of this revision on codification. We have urged the Secretary to proceed with this action, already overdue.

We have also urged for action upon section 206 of the Appalachian Regional Development Act of 1965 to prepare a comprehensive report for water resources development in Appalachia. The committee attaches great importance to this study and emphasizes here the need for the report. In addition to serving the information requirements of the Appalachian region, we believe this type of report will help other regions of the area that are in the process of advancing regional economic and basin water and land resource development programs.

In order to make some legislation history regarding section 216 of the bill, the committee desires to relate by their adoption and inclusion of this section, that a state of emergency exists and, therefore, asks the Corps of Engineers to move forward programing the necessary funds for the completion of the project as described in the committee report under section 216.

In evaluation of the projects by the committee, we attempted to scrutinize them carefully and in many instances only authorized a portion of the entire project, thereby permitting the committee to maintain continuing surveillance and review over the ongoing projects.

It serves two purposes: First to hold the total authorization to a lower more realistic and reasonable level; and, second, it serves notice to all concerned that we intend to retain the close oversight and scrutinizing responsibilities delegated to our committee by the Congress. We believe this is in keeping with sound fiscal policy in addition to legislative processing requirements.

I urge the Members to review the in-depth committee report that contains the specifics of our Rivers and Harbors and Flood Control Acts of 1970, H.R. 19877.

In closing, I would say that within the context of the bill and report, there are various items of interest to Members concerning cost sharing arrangements and matters of similar interest and further urge the adoption of the Public Works Committee's recommendation.

(Messrs. LANGEN, MICHEL, and TEAGUE of California (at the request of Mr. DON H. CLAUSEN) were granted permission to extend their remarks at this point in the RECORD.)

Mr. LANGEN. Mr. Speaker, I rise this afternoon in support of the bill currently being considered, H.R. 19877, the River and Harbor and Flood Control Acts of 1970. Contained in this proposed legislation are two authorizations of two flood control projects that are of great concern to the residents of northwestern Minnesota, a dam and reservoir on the Wild Rice River near Twin Valley, Minn., and the reauthorization of a flood control project on the Red River of the North at East Grand Forks, Minn.

I have personally toured the Wild Rice River area on a number of occasions and can testify to the existence of a serious flood problem which has plagued Norman and Mahnomen Counties for many years. Average annual flood damage in the Wild Rice and Marsh River Basins alone comes to about half a million dollars; and average annual crop damages along the Red River of the North from the mouth of the Wild Rice River to the Canadian border are estimated at about $1½ million, with urban damages to the city of Grand Forks at about $700,000. If one considers these secondary damages which could be averted by such a flood control project together with the direct flood damages, the urgency for the construction of this project becomes evident. Due to the cost-price squeeze which is all but driving out our efficient American farmers, many farmers could not survive another flood such as was suffered by this same area in 1969.

The construction of a dam on the Wild Rice River near Twin Valley, Minn., would alleviate most of these problems and present additional advantages to the whole area. The reservoir created by this dam would provide a much-needed body of water for fishing, recreation and a natural habitat for water fowl.

Since the disastrous flood of 1909, there have been at least 16 floods on the Wild Rice of Marsh Rivers and there have been four floods in the last 6 years. At this rate of flooding it is easy to see that the local residents do not even have time to recover from a prior flood before they are beset by another flood. The farmers and residents of these communities have tried to protect themselves from these onslaughts of nature as best they can. However, they are lacking the funds and expertise required to accomplish such a goal. This function is one for which the Army Corps of Engineers is equipped and trained, and this area should not be made to suffer another catastrophe.

Mr. Speaker, I have also toured the flood prone areas of East Grand Forks, Minn., and can testify to the urgent need for the proposed extension of time for local interests to furnish the required assurances of local cooperation with the project that was authorized by the Flood Control Acts approved June 30, 1948 and May 17, 1950.

I would also like to take this opportunity to thank the Committee on Public Works for their very kind consideration and inclusion of these worthy projects in the bill now before us.

Mr. MICHEL. Mr. Speaker, my particular interest in this omnibus bill is section 109, which would increase authorization for repair and rehabilitation of the Illinois and Mississippi Canal now that it has been transferred from the Federal Government to the State of Illinois.

First of all, let me discuss the history of the canal. The canal first was suggested as far back as 1843, while the Erie Canal still carried a large share of eastern freight. It was proposed to link the Mississippi and Illinois Rivers with a waterway from approximately Rock Island to near Bureau. A right-of-way was actually surveyed at this time.

Like many expensive projects, the idea languished for many years. The Nation became embroiled in civil war and it was not until the 1880's that the idea was revived. This time it had vigorous support, but there were many difficulties.

For one thing, some major engineering problems were discovered. Then it was found that a part of the right-of-way was owned by railroad interests who were opposed to the canal. Finally, these problems were overcome, the plans were approved and work was started.

Then war with Spain broke out. Plans were reviewed, and things were done from which the canal still suffers today. Width of the canal was reduced by two-thirds. Length of the docks were cut by half.

By 1907, all the obstacles seemed to be overcome. The canal went into operation; large quantities of freight moved across the State. There was a big saving of miles compared with the long trip down the Mississippi and up the Illinois to cover a distance of about 90 airline miles.

The canal did a thriving passenger business, too. In 1 year, some 12,000 persons paid to ride the barges—either the full distance, or on short journeys between towns, along the way.

These first barges were horsedrawn. Old timers along the canal can remember towpaths along the banks, where patient animals had hauled the heavy barges from lock to lock. At first, there were no tugs designed for the canal's dimensions. These came later.

Penny-pinching finally took its toll. It was found that the short locks and other inconveniences cut down the number of barges. The canal was not practical for bigger barges which could originate at points along the two rivers and take the short cut.

Traffic declined, and by 1951 it was abandoned as a commercial route. It was used only by fishermen, canoeists, and others seeking recreation. Demands that it be preserved have never ended.

My interest in this project goes back to the year 1957 when I introduced the first measure calling for the transfer of the canal from the Federal Government to the State of Illinois for it was quite obvious then that it was a "white elephant" to the Corps of Engineers. My bill was aproved and provided for the authorization of $2 million by the Federal Government to rehabilitate the locks and make such other repairs and modifications as the State requested.

We ran into a snag with a change in the State administration in 1960 in that Governor Kerner expressed concern that the State would be assuming some tort liability if the State were to accept the canal and thus he and his subordinates set a round figure of $10 million in additional Federal funds as a precondition for the State to accept control of the canal. The higher figure was principally for the repair and construction of railroad and highway bridges crossing the canal.

Subsequently, we tried our best to interest the Department of Interior to con-

sider the area as a national park in view of the significant Federal contribution that would have to be made to clean it up. These efforts were to no avail and we then asked the Illinois-Mississippi Canal Commission to try and work out an agreement with the Corps of Engineers to get the cost down to a more reasonable figure.

After the change in the State administration resulting from the 1968 election these negotiations were intensified, led by the then director of the department of conservation, Mr. William L. Rutherford. Their discussions resulted in an agreement that this necessary repair and modification work could be accomplished with an amount of $6,528,000, the figure included in the bill we are considering here today. Actually, $800,000 of this amount has already been authorized in Public Law 87-874, so what we are really talking about here is a sum of $5,728,000, the amount called for in H.R. 14088, which I along with 15 members of the Illinois delegation, introduced on September 30, 1969.

Every Member of this body is aware of the great need for recreational areas and with our ever-expanding population this need can only become more critical in the years ahead. If these funds are made available, it would provide the basis for eventual development of this canal into a recreational park that will be of great benefit to the citizens of central and western Illinois, as well as the many visitors who will have access to the park, since it will be adjacent to the new Interstate 80 route, which traverses the northern part of the State of Illinois.

The department of conservation has some exciting plans for this area, the most notable of which consists of negotiation for the acquisition of an Amish village at the intersection of Interstate 80, Illinois 88, and the Illinois-Mississippi Canal. Land acquisition is being pressed as rapidly as possible, and the advisory board of the department of conservation has asked Governor Ogilvie to release $1 million to speed up this necessary land acquisition.

In fact, the State of Illinois intends to spend $25 to $30 million over the next 10 years to develop the entire area as a State park.

This area is ideal for all types of recreation, and is capable of serving some 8 million people. Recently residents in the immediate canal area who are vitally concerned with its restoration, conducted a cleanup operation of their own. An estimated 31 tons of trash was removed from the canal by some 3,000 concerned citizens representing such groups as the Boy Scouts, Girl Scouts, Future Farmers of America, camping and hiking groups, environmental action groups, the Izaak Walton League members, chambers of commerce, high school classes, members of the Federation of Sportsmen Clubs and Better Fishing Association. This is just one more example of how vitally interested the people of Illinois are in the restoration and maintenance of the canal and I am pleased that the committee has agreed to recommend authorization of these funds.

Mr. DON H. CLAUSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. CONABLE).

Mr. BLATNIK. Mr. Speaker, H.R. 19877, the River and Harbor and Flood Control Act of 1970, is a result of tireless effort of all members of the Committee on Public Works. At this time I would like to express our appreciation for the leadership given by the gentleman from Maryland (Mr. FALLON) and the able chairman of the Subcommittee on Flood Control, the gentleman from Alabama (Mr. JONES), and the splendid cooperation given by the ranking minority members, the gentleman from Florida (Mr. CRAMER), and the gentleman from Ohio (Mr. HARSHA), and participation of members from both sides.

Mr. Speaker, the Subcommittee on Rivers and Harbors heard testimony on many navigation and beach erosion projects. We carefully analyzed and examined all the projects that were presented to the subcommittee, as well as the subject matter of numerous legislative proposals.

Title I, the River and Harbor Act of 1970 includes authorization for 10 navigation projects and one beach erosion control project, at an estimated Federal cost of $184,741,000, and includes work in 13 States.

Environmental statements for all projects in this bill have been submitted to the committee in accordance with the requirements of section 102 of the National Environmental Policy Act of 1969.

I want to emphasize that the bill does not appropriate 1 cent of taxpayers' money at this time. Therefore, passage of the bill will not affect the present fiscal situation of the United States. However, with the passage of this bill, those projects which are needed for the well-being of our Nation will be in a ready position to be developed as rapidly as the economic and fiscal situation of the Nation allows.

There are certain provisions in H.R. 19877 which I would specifically point out to my colleagues in the House as being worthy of special note.

Section 107, which I am pleased to have authored, is the direct outgrowth of the study included in the River and Harbor Act of 1965 and authorizes the Secretary of the Army, acting through the Chief of Engineers, to conduct a survey to the Great Lakes and St. Lawrence Seaway to determine the feasibility of extending the navigation season, in accordance with the recommendations of the Chief of Engineers in his report entitled "Great Lakes and St. Lawrence Seaway-Navigation Season Extension." Preliminary investigations conclude that practical measures are available for deicing waterways and lock structures, but that solutions to the icing problem on the Great Lakes and St. Lawrence Seaway are complex, and additional studies are necessary.

The section also authorizes the Secretary of the Army, acting through the Chief of Engineers, in cooperation with interested Federal agencies—primarily the Coast Guard and the Maritime Administration—and non-Federal public and private interests to undertake an action program to demonstrate the practicability of extending the navigation season. This program will complement the survey by serving as a means of testing and developing various methods which may be recommended and also by encouraging the participation in the development and use of these methods and shipping interests.

The program will include, but not be limited to, ship voyages extending beyond the normal navigation season; observation and surveillance of ice conditions and ice forces; environmental and ecological investigations; collection of technical data related to improved vessel design; ice control facilities and aids to navigation; physical model studies; and coordination of the collection and dissemination of information to shippers on weather ice conditions.

Subsection (c) of the section authorizes a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and St. Lawrence Seaway beyond the present navigation season. One of the deterrents to winter navigation is the higher insurance rates for this season, and the provision of reasonable rates is a necessary part of any program for extending the navigation season.

Section 108 is a most important provision which we hope has nationwide significance—it is the cleaning up of the Cuyahoga River, one of the four dirtiest rivers in the United States—a river so dirty that it has on several occasions caught fire. The purpose of this section is to establish, on a test-case basis, what can be done in the way of physical and engineering improvements working in conjunction with other Federal and State treatment programs, to improve the total quality of a river—both its appearance and its quality—so that it may assume, through recreational, environmental, wildlife, and water quality values, a functional and viable role in the area it serves.

Section 111 provides for a program of construction of contained spoil disposal facilities in the Great Lakes in order to eliminate pollution associated with open water disposal of contaminated dreged spoil. The section is similar in import to a proposal submitted earlier this year by the administration. It varies from the administration proposal mainly in the area of cost sharing, by providing for waiver of the required local cooperation where the Administrator of the Environmental Protection Agency finds that the local interests are participating in an approved plan for the construction, modification, expansion, or rehabilitation of waste treatment facilities and are making progress satisfactory to the Administrator.

The section provides that, in any case where the Administrator of the Environmental Protection Agency determines that dreged spoil from an area within an authorized Federal navigation project is significantly polluted, and the Secretary of the Army thereafter determines that dredged spoil disposal facilities are available for the disposition of such spoil, then open water disposal of such dredged spoil shall be discontinued. No determinations as to significant pollution and availability of disposal areas are to be made except after consultation with the Governors of the affected States.

The section further authorizes the Secretary of the Army, acting through the Chief of Engineers, to construct contained spoil disposal facilities, subject to conditions of non-Federal cooperation, as soon as practicable. The priority of construction of the various facilities would be determined after considering the views and recommendations of the Administrator of the Environmental Protection Agency.

One point we would note is that we recognize that in certain cases the disposal of particularly hazardous spoil by open waters dumping would be so contrary to the public interest that it should not and will not be permitted at all, notwithstanding the fact that alternative disposal areas are not available.

H.R. 19877, is another forward move in the extension of the Federal river and harbor program which has produced the best system of navigable harbors and waterways possessed by any nation. Since Congress initiated the program in 1824, considerable sums of money have been appropriated for improving and maintaining the Nation's navigable waterways. These improved waterways carry huge tonnage of foreign and interstate commerce and have made possible free, easy, and unobstructed interstate commerce, and have more than justified the Federal expenditure.

Mr. Speaker, in addition to the projects in this bill, the Committee heard testimony with respect to report recommendations for a number of projects each having an estimated Federal cost of less than $10,000,000. These projects qualify for authorization under the provisions of section 201 of the Flood Control Act of 1965 which permits the Congressional Committees on Public Works to approve projects under $10,000,000 by resolution. This committee presently has under active consideration a number of flood control, navigation and beach erosion projects which qualify for authorization under section 201.

The following tables summarize the number of projects contained in the bill, together with the estimated Federal cost:

	Number	Amount
Title I:		
Navigation projects	10	$184,501,000
Beach erosion control projects	1	240,000
Total, title I	11	184,741,000
Title II: Flood control and multiple purpose projects	19	400,052,000
Grand total	30	584,793,000

List of projects by States

Project	*Estimated Federal cost*
Alabama	None
Alaska	None
Arizona	None
Arkansas: Navigation: Ouachita and Black Rivers (also Louisiana)	$13,500,000
California: Flood control:	
Goleta and vicinity, Atascadero Creek	13,830,000
Merced County Streams	37,260,000
Cottonwood Creek (channel improvement and two reservoirs)	40,000,000
Total, California	91,090,000
Colorado	None
Connecticut	None
Delaware	None
Florida:	
Navigation:	
Port Sutton, Tampa Harbor	Maintenance
Tampa Harbor	40,000,000
Beach erosion control: Lido Key	240,000
Total, Florida	40,240,000
Georgia	None
Hawaii	None
Idaho	None
Illinois	None
Indiana	None
Iowa: Flood control: Mississippi River at Davenport (local protection and reservoir)	12,263,000
Kansas: Flood control:	
Blue River, vicinity of Kansas City (channel improvement and four reservoirs). (See Missouri.)	
Arkansas-Red River Basin, water quality control. (See Oklahoma.)	
Total, Kansas	None
Kentucky	None
Louisiana:	
Navigation: Ouachita and Black Rivers. (See Arkansas.)	
Flood control:	
Eastern Rapides and South-Central Avoyelles Parishes	(15,333,000)
Sabine River Basin (local protection, 3 reservoirs, and navigation channel). (See Texas.)	
Total, Louisiana	(15,333,000)
Maine	None
Maryland: Navigation: Baltimore Harbor (also Virginia)	40,000,000
Massachusetts: Navigation: Pleasant Bay	10,221,000
Michigan: Flood Control: Red Run Drain and Lower Clinton River (channel improvement)	40,000,000
Minnesota: Flood control: Wild Rice River, Twin Valley Reservoir	8,359,000
Mississippi	None
Missouri: Flood control: Blue River, vicinity of Kansas City (channel improvement and 4 reservoirs) (also Kansas)	40,000,000
Montana	None
Nebraska: Navigation: Missouri River (also North Dakota and South Dakota)	35,981,000
Nevada	None
New Hampshire	None
New Jersey	None
New Mexico	None
New York: Flood control: Ellicott Creek, Sandridge Reservoir	19,070,000
North Carolina: Navigation:	
Manteo (Shallowbag) Bay	10,769,000
Atlantic Intracoastal Waterway Bridges (also Virginia)	11,220,000
Total, North Carolina	21,989,000
North Dakota:	
Navigation: Missouri River. (See Nebraska.)	
Flood control:	
Missouri River, Oahe Reservoir	732,000
Cheyenne River, Kindred Reservoir	20,000,000
Souris River, Burlington Reservoir	29,240,000
Total, North Dakota	49,972,000
Ohio: Flood control: Mill Creek (channel improvement)	32,642,000
Oklahoma: Flood control:	
Deep Fork River, Arcadia Reservoir	24,900,000
Arkansas-Red River Basin, water quality control (also Texas and Kansas).	
Oregon: Navigation: Coos Bay	9,100,000
Pennsylvania	None
Rhode Island	None
South Carolina	None
South Dakota: Navigation: Missouri River (see Nebraska)	None
Tennessee	None
Texas:	
Navigation: Freeport Harbor	13,710,000
Flood control:	
Arkansas-Red River Basin, water quality control. (See Oklahoma.)	
Sabine River Basin (channel improvement, 3 reservoirs, and navigation channel) (also Louisiana)	40,000,000
Total, Texas	53,710,000
Utah	None
Vermont	None
Virginia: Navigation:	
Baltimore Harbor. (See Maryland.)	
Atlantic Intracostal Waterway Bridges. (See North Carolina.)	
Total, Virginia	None
Washington	None
West Virginia	None
Wisconsin	None
Wyoming	None
Puerto Rico: Flood Control:	
Portugues River, Portugues Reservoir	11,110,000
Cerrillos River, Cerrillos Reservoir	16,351,000
Ponce, channel improvements	14,295,000
Total, Puerto Rico	41,756,000
Grand total	584,793,000

The following table lists the projects in the River and Harbor Act of 1970, project document number and estimated Federal cost:

TITLE I.—RIVERS AND HARBORS NAVIGATION PROJECTS

Project	H. Doc. No.	Federal cost of new work
Pleasant Bay, Mass	91–	$10,221,000
Baltimore Harbor, Md. and Va	91–	40,000,000
Atlantic Intracoastal Waterway bridges, North Carolina	91–	11,220,000
Manteo (Shallowbag) Bay, N.C	91-303	10,769,000
Port Sutton, Fla	91-150	
Tampa Harbor, Fla	91-401	40,000,000
Freeport Harbor, Tex	91–	13,710,000
Ouachita-Black Rivers naval project, Arkansas and Louisiana	91–	13,500,000
Missouri River, N. Dak., and Nebr	91–	35,981,000
Coos Bay, Oreg	91-151	9,100,000
Subtotal		184,501,000
Beach erosion: Lido Key, Fla	91,320	240,000
Total of title I		184,741,000

Mr. Speaker, I urge favorable consideration of H.R. 19877.

Mr. CONABLE. Mr. Speaker, I should like to ask the chairman of the subcommittee, the gentleman from Alabama (Mr. JONES), a question relating to a committee amendment listed in the report on page 1, referring to page 19 of the bill, to a certain project in which I have an interest, since it is located in my district. I should like to ask the gentleman if the effect of this wording would be to put any acquisition of land prior to the formal report on alternatives by the Corps of Engineers at the sole risk of the State of New York if they decided to go ahead before that report was completed.

Mr. JONES of Alabama. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. I would say the State of New York would be proceeding at great risk in the acquisition, because the amendment goes, among things, to the proposition of the acquisition of land for a project which may subsequently be changed; that is, the location may be changed. Consequently, the acquisition of lands prior to a final determination of the project plans would be tenuous.

Mr. CONABLE. I thank the gentleman.

Mr. Speaker, I wish to discuss the Ellicott Creek-Sandridge Dam project which is authorized by this omnibus rivers and harbors legislation. At my request the Public Works Committee has approved a restrictive amendment to this authorization, to require that before commencement of this project the Army Corps of Engineers further investigate all possible alternatives to this proposed project and report its findings to the Congress. The amendment further specifies that no property may be acquired for the purposes of this project during this period of review and reconsideration.

The Sandridge Dam project is premature and must be studied further before the Congress should give its unqualified commitment to the project. It is a $22 million multipurpose project whose main element is a massive earthen dam and reservoir to be constructed in the 37th Congressional District which I represent. The study and recommendation of this project have moved so swiftly that there has been no opportunity for a public hearing on it before the Public Works Committee. At the request of the State of New York Department of Environmental Conservation the report on this project has been accelerated in an effort to have the project authorized in this present omnibus bill. As a result, I question that there has been adequate opportunity to consider the impact of this project in the area of western New York which I represent. Thus I appreciate that the Public Works Committee has agreed to amend the authorization for this project to provide the opportunity to have it more thoroughly considered.

The whole basis for the proposal is flood control, and yet the 1.2 cost-benefit ratio needed to secure its consideration by Congress is comprised of only 35 percent flood control benefits, the balance being made up by recreational benefits of questionable value and possible municipal water supply. It appears that the flood control benefits relate primarily to projected construction adjoining the new State university site in the town of Amherst, Erie County, N.Y. The plan for the State university itself includes its own flood control measures; thus little of the flood control benefits can be ascribed to protection of the university site. The extent to which the plan is designed to provide esthetics for the university site is not clear since esthetics are not properly part of the benefit-cost ratio.

This is a major project of considerable expense to the Federal taxpayer, and yet there is some question that the Corps of Engineers has not had a major part in the development of the project. It is my understanding, for instance, that the required report by the engineers was in fact prepared in large part by independent engineering consultants, hired with money provided by the State of New York to avoid the delays caused by the workload of the Army Engineers.

In view of the hardships which would be created for people in my area by the erection of the dam, after consideration of the history of the proposal's development by the State of New York despite the major cost to the Federal Government, and in the light of the questionable economic justification for the project, the Army Engineers should be required to handle the investigation of alternatives in other than a routine way. I believe the committee amendment provides for this by requiring that the Corps of Engineers formally report back to the Congress about the possible alternatives which could provide better economic justification, less hardship on area residents and still achieve the basic flood protection goals of the project.

Mr. DON H. CLAUSEN. Mr. Speaker, I reserve the remainder of my time.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I rise in support of this legislation because among the many worthwhile projects in this bill, there is an authorization to clean the North Branch of the Chicago River of fallen trees, roots, and other debris and objects which contribute to flooding, unsightliness, and pollution of the river.

I am most grateful to the members of the committee for including this urgently needed project in this omnibus bill. I am particularly grateful to my good colleague from Chicago, Congressman JOHN C. KLUCZYNSKI, a member of the committee and to Congressman JOHN BLATNIK, chairman of the subcommittee, for their assistance in this matter.

The North Branch of the Chicago River flows through the entire northwest side of Chicago and deep into the northwest suburbs. It once was a beautiful stream flowing through forest preserves, and for many years, was a source of recreation for a large number of people.

Over the years, it was become blighted with foreign material; fallen trees, and roots, and other debris have created a series of dams which severely restrict the free-flow of this waterway. Because of these restrictions, we now experience severe floodings and an extremely high rate of dangerous pollution.

Recently, Dr. E. James Kennedy, head of the Division of Science and Mathematics at North Park College, prepared an exhaustive study of the North Branch and found a tremendously dangerous health hazard owing to the high content of bacteria in the slow-flowing waterway.

Dr. Kennedy suggested that the artificially-developed dams and obstructions to the free-flow of this waterway have made the North Branch one of the most highly-polluted waterways in the country.

I am most grateful to Dr. Kennedy and the North River Commission in Chicago for the work the Commission and this very dedicated scholar have done to focus attention on the danger presently lurking in this waterway.

The action being taken by the Public Works Committee and its chairman, the distinguished gentleman from Maryland (Mr. FALLON), will make an enormous contribution toward dealing with this problem. The Corps of Engineers have assured me that these artificially-created obstacles to the free-flow of the North Branch can be moved and a substantial part of the flow restored to a normal degree.

It is my hope that the authorization being enacted today will enable us to proceed with this project, and by next summer, have the free-flow of the river restored. I know that I express the gratitude of all of those who have suffered from flooding and other serious problems, when I express my gratitude to the committee for its action today.

Mr. JOHNSON of California. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Speaker, in title II of H.R. 19877, the Flood Control Act of 1970, there are a total of 19 projects recommending local flood and hurricane protection works and multiple-purpose reservoirs for flood control, water supply recreation, and other water uses. The total estimated cost of these projects is $400,052,000. I might point out that in the 1968 Flood Control Act we authorized 40 projects estimated to cost $1.1 billion. The Flood Control Act of 1970 is one of the smallest, if not the smallest, in the last 20 years.

Each project authorization has been examined in great detail. Testimony was received from Members of Congress, the Corps of Engineers, local interests, and others concerned with adequate development of this country.

The benefit-cost ratio for each clearly shows the measurable advantages of development.

Environmental statements for all projects have been submitted to the committee in accordance with the requirements of the National Environmental Policy Act of 1965.

Mr. Speaker, this legislation is urgently needed to carry out the highly important water resources development program of this Nation. This legislation was unanimously reported out by the committee. The projects and items of legislation are fully explained in the report accompanying this bill.

Members of the Flood Control Subcommittee join me in recommending passage of this important legislation.

Long hours have been spent by the members of the subcommittee in the formulation of this bill, and at this time I wish to express my appreciation and thanks for their efforts.

I am, as always deeply, appreciative of the splendid leadership of the chairman of this committee, the gentleman from Maryland (Mr. FALLON), the able chairman of the Subcommittee on Rivers and Harbors, the gentleman from Minnesota (Mr. BLATNIK), the gentleman from California (Mr. JOHNSON) and the cooperation given by the ranking minority members of the committee, the gentleman from Florida (Mr. CRAMER), the gentleman from Ohio (Mr. HARSHA), and the ranking minority member of the Subcommittee on Flood Control, the gentleman from California (Mr. DON CLAUSEN).

In the committee's report on the Flood Control Act of 1968—House Report No. 1709, 90th Congress—we noted a lack of uniformity of standards for the formulation and evaluation of water resources projects. At that time we pointed out that the data furnished the commitees of Congress does not always accurately reflect all primary direct and indirect benefits as well as the secondary benefits which had been established as Federal policy by the executive branch and published in Senate Document No. 97, 87th Congress. We urged that there should be a reevaluation of the principles, standards, and procedures for economic analysis of Federal water and related land resources projects.

Over a year and a half ago, the Federal Water Resources Council embarked upon necessary revisions to the project evaluation criteria with a view toward recognizing all the benefits and costs that result from water resource investments.

The committee understands that the report of the special task force has been completed and is under intensive review within the executive branch. The need to improve our environment and to alleviate our urban congestion and problems, requires that more realistic criteria be applied to water resource project evaluations. The proposals under study by the Water Resources Council would provide the basis for the development of projects responsive to the Nation's priorities. These revisions are long overdue and the committee urges early and expeditious action by the administration in approving and implementing these procedures. Accordingly, section 209 of the Flood Control Act of 1970 expresses a statement of the intent of Congress that the objectives of enhancing regional development protection and improvement of the quality of the environment, enhancing well-being and enhancing national economic development should be included in water resource projects prosecuted by the Secretary of the Army, acting through the Chief of Engineers, and in the evaluation of benefits and costs attributable thereto.

This statement of intent is not to be inferred that the committee is in total agreement with the entire report of the task force, but rather that we concur in its stated objectives. We will at the appropriate time examine in detail all aspects of the report.

Section 215 authorizes and directs the Secretary of the Army, acting through the Chief of Engineers, as part of the comprehensive study of the water and related resources of the Susquehanna River Basin, to investigate and study, in cooperation with the Administrator of the Environmental Protection Agency and other interested Federal and State agencies, the availability, quality, and use of waters within the basin with a view toward developing a comprehensive plan for the development, conservation, and use of such waters. The studies and investigations authorized by this section will include the development of plans for recommendations to the Congress, concerning the construction, operation, and maintenance of water conveyance systems; regional waste treatment, interceptor, and holding facilities; water treatment facilities; and facilities and methods for recharging ground water reservoirs.

The committee feels strongly that truly comprehensive and effective water resources planning must consider all of the water uses and needs of a basin, including means for preserving or enhancing water quality. The Susquehanna Basin is considered ideal for the first such study because of the comprehensive study now being undertaken for it by the Department of the Army in cooperation with other Federal and State agencies.

The recently established Environmental Protection Agency will play a significant role in the study. The section provides that any plans submitted to the Congress by the Secretary of the Army, acting through the Chief of Engineers, shall include all recommendations of the Environmental Protection Agency with respect to matters under its jurisdiction.

Plans submitted to the Congress will also include recommendations as to appropriate financial participation and cooperation by the States, political subdivisions thereof, and other local interests.

The intent of the section is to achieve a truly comprehensive study and plan for the water resources of a river basin, utilizing the authorities and abilities available to the various Federal and State agencies in a coordinated and cooperative effort. This study can, through the experience gained in carrying it out, benefit future similar studies in other basins and add greatly to our ability to effectively develop and conserve the Nation's water and related resources.

The committee feels that there should be a uniformity of obligation in water resources development projects and the associated items of local cooperation, and that before Federal moneys are invested in a project, the non-Federal interests should be bound to perform the required cooperation.

Under section 222 the construction of any water resources project by the Secretary of the Army, shall not be commenced until the non-Federal interests enter into a written agreement with the Secretary of the Army to furnish the cooperation required under the project authorization or other law.

The non-Federal interests entering into these agreements must be legally constituted public bodies with full authority and capability to perform the terms of the agreement and to pay damages, if necessary, in the event of failure to perform. The agreements will be enforceable in the appropriate district courts of the United States.

The section also requires that a continuing inventory be kept of agreements and the status of their performance, and that an annual report be made to the Congress.

The committee feels that this section will provide a necessary uniformity of obligation among non-Federal interests and insure that Federal investments in water projects will be economically and judiciously made. The committee recognizes that changes in State law may be necessary in order for non-Federal interests to comply with this action, and, accordingly, has made the provisions of the section applicable on January 1, 1972.

The following table lists the projects, project document numbers, and estimated Federal costs for projects in title I of H.R. 19877:

FLOOD CONTROL PROJECTS

[Dollar amounts in thousands]

Projects	Document number and Congress	Federal cost of new work
Eastern Rapides and south central Avoyelles Parishes, La.	S. 91-113	$15,333
Mill Creek, Ohio	H. 91-413	32,642
Blue River, Kansas City, Mo. and Kans.	H. 91-332	40,000
Oahe Dam and Reservoir, Missouri River, N. Dak.	S. 91-23	732
Red Run drain and lower Clinton River, Mich.	H. 91——	40,000
Ellicott Creek, N.Y.	H. 91——	19,070
Wild Rice River, Minn.	H. 366, 90——	8,359
Sheyenne River, N. Dak.	H. 91-330	20,000
Souris River, N. Dak.	H. 91-321	29,240
Mississippi River, Davenport, Iowa.	H. 91——	12,263
Arcadia Reservoir, Deep Fork River, Okla.	H. 91-299	24,900
Arkansas-Red Rivers, water quality control, pt. II, Oklahoma, Texas, and Kansas.	S. 91——	
Sabine River Basin, Tex. and La.	H. 91——	40,000
Goleta and vicinity, California	H. 91-392	13,830
Merced County streams, California.	H. 91——	37,260
Cottonwood Creek, California	H. 91——	40,000
Portugues and Bucana Rivers, Puerto Rico:		
Portugues Dam and Reservoir.	H. 91-422	11,110
Cerrillos Dam and Reservoir		16,351
Ponce Channel improvement.		14,295
Total flood control, 19 projects.		400,052

Mr. Speaker, I urge favorable action on H.R. 19877.

Mr. FALLON. Mr. Speaker, it is a distinct privilege to present to the House today the omnibus rivers and harbors and flood control bill, H.R. 19877, as amended, and to recommend its enactment.

This bill authorizes 11 navigation projects and 19 flood control projects in 21 States and Puerto Rico. The Committee on Public Works has made every effort to keep down the total authorization contained in the bill, while at the same time including those projects which are urgently needed for the economic well-being of the Nation. The projects in this bill will provide valuable benefits to the

people of this Nation through improvement of navigation, prevention of floods, water supplies for our cities and towns, water quality, and recreation. The total authorization contained in this bill for these 30 projects is $584,793,000. At a time when economy in our Government is so important, I think the members of the Committee on Public Works and the Subcommittee on Rivers and Harbors and Flood Control are deserving of our highest commendation for the success of their efforts to keep the cost of this bill down.

One of the projects approved for authorization in this bill is the Baltimore Harbor and Channels, Maryland and Virginia. This project is particularly important to the State of Maryland since it concerns the deepening of the existing channels and approach of Baltimore to meet the existing and prospective needs of navigation. Specifically, it provides for Cape Henry, York Spit, and Rappahannock Shoal Channels, 50 feet deep and 1,000 feet wide; a main ship channel, 50 feet deep and 700 feet wide; three branch channels, 50, 49, and 40 feet deep and all 600 feet wide. The present depths are not adequate for fully loaded large bulk cargo carriers now in use and today's technology is moving so fast and the economic growth is increasing so rapidly that I am gratified by the inclusion of this project which confirms the need for these additional depths while taking into account the necessary protection of the environment.

Mr. Speaker, I wish to commend the members of the full committee and the subcommittees, who, in spite of other pressing business, devoted so much time and effort to the consideration of this bill. I particularly commend the gentleman from Minnesota who chairs the Subcommittee on Rivers and Harbors, and the gentleman from Alabama, who chairs the Subcommittee on Flood Control, for their outstanding efforts with regard to this bill.

Mr. KLUCZYNSKI. Mr. Speaker, I rise in support of H.R. 19877. I believe that we have reported an excellent bill, one that once again states clearly that this is an all-American committee. H.R. 19877 is a nonpartisan bill—on the Public Works Committee we do not ask whether a Member who testifies before us on a project is Democrat or Republican. The only questions we have relate to the merits of the project.

There are certain items in the bill which are of vital importance to my State of Illinois and I would point out to my colleague that they are sections 109, 111, and 117 of the River and Harbor Act of 1970.

Section 109 amends the River and Harbor Act of 1958 to authorize the appropriation of $5,728,000 for the repair and modification of certain structures along the Illinois and Mississippi Canal in the State of Illinois.

The Illinois-Mississippi—Hennepin—Canal, constructed and owned by the U.S. Government, is a former commercially navigable waterway linking the Illinois River at Bureau to the Mississippi River near Rock Island. The main canal is 75 miles long and passes through Bureau, Henry, and Rock Island Counties. Water for the canal is supplied by a feeder canal, 29 miles long, extending southerly from Sinnissippi Lake on the Rock River at Sterling-Rock Falls in Whiteside County.

Although efforts to arouse interest in the construction of the Illinois-Mississippi Canal originated as early as the mid-1830's, it was not until the River and Harbor Act of 1890 was enacted that authorization for the project was granted. Construction was initiated in 1892, and the canal completed and opened to navigation on October 24, 1907. The total cost of construction for the canal was approximately $7,500,000.

By 1930, the facilities offered by the Illinois-Mississippi Canal were so outmoded in comparison with water transportation facilities in use or under construction on the Illinois and Mississippi Rivers that the River and Harbor Act of June 15, 1930, directed that studies be made to determine the advisability and cost of improving the canal to meet the needs of present and future navigation. Reports in 1938 and 1951 discouraged the improvement of the canal as not being advisable.

Following the conclusion of World War II, traffic on the canal dropped rapidly. As an economy measure, operation of the canal was placed on a standby basis whereby only emergency repair and maintenance was effected and commercial and pleasure boat traffic was permitted only on receipt of advance notice so arrangements could be made to operate the locks. Finally, on July 1, 1951, the Federal Government ceased operation of the canal for through traffic. Since that time only minimal custodial maintenance of the canal and appurtenant structure has been exercised by the Federal Government.

The River and Harbor Act of 1958 included authorization to bring about the transfer of the Illinois and Mississippi Canal to the State of Illinois. It provided among other things, for the repair and modification of this obsolescent canal project for the purpose of placing it in proper condition for public recreational use other than for through navigation at a Federal cost not to exceed $2,000,000. That amount was based on the then estimated cost of abandonment of the facilities if transferred to the State. The Government dam across Rock River between Sterling and Rock Falls is a part of the canal project and creates Sinnissippi Lake. It was recognized that the $2,000,000 would not completely rehabilitate and modify the facilities but the State desired to take over and perform such additional work at its own cost to preserve this project as a recreational and conservation area. An agreement was signed with the State in December 1960 to accomplish the foregoing, listing the work to be performed and the priority of each item of work. The priority was that desired by the State. All items request of the State the agreement included an expressed understanding that acceptance of the canal properties by the State upon performance of work totaling $2,000,000 will not preclude the undertaking of additional work at Federal expense should the Congress authorize and appropriate funds in excess of the amount authorized in the aforementioned act.

Section 106 of the River and Harbor Act of 1962 authorized an additional amount of $800,000 which represents escalated costs of repairs over the original $2,000,000. This additional amount would be expended for repairs and modification upon acceptance of the transfer by the State.

The Corps of Engineers has completed the authorized repairs and modifications within the $2 million limitations. However, the increase of $800,000 authorized by the 1962 River and Harbor Act has not been expended pending the completion of transfer to the State of all the interests of the United States in and to the canal.

State legislation specifically enacted to acquire the canal properties provides that upon acceptance of title thereto, the canal shall become a State park under the supervision of its department of conservation. On November 19, 1969, the Governor, on behalf of the State, tentatively accepted the deed to the properties pending its review by the attorney general of the State. The State has plans for developing the canal properties for public recreation and conservation purposes over a period of years at an estimated cost of $16 million. The development would proceed soon after the canal is deeded to the State concurrently with the additional work authorized by the proposed legislation.

Since 1945, because of lack of traffic, the United States has performed only minimum custodial maintenance of structures on the canal. This has resulted in deterioration of the structures, particularly railroad and highway bridges, to the point that the cost of repair or rehabilitation is substantially greater than the costs that would have been incurred had normal maintenance and repair been performed.

The State of Illinois position, throughout the entire period of negotiation and discussion with the Federal Government, has consistently been that the $2 million authorized for rehabilitation of the canal is totally unrealistic. There are numerous items of cost which were omitted in the determination of that amount.

Section 109 would increase the authorization for repair and rehabilitation of the Illinois and Mississippi Canal in connection with the transfer to the State of Illinois. The committee agreed that it was appropriate that the canal and its properties including the Federal bridges, be put in good repair before being transferred to the State.

Section 111 provides for a program of construction of contained spoil disposal facilities in the Great Lakes in order to eliminate pollution associated with open water disposal of contaminated dredged spoil. This should go a long way toward resolving the complaints pertaining to the Corps of Engineers disposal of polluted materials in the Great Lakes.

Section 117 provides for the elimination of fallen trees, roots, and other debris from the north branch of the Chicago River should vastly improve the environmental and esthetic aspects of the river. Also, significant public health

benefits should accrue to individuals residing in the area.

Mr. Speaker, I urge my colleagues to support H.R. 19877.

Mr. STOKES. Mr. Speaker, I rise in support of the bill. It is well known that the Cuyahoga River, which runs through my congressional district, is one of the most polluted streams in the United States. It will live in infamy as the only river in the world to be proclaimed a fire hazard. In fact, in November of last year the British Broadcasting Co. called the Greater Cleveland area the pollution capital of the world.

Section 108 of this bill will go far in alleviating this overwhelming problem. It was taken from a bill I introduced in September—H.R. 19091—and authorizes a massive cleanup of the Cuyahoga. I am very grateful to both the distinguished chairman of the Public Works Committee, Mr. FALLON, and the distinguished subcommittee chairman, Mr. BLATNIK, for their support of my bill. I also offer my sincere thanks to the gentleman from New Jersey (Mr. HOWARD) for the leadership role he played in moving the measure along so rapidly and to my Ohio colleague, the distinguished ranking minority member, Mr. HARSHA, for his work in broadening the scope of the bill to include the entire Cuyahoga Basin.

Mr. Speaker, perhaps if my colleagues could learn of the enormous ecological problems associated with the Cuyahoga they could share the committee's sense of urgency in getting this project off the ground.

Today, 17 streams and over 500 outfalls of sewage mixed industrial wastes and storm and combined sewer overflows discharge into the Cuyahoga along its 85-mile length from its origin at Lake Rockwell, through the industrial giants of Akron and Cleveland, to its mouth in downtown Cleveland at Lake Erie.

During the past few years, there have been efforts made at the local level by both public agencies and private organizations to eradicate this stigma from our landscape. These efforts, although fruitful, could not be of sufficient magnitude to accomplish this goal. We can be encouraged, however, by the fact that such cleanup programs can result in improvements in receiving water quality. It is imperative, therefore, that we continue an aggressive program for water pollution control in the Cuyahoga River. Further, I believe that if we demonstrate that we can clean up the Cuyahoga, we can be assured that we are capable of cleaning up any river in the Nation.

In June of 1969, the river actually caught fire, causing almost $100,000 damage to two railroad bridges. A continuous and vigorous cleanup program could have prevented this shameful occurrence.

At this time, there is virtually no fish life in the lower Cuyahoga; in fact, hardly any biological life at all. Dissolved oxygen—the lifegiving substance of all biological life—has been depleted.

Recreational uses of Lake Erie have also decreased because of the deterioration of lake quality caused by the river. Although these losses, both in terms of real loss and unrealized economic increase, are difficult to quantify, a decline has been evident. Sport fishing has been affected by the decrease in game fish abundance in the same way commercial fishing operations have suffered. In addition, swimming has been disallowed in several areas because of the hazardous levels of bacterial contamination.

In short, the rape of the Cuyahoga River has not only made it useless for any purpose other than a dumping place for sewage and industrial waste, but also has had a deleterious effect upon the ecology of one of the Great Lakes.

We can, however, take a significant step forward in the effort to cleanse the Cuyahoga with the passage of this bill. We can, by removing debris from the river and its banks, by dredging and scalping the river banks, and by embarking upon a bank stabilization program, prevent hundreds of tons of debris and suspended solids material from entering Lake Erie. Thus, we can make an important contribution to the improvement of what may well be the Nation's most critical pollution problem area.

Mr. DELLENBACK. Mr. Speaker, H.R. 19877, the omnibus rivers and harbors flood control bill, contains an authorization for a harbor improvement project at Coos Bay, Oreg.

It is estimated that the project to be undertaken by the Department of the Army, acting through the Chief of Engineers, will cost $9.1 million.

Coos Bay is the second largest port facility on the Oregon coast. When this port facility is expanded, more and larger vessels will be able to utilize Coos Bay and take advantage of the adequate labor force now available to meet this increase in port activities. A larger port would help diversify the economy and make the area less dependent upon the forest products industry.

The existing Federal project consists of a twin-jetty protected entrance channel, interior channels, anchorage areas, and turning basins. The proposed improvement consists of modifying the existing project by deepening and widening the project channels to provide a 45-foot depth in the entrance channel, a 35-foot depth in the interior channel, construction of an anchorage area 1,000 by 2,000 feet to a depth of 35 feet near mile 6, deepening and widening existing turning basins, and abandonment of existing authorized anchorage at miles 3.5 and 7.

I urge my colleagues to approve this important piece of legislation.

Mr. OLSEN. Mr. Speaker, I rise today in support of a provision in this bill which I have worked for with the Libby Dam project initiated. At a cost of some $378 million, this dam contributes more to the Columbia River power system than even Hungry Horse Dam, and is one of the world's largest river projects. Because of the terrain in the area and the nature of the reservoir that will be produced, it was obviously necessary from the beginning that the tracks of the Burlington Northern railroad would have to be relocated. The Federal Government has taken pains to insure that neither the railroad nor the traveling public be inconvenienced by the construction of Libby Dam. It should also be our responsibility to insure that railroad workers are not deprived of their just income because of the dam.

Therefore, I have sponsored the bill and the amendment that now form the mileage compensation provision of this act we now consider. This provision will authorize the Secretary of the Army to provide just compensation to those workers who suffer economic injury due to the relocation of the railroad by the construction of Libby Dam. Arguments have been made that this provision is unfair. I do not think it is unfair for railroad workers to get the same considerate treatment given to their employers. Mr. Speaker, I commend this provision favorably to my colleagues, and I trust that the House of Representatives will agree to consider the plight of these people, and in so doing, pass the bill before us with the mileage compensation provision intact.

Mr. BROOMFIELD. Mr. Speaker, for 3 years the citizens of the South Oakland and Macomb County areas of Michigan have joined my colleague and friend (Mr. O'HARA) and myself in urging some form of relief from the annual flooding of the Red Run Drain and the Lower Clinton River. Originally, any improvements were to be a part of the southeast Michigan water resources study, which is not due to be completed for several more years. But at our insistence, the Army Corps of Engineers agreed to a special emergency study of the situation. Early this spring the district office of the Corps recommended immediate action on a project to widen, deepen, and straighten the Red Run-Clinton River channel. The Corps evaluated the proposal through the summer months and considered the objections of several environmental groups in the State. The Corps subsequently approved this most important program. It is part of the omnibus rivers and harbors and flood control bill before you today. Passage of this measure, authorization for the Red Run-Lower Clinton River project, is essential to the continued growth of this area in Michigan.

Mr. VANIK. Mr. Speaker, I rise in support of H.R. 19877, the rivers and harbors bill of 1970. I am particularly pleased that the Public Works Committee saw fit to include section 108 relating to the Cuyahoga River. This section would authorize the Army Corps of Engineers "to investigate, study, and undertake measures in the interests of water quality, environmental quality, recreation, fish and wildlife, and flood control, for the Cuyahoga River Basin."

To be brief, the Cuyahoga may take the title for being the world's most polluted river. As a river which is known for being a fire hazard, it certainly has a good claim to this dubious title.

It has been said with a little exaggeration that about the only thing Lake Erie is good for is its sunsets. The lower Cuyahoga River, one of its major tributaries, is good only for floating shipping. Its

water is unusuable. It is offensive to the nose; it is ugly in appearance, and it contributes to the overall pollution damage being done in Lake Erie.

I have pointed to the serious problems of the Cuyahoga, but I would like to add that those are problems which grow as the river moves toward the lake. There are portions of the river in Portage County which, presently, or with just a slight amount of work, would be quite scenic and quite beautiful—an important feature to consider in the Cleveland-Akron metropolitan areas where we have so few scenic natural pathways or waterways. A number of fine conservation groups, such as the northeast Ohio chapter of the Sierra Club, are working to create a much-needed park along a large portion of the river valley. Such a park, in combination with the old Cleveland-Akron Canal, would be a treasure for millions of northeast Ohioans today—and in the future. The corps, and increased public support, can help bring this park into being.

Corps assistance in debris removal and improved vegetative stabilization of the riverbanks will be of great assistance in improving both the upper and lower river.

I would also like to take this opportunity to make three additional points.

First, for navigation reasons, the corps dredges parts of the lower Cuyahoga. For years, these dredgings were dumped out in the open waters of the lake. Yet it was obvious to anyone that these dredgings were highly polluted. When they were first dumped into the river, they polluted the river and the water which flowed out into the lake. But a large part of that polluted material settled to the bottom of the river and was covered with silt—or more pollution. In dredging this material and dumping it in the open waters of the lake, the corps was stirring up this material and, in effect, giving it a chance to pollute again. There are numerous Great Lakes harbors which are highly polluted and where the same problem occurs. I pointed out this problem to the corps as early as 1965 and obtained Public Health Service support of my contention. In 1967, the corps began to move toward an experimental program of placing these polluted dredgings in landfills or dyked areas where they could not contribute to the further pollution of the lake. Studies of the corps' practice of open lake dumping have shown that it is detrimental to the organic life around the areas in which the polluted dredgings are placed.

Because of these findings, the President finally sent a message to Congress in April of this year urging a program of placing these dredgings behind dykes.

The pollution danger constituted by dredged wastes has again been documented by a very scholarly article just made public. The research paper was done by M. Grant Gross, senior research oceanographer at the Marine Sciences Research Center, State University of New York, Stony Brook, N.Y., and published just this October. The paper concentrated on the effects of various wastes dumped in the New York harbor area. The paper clearly demonstrates that dredged wastes are among the most harmful and serious forms of pollution in our outer harbors and waterways today.

In his study, Professor Gross compared the levels of oxidizable carbon normally produced on the river and harbor floor and that found in the area where New York City's dredged wastes are dumped. Oxidizable carbon is important because it is presumed to constitute a major dissolved oxygen demand in the water in which it is found. The professor found that in the 35 square nautical miles in which the city of New York dumps, about 12,000 metric tons of carbon would normally be produced. But because of the dumping operations, an extra 100,000 metric tons of carbon is created in the area each year—resulting in very low dissolved oxygen concentrations throughout the entire dumping area. And without oxygen, there can be no life.

It is vital that this form of pollution be stopped. The temporary diked areas developed at several harbors are rapidly filling up. We need legislation authorizing the Corps to continue and expand this program until such time as enforcement of the Rivers and Harbors Act of 1899 and other laws removes most of the pollution in our harbors and rivers.

Second, I think that among the things that have not been discussed is the possibility of developing a cleanout basin somewhere at the head of navigation of rivers such as the Cuyahoga, where there would be a circular basin, with a hard fill in the bottom, which could pick up a great deal of the siltation that occurs and a very easy cleanout process probably substituted for the dredging which goes on every year throughout the river.

Now this is the kind of river, in my judgment, that ought to have this kind of consideration, because if we had a turning basin or a silt-collecting area, it would prevent a tremendous amount of the siltation that goes into the river and then becomes contaminated with the polluted matters that are mixed with it during the course of its industrial route.

Third, and this is also beyond the scope of today's bill, I would hope that we might give consideration in the next Congress to the idea of special river treatment plants. The Congress is providing billion dollar support for a grant program to aid in the construction of waste treatment plants.

But there are a number of rivers in America which are major tributaries to our lakes or coastal waters and which—like the Cuyahoga—are still flowing cesspools. The Detroit, Niagara, Hudson, Chicago, and others come to mind.

Currently, we are trying to meet the pollution treatment needs of each of the cities and towns which sits along the banks of these rivers or is part of that river's watershed. But we are not solving the total problem. Let us say that there are five large towns along a river. Town A provides 90 percent treatment of the wastes it returns to the river. Town B has an old treatment plant with occasional storm sewer overrun and thus, on the average, provides only 80 percent treatment. Town C has the latest equipment and provides 98 percent treatment. Cities D and E have pretty good treatment at say, 90 percent.

It is obvious that when this river gets to the sea or to one of the Great Lakes or enters another river, it is still going to be a polluting river: it is still going to be dirty, even though each of the cities along its course has tried to do a good job in preventing pollution.

I am not a chemist. I am not an engineer. But I believe that it would be feasible to give some consideration to the construction of river treatment plants at the mouths of certain of our rivers. These plants would be large, would be expensive, but they would be a major factor in improving the quality of our waterways and seacoasts.

I am sure that they could be constructed in such a way that they would not need to impair navigation or organic life. By making use of natural channels and currents, or a series of intake systems these plants could treat nearly 100 percent of the river's waterflow. Already there are powerplants along New England rivers which manage to use nearly or completely 100 percent of a river's water for their cooling process without disturbthe flow of that river. This treatment could precipitate out toxic heavy metals, provide phosphate removal, skim off oils and other petroleum wastes and remove other wastes that had escaped the various small treatment plants along the river's course. In addition, before passing the water on to the sea, lake, or other river, the plant could provide aeration treatment which could, in a very real sense, restore the vitality and life qualities of the water.

I offer this as an idea to consider. It may be somewhat futuristic, but I believe that we must think ahead and plan now if we are to save our environment for tomorrow.

Another, alternative idea for reviving the Great Lakes has just been suggested in an article that appeared in the November 7, 1970, Saturday Review by John R. Sheaffer. Although Mr. Sheaffer's ideas may require some testing for their long-range soundness, a research and demonstration grant has been made to begin implementation of his idea. It is through creative thinking such as this, and the will to carry through with adequate financing, that we will in time be able to save the lakes. Because of the importance of Mr. Sheaffer's project, I would like to reprint portions of the Saturday Review article in the RECORD at this point:

REVIVING THE GREAT LAKES

(By John R. Sheaffer)

The death of Lake Erie has been announced. Premature aging, brought on by excessive intake of powerful stimulants, is given as the cause. And it is said that the whole Great Lakes system is rapidly being brought to the end of its life by the same malady.

This calamitous news should not be accepted as the final word. The Great Lakes have been grievously abused, but the effects are not irreversible. Technology competent to restore a fondly remembered past is available. All we lack is the will to use it.

The revival could be started by one simple official order: "No direct discharge of any wastes into any watercourse."

There are those who will say that such a directive would be meaningless for practical purposes because alternate means of waste disposal either are not available or are far too expensive to contemplate. But the Federal Water Quality Administration of the U.S. Department of the Interior is gambling the biggest single project grant in its history on the conviction that a workable substitute for indiscriminate dumping into the lakes is at hand. FWQA is committed to spend $2 million on the opening phase of a research project intended to demonstrate that sewage and factory effluent presently being poured into Lake Michigan can be diverted to fertilize barren land in Michigan. If all projections for the scheme prove out, this new waste disposal system will pay for itself and net a profit, perhaps even stimulate the economy of Michigan by building up an agro-industrial complex of respectable size.

Michgan's Muskegon County, fronting on the eastern shore of the lake directly opposite Milwaukee, is the scene of this precedent-setting experiment, which is built around acceptance of the principle that nature is a closed ecological system and that wastes, when properly cycled back into the system, are valuable resources. Wastes become liabilities only when they lose their rightful place in the cycle. Human and animal excrement, emptied into watercourses, stimulates aquatic plant growth and turns lakes into bogs. When spread upon the land, however, the same chemical constituents of waste give nutriment to food grains and vegetables.

Historically, the closed-system principle, though recognized by professional ecologists, has been ignored in practice in this country. We have dumped our wastes into rivers and lakes for generations. As long as the human population remained a statistically insignificant factor in the system, oxygen and bacteria in the water decomposed the waste and redistributed the chemicals in the purifying process. A certain amount of acceleration occurred in the rate of eutrophication (a geological process through which lakes gradually fill up and become first marshes and then dry land) but not enough to be distressing.

However, as cities and towns multiplied and grew and as household conveniences such as detergents were added to the burden of sewage, the amount of waste rose to flood proportions. Phosphorus, potassium, and nitrogen released into the water encouraged proliferation of colonies of plants to choke streams and lake beds, exhaust the oxygen supply, and overwhelm the restorative microorganisms. Idyllic watercourses deteriorated into stagnant, stinking pools.

William J. Bauer, founder of the Bauer Engineering Company of Chicago, Ill, proposed coupling of the sewage outlets of twelve cities and townships into one great outlet pipe that swung away from Lake Michigan, Muskegon Lake, Mona Lake, and White Lake—traditional sinks for the wastes in these communities—and fifteen miles inland to virtually uninhabited sandy barrens of the eastern part of the county. There the pipe would empty into three aerated lagoons, each covering eight acres. These manmade basins, agitated continually by streams of air from mechanical mixers to minimize odor while bacterial colonies in the waste matter decomposed their nost, would be big enough to hold the waste flow up to three days. This would enable accommodation of sudden surges of water such as occur after storms. And, because of the volume of water contained at one time, toxic industrial spills could kill the restorative bacteria and yet remain under treatment long enough for a new bacterial colony to grow and do its necessary work.

The enormous advantage represented by the latter circumstance may not be widely appreciated because most people do not realize that the conventional sewage treatment system in use in most American communities suffers regular spells during which the helpful bacteria are dead and the sewage simply passes through the system in an almost raw state. These spells last anywhere from seven to ten days. If six of them happen each year (one Midwestern state suggests that as an average), almost raw sewage is dumped into watercourses about one day in every week.

The system . . . designed for Muskegon County called for two storage lagoons to hold the waste after it had passed through the aerating lagoons. Each of these storage receptacles would occupy 900 acres. Their purpose would be to hold the waste during the winter months when the ground would be too hardened by cold to absorb the effluent. After being withheld until the return of milder weather, the waste might be used as fertilizer during the remainder of the year.

[The] system finally called for the effluent to be piped from the storage lagoons to rotary irrigation rigs, which would spray the liquid with its suspended solids over almost 6,000 acres of now unproductive but potentially valuable sandy soil.

One appendix to the plan estimated a profit of $740,000 a year from sale of corn that could be grown on the irrigated fields, a quadrupling of the value of the land because of the irrigation, opening of at least 1,200 new jobs, recreational development of shorelines now useless because of uglification caused by water pollution, and construction of a 200-boat marina. Another appendix described a new industrial complex that might be built around the corn crop. Among its suggested products were feed for cattle, oil for the human diet, charcoal for use in Muskegon's existing paper mill, starch for the paper mill and for a foundry, carbon dioxide gas for a carbonate mill, calcium hydroxide for use on the irrigated land, and furfuryl alcohol for the finishing of office furniture.

Apart from its dollars and cents aspect, the Bauer system offered an intangible human bonus of inestimable value. This arises from a growing suspicion among public health physicians that many rapidly spreading diseases in this country are transmitted by viruses. How do the viruses travel? Their presence is not sought by any water quality tests now in use. Studies have been made of viruses in sewage, however, and thirteen different viruses have been found in raw sewage, in effluent from primary (one-step) sewage treatment plants, and in effluent from secondary (two-step) treatment plants as well. A month-long sequestration of the effluent in oxidation ponds kills 70 per cent of the viruses. But only after the effluent is filtered through soil do the viruses disappear altogether. Researchers have discovered that soil particles possess an electrical affinity for viruses, which allows the viruses to be grabbed by the soil and held long enough to be dismembered into innocuous protein.

Students of irrigation had one serious question about the Muskegon plan. It had to do with the established fact that elsewhere. in the past, prolonged irrigaton saturated the land and created within it a mound of water that in time destroyed the enterprise. Because the thick layer of glacial debris—sands and gravel—underlying Muskegon County is incapable of holding water for long, the danger here was not great. Nevertheless, the . . . system eliminated it by providing a network of drainage wells through which any threatening accumulation of excess water could be pumped back into the county's rivers and lakes.

In mid-September U.S. Interior Secretary Walter J. Hickel announced that FWQA, which operates within his Cabinet jurisdiction, had awarded a $1,083,750 research and demonstration grant and an additional $981,650 construction grant to the Muskegon project. These sums cover only the first year of a seven-year commitment. Secretary Hickel fixed the total cost at approximately $30-million. Of this, the federal government which will pay 55 per cent, the state of Michigan 25 per cent, and Muskegon County the balance. Design specifications are now being prepared for bids. Construction will be awarded about January 1, 1971, and the system ought to be in operation in 1972.

"If this project is completely successful, there will be many more opportunities to utilize similar systems in the Great Lakes region," Secretary Hickel said in his September announcement. This is unquestionably true. The Great Lakes basin is made up of glacial outwash plains. Large stretches of well-drained soil suitable for irrigation lie within reach of urban centers but beyond commuting zones and thus are susceptible to purchase at unexploited farmland prices. If we take the Muskegon irrigation tract as a model, simple mathematics tells us that a billion gallons of waste water per day (that is the flow rate of Chicago's sewage disposal system, the largest in the country) can be disposed of on 260,000 acres of land. A preliminary survey of the major metropolitan areas in the United States suggests that all of them could be served in this manner by using marginal lands equivalent to no more than 2 percent of the acreage on which fifty-nine principal crops were harvested in 1968.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California (Mr. JOHNSON), that the House suspend the rules and pass the bill H.R. 19877, 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. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

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

There was no objection.

CASE OF ANIMALS USED FOR RESEARCH

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19846) to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets, as amended.

The Clerk read as follows:

H.R. 19846

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 "Animal Welfare Act of 1970".

SEC. 2. The first section of the Act of August 24, 1966 (Public Law 89–544; 80 Stat. 350), as amended, is amended to read as follows: "That, in order to protect the owners of animals, from the theft of their animals, to prevent the sale or use of animals which have been stolen, and to insure that certain animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treat-

ment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or in transporting, buying, or selling them for any such purpose or use."

SEC. 3. Section 2 of such Act is amended—

(1) in subsection (b) by striking the semicolon after the word "Agriculture" and inserting the following: "of the United States or his representative who shall be an employee of the United States Department of Agriculture;";

(2) in subsection (c) by striking the words "commerce between any State," and inserting in lieu thereof the words "trade, traffic, commerce, transportation among the several States, or between any State,";

(3) by striking subsections (d), (e), (f), (g), and (h) and inserting in lieu thereof the following:

"(d) The term 'affecting commerce' means in commerce or burdening or obstructing or substantially affecting commerce or the free flow of commerce, or having led or tending to lead to the inhumane care of animals used or intended for use for purposes of research, experimentation, exhibition, or held for sale as pets, by burdening or obstructing or substantially affecting commerce or the free flow of commerce;

"(c) The term 'research facility' means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals affecting commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments: *Provided,* That the Secretary may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Secretary) of live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Secretary, any such exemption does not vitiate the purpose of this Act;

"(f) The term 'dealer' means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells any animals whether alive or dead, affecting commerce, for research or teaching purposes or for exhibition purposes or for use as pets, but such term excludes any retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer;

"(g) The term 'animal' means any live or dead dog, cat, monkey, nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet; but such term excludes horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber; and

"(h) The term 'exhibitor' means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which were purchased in commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and such term includes carnivals, circuses, and zoos exhibiting such animals whether operated for profit or not; but such term excludes retail pet stores, organizations sponsoring and all persons participating in State and county fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary."

SEC. 4. Section 3 of such Act is amended—

(1) in the first sentence thereof after the words "licenses to dealers" by inserting the words "and exhibitors";

(2) in the first proviso thereof after the words "until the dealer" by inserting the words "or exhibitor";

(3) in the second proviso thereof after the words "That any" by inserting the words "retail pet store or other";

(4) in the second proviso thereof after the words "as a dealer" insert the words "or exhibitor"; and

(5) in the last sentence thereof after the words "as dealers" each time such words appear, insert the words "or exhibitors".

SEC. 5. Section 4 of such Act is amended to read as follows:

"SEC. 4. No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation, affecting commerce, to any research facility or for exhibition or for use as a pet animal, or buy, sell, offer to buy or sell, transport or offer for transportation, affecting commerce, to or from another dealer or exhibitor under this Act any animal, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked."

SEC. 6. Section 5 of such Act is amended—

(1) by inserting after the words "No dealer" the words "or exhibitor"; and

(2) by inserting before the period at the end thereof the proviso ": *Provided,* That operators of auction sales subject to section 12 of this Act shall not be required to comply with the provisions of this section".

SEC. 7. Section 6 of such Act is amended by inserting after the words "research facility" the words "and every exhibitor not licensed under section 3 of this Act".

SEC. 8. Section 7 of such Act is amended—

(1) by inserting between the words "except" and "a person" the words "an operator of an auction sale subject to section 12 of this Act or"; and

(2) by inserting between the words "as a dealer" and "issued" the words "or exhibitor".

SEC. 9. Section 8 of such Act is amended—

(1) by inserting after the words "or experimentation" the words "or exhibition";

(2) by inserting between the words "except" and "a person" the words "an operator of an auction sale subject to section 12 of this Act or"; and

(3) by inserting between the words "as a dealer" and "issued" the words "or exhibitor".

SEC. 10. Section 9 of such Act is amended to read as follows:

"SEC. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 3, or an operator of an auction sale subject to section 12 of this Act, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee, or an operator of an auction sale as well as of such person."

SEC. 11. Section 10 of such Act is amended to read as follows:

"SEC. 10. Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe, upon forms supplied by the Secretary. Research facilities shall make and retail such records only with respect to the purchase, sale, transportation, identification, and previous ownership of live dogs and cats. Such records shall be made available at all reasonable times for inspection and copying by the Secretary."

SEC. 12. Section 11 of such Act is amended—

(1) by striking the words "dogs and cats" and inserting in lieu thereof the word "animals";

(2) by striking the words "in commerce by any dealer" and inserting in lieu thereof the words ", affecting commerce, by a dealer or exhibitor"; and

(3) by striking the period at the end thereof and inserting the following: ": *Provided,* That only live dogs and cats need be so marked or identified by a research facility.".

SEC. 13. Section 12 of such Act is amended to read as follows:

"SEC. 12. The Secretary is authorized to promulgate humane standards and record-keeping requirements governing the purchase, handling, or sale of animals, affecting commerce, by dealers, research facilities, and exhibitors at auction sales and by the operators of such auction sales. The Secretary is also authorized to require the licensing of operators of auction sales where any dogs or cats are sold, affecting commerce, under such conditions as he may prescribe, and upon payment of such fee as prescribed by the Secretary under section 23 of this Act."

SEC. 14. Section 13 of such Act is amended to read as follows:

"SEC. 13. The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. Such standards shall include minimum requirements with respect to handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, including the appropriate use of anesthetic, analgesic or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian of such research facilities, and separation by species when the Secretary finds such separation necessary for the humane handling, care, or treatment of animals. In promulgating and enforcing standards established pursuant to this section, the Secretary is authorized and directed to consult experts, including outside consultants where indicated. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility: *Provided,* That the Secretary shall require, at least annually, every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, during experimentation are being followed by the research facility during actual research or experimentation."

SEC. 15. Section 14 of such Act is amended by adding at the end thereof the following new sentence: "Any department, agency, or instrumentality of the United States exhibiting animals shall comply with the standards promulgated by the Secretary under section 13."

SEC. 16. Section 15 of such Act is amended—

(1) in subsection (a) by striking the words "or experimentation" and inserting in lieu thereof the words ", experimentation or exhibition"; and

(2) in subsection (b) by striking the word "effectuating" and inserting in lieu thereof the words "carrying out".

SEC. 17. Section 16 of such Act is amended to read as follows:

"SEC. 16. (a) The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer, exhibitor, research facility, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provision of this Act or any regulation or standard issued thereunder, and for such purposes, the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and those records required to be kept pursuant to section 10 of any such dealer, exhibitor, research facility, or operator of an auction sale. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of this Act or any regulation or standard issued thereunder if (1) such animal is held by a dealer, (2) such animal is held by an exhibitor, (3) such animal is held by a research facility and is no longer required by such research facility to carry out the research, test, or experiment for which such animal has been utilized, or (4) such animal is held by an operator of an auction sale.

"(b) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than $5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

"(c) For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914 (38 Stat. 721–723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraph (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of Title II of the "Organized Crime Control Act of 1970" (62 Stat. 856; 18 U.S.C. 6001 *et seq.*), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person, firm, or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this Act in any part of the United States, including any territory, or possession thereof, the District of Columbia, or the Commonwealth of Puerto Rico. The powers conferred by said sections 9 and 10 of the Act of September 26, 1914, as amended, on the district courts of the United States. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in sections 19(b) and 20(b) of this Act."

SEC. 18. Section 17 of such Act is amended by striking the phrase "issue rules and regulations requiring licensed dealers and research facilities" and inserting in lieu thereof the phrase "promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 12 of this Act".

SEC. 19. Section 18 of such Act is repealed.

SEC. 20. Section 19 of such Act is amended to read as follows:

"SEC. 19. (a) If the Secretary has reason to believe that any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provisions of this Act, or any of the rules or regulations or standards promulgated by the Secretary hereunder, he may make an order that such person shall cease and desist from continuing such violation, and if such person is licensed under this Act, the Secretary may also suspend such person's license temporarily, but not to exceed twenty-one days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify, or revoke such license, if such violation is determined to have occurred. Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who knowingly fails to obey a cease and desist order made by the Secretary under this section, shall be subject to a civil penalty of $500 for each offense, and each day during which such failure continues, shall be deemed a separate offense.

"(b) Any dealer, exhibitor, or operator of an auction sale aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such an order, seek review of such order in the United States court of appeals for the circuit in which such person has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701–706 of title 5, United States Code, Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based.

"(c) Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both."

SEC. 21. Section 20 of such Act is amended—

(1) in subsection (a) by striking the words "rules or regulations" and inserting in lieu thereof the words "rules, regulations, or standards"; and

(2) by amending subsection (b) to read as follows:

"(b) Any research facility aggrieved by a final order of the Secretary, issued pursuant to subsection (a) of this Act, may within sixty days after entry of such order, seek review of such order in the United States court of appeals for the circuit in which such research facility has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701–706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based."

SEC. 22. Such Act is further amended by adding at the end thereof the following new section:

SEC. 25. Not later than March of each year following the enactment of the "Animal Welfare Act of 1970," the Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives a comprehensive and detailed written report with respect to—

"(1) the identification of all research facilities, exhibitors, and other persons and establishments licensed by the Secretary under section 3 and section 12 of this Act;

"(2) the nature and place of all investigations and inspections conducted by the Secretary under section 16 of this Act, and all reports received by the Secretary under section 13 of this Act; and

"(3) recommendations for legislation to improve the administration of this Act of any provisions thereof.

This report as well as any supporting documents, data, or findings shall not be released to any other persons, non-Federal agencies, or organizations unless and until it has been made public by an appropriate committee of the Senate or the House of Representatives."

SEC. 23. The amendments made by this Act shall take effect one year after the date of enactment of this Act, except for the amendments to sections 16, 17, 19, and 20 of the Act of August 24, 1966, which shall become effective thirty days after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mrs. MAY. Mr. Speaker, I demand a second.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington (Mr. FOLEY) will be recognized for 20 minutes and the gentlewoman from Washington (Mrs. MAY) will be recognized for 20 minutes.

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

Mr. FOLEY. Mr. Speaker, the Agriculture Committee brings to the floor this afternoon what we consider to be a major step forward in the protection of animal welfare in the United States. This follows the landmark legislation passed in 1966 by the 89th Congress, but it expands considerably on that legislation in four areas.

First, the bill expands the definition of the term "animal" to include additional species. At present the act applies only to live dogs, cats, rabbits, hamsters, guinea pigs, and nonhuman primate mammals.

This bill, within its definition includes all warmblooded animals designated by the Secretary, with certain specific limitations and defined exceptions.

Second, the bill regulates more individuals and organizations which handle live animals, and will bring into the framework of the legislation for the first time exhibitors such as circuses, zoos, carnivals, road shows, and wholesale pet dealers.

Third, the bill establishes by law the humane ethic that animals should be accorded the basic creature comforts of adequate housing, ample food and water, reasonable handling, decent sanitation, sufficient ventilation, shelter from extremes of weather and temperature, and adequate veterinary care including the appropriate use of pain-killing drugs, including the appropriate use of analgesics and tranquilizing drugs. The bill specifically guarantees the absolute authority of the research institutions to conduct research experiments so that the enlightened leadership of the United States in the medical and scientific research field will not in any way be diminished.

Fourth, the bill strengthens the Secretary of Agriculture's enforcement authority by broadening the statutory concept of "commerce," and by increasing the penalties against persons convicted of interfering with, assaulting, or killing Government inspectors, and by broadening the discovery preocdures for obtaining adequate information to sustain proper administration.

Mr. Speaker, this bill is the result of months of difficult legislative effort. It involved in its early stages great controversy. It was a bill that many thought could never reach this floor. However, because of the exceptional cooperation of persons of good will and devotion not only to the cause of animal welfare, but to the advancement of scientific research and knowledge, this bill has the substantial support of the medical research community, the pharmaceutical industry, other industrial organizations, and the many organizations and individuals directly concerned with animal welfare.

Mr. Speaker, the Subcommittee on Livestock and Grains of the Committee on Agriculture held many hearings and other meetings in attempting to bring this bill to fruition.

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

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

Mr. GROSS. Would the gentleman from Washington be good enough to refresh my memory as to other legislation on this general subject? Did not that legislation come from the Committee on Interstate and Foreign Commerce and is not the enforcement of that legislation fixed in some other department or agency of the Government?

Mr. FOLEY. I will say to the gentleman from Iowa that the jurisdiction over this legislation and its predecessor legislation in the other body is in the Committee on Commerce, but in the House the jurisdiction lies in the Committee on Agriculture.

In 1966, the predecessor legislation was reported by the Committee on Agriculture to the House and the enforcement lies with the Department of Agriculture.

Mr. GROSS. Did not the House pass legislation on the subject of humane treatment of animals?

Mr. FOLEY. Yes, we passed legislation in the 89th Congress, in 1966.

Mr. GROSS. Was that not enacted into law?

Mr. FOLEY. It was enacted into law and this bill would extend and expand upon that basic legislation.

Mr. GROSS. But the enforcement is not lodged, or is it lodged in the Department of Agriculture?

Mr. FOLEY. It is lodged in the U.S. Department of Agriculture. The existing law which was passed in 1966 is enforced now by the Department of Agriculture.

Mr. GROSS. Is this law to be combined with the enforcement of the other law and to become a part thereof, or if enacted what might amount to another agency for the enforcement of this law?

Mr. FOLEY. No. The enforcement of this law will be conducted by the same department of Government and by the same sector of that department as administers the present law.

Mr. GROSS. What has been the expenditure annually for the enforcement of the other law?

Mr. FOLEY. The present annual estimated expenditure is around $350,000 per annum, plus $24,000——

Mr. GROSS. For this bill that is before us today, is that right?

Mr. FOLEY. No. For the existing law.

Mr. GROSS. This bill would add an estimated $1.2 million to the cost of the program, is that right? $1.2 million?

Mr. FOLEY. That is correct.

Mr. GROSS. What did the gentleman say had been the prior cost for the legislation?

Mr. FOLEY. In fiscal year 1970—$352,600.

Mr. GROSS. Is this not going up pretty fast on the administrative side, and on the enforcement side?

Mr. FOLEY. The existing law provides protection of live dogs and cats, and other live animals from theft and sale to research laboratories, and provides humane treatment of animals used in research. This bill goes farther in extending the number of animals that are covered, and expands the type of protection that is offered under the regulations, as well as the organizations and individuals which are to be regulated.

For example, as I mentioned earlier, for the first time wholesale pet dealers, road shows, zoos, circuses, and animal exhibits, with some exceptions are covered, and it provides responsibility for adequate ventilation, care and humane treatment that the present law does not require of those agencies or exhibitors.

Mr. GROSS. Am I correctly informed that the Department of Agriculture is not very enthusiastic about this bill?

Mr. FOLEY. The Department of Agriculture supported the legislation with some reservations, as the gentleman will find in the report.

Mr. GROSS. I thank the gentleman.

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

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

Mr. ECKHARDT. Mr. Speaker, the bill provides in certain parts that animals should be given tranquilizers under certain circumstances?

Mr. FOLEY. Yes, the bill does mandate adequate veterinarian care, including the use of analgesics and tranquilizing drugs, but it does preserve complete control of the research institutions with respect to the use of analgesics or tranquilizing drugs. In other words, Congress imposes an ethic of adequate veterinary care including appropriate use of pain-relieving drugs but the decisions are exclusively in the hands of the research institutions, and their judgments are final.

Mr. ECKHARDT. Will the gentleman yield further?

Mr. FOLEY. I yield further to the gentleman.

Mr. ECKHARDT. Do I understand correctly that with respect to this business about interference with research matters that—and I believe it is in section 13, where research organizations were taken out, but still there is provision for inspectors to go into research institutions to find out what is happening under section—what it is—section 17—where the present law is changed to remove the restriction with respect to inspection?

Mr. FOLEY. I just think I can quote the gentleman from the bill itself. Page 9 of the bill, line 17, where it states:

> Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility. . . .

Mr. ECKHARDT. But still in section—I believe it is section 17—that originally the law provided that there should not be any such inspections by the Department in the research institutions, and that section was taken out because you say section 13 includes the problem?

Mr. FOLEY. Yes.

Mr. ECKHARDT. But does it really? May not the research institutions be subject to entry and inspection to see if they are engaged in wrongful activities, or should it not be in both places?

Mr. FOLEY. Well, I quote to the gentleman again—it is true that the Secretary and his designated agents may go into a research facility, but they may not interfere in any way with the conduct of an actual research experiment.

The language of the bill is quite specific in stating in the report its intent.

Second, in regard to the amendment to section 13 of the act, it is the intention of the committee that the Secretary neither directly nor indirectly in any manner interfere with or harass research facilities during the conduct of actual research and experimentation. The important determination of when an animal is in actual research is left to the research facility itself.

Mr. ECKHARDT. I understand that, but if that be true, why should they go into the laboratory at all?

Mr. FOLEY. In order to inspect the records of the purchase of the animals by the laboratory to insure that the animals are being purchased in accordance with the law.

They can also raise questions about the animals that are not in actual research concerning their housing and husbandry by the laboratory.

Mr. ECKHARDT. I am in wholehearted agreement with the general purposes of the bill, but I simply have some reservations that we may well be going too far in protecting animals like walking horses and the giving of analgesics to animals and we are not dealing with some rather more important issues.

Mr. FOLEY. I may tell the gentleman that the committee went into this in great detail and tried to write language as strong as possible to make it clear that it is not the intent in any way to override the exclusive and sole discretion of the research facility in the conduct of experiments and the use of analgesics and tranquilizing drugs on animals in laboratories for experimentation purposes.

I think the concerns of the laboratory community and the medical research community of this country have been largely removed by the bill's language and the committee's intent as printed in the report which I referred to a moment ago.

I can assure you that there were many serious expressions of concern by the research community earlier, and I think that with few exceptions they have been removed.

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

Mr. FOLEY. I yield to the gentleman.

Mr. MELCHER. To further clarify the point raised by our colleague from Texas, I might add that the bill directs the Department to send their people in to investigate the proper husbandry of animals under experimentation, which is something new in the bill. But also the bill does clarify the point that they will not interfere with any of the experimentation processes going on—but the husbandry must be up to acceptable standards.

Mr. FOLEY. I thank the gentleman.

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

Mr. FOLEY. I yield to the gentleman.

Mr. LOWENSTEIN. I simply wanted to assure the gentleman from Texas that some of the concerns that he expressed were considered very carefully in the subcommittee and were taken into account. And also I would assure the gentleman that in my judgment the work of the gentleman from Washington who is now in the well and, in fact, of the whole subcommittee, the chairman included, was quite remarkably diligent in guarding against some of the evils he spoke about.

I want to comemnd the gentleman in the well for his efforts in behalf of this bill.

Mr. FOLEY. I thank the gentleman from New York.

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

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

Mr. MONTGOMERY. Mr. Speaker, I commend the gentleman in the well, Mr. FOLEY, and other members of this subcommittee, for the hard work done on this bill.

I rise in support of the Animal Welfare Act of 1970 as reported by the Committee on Agriculture. I was fortunate to have been able to study this bill since it was originally introduced and reported to the Subcommittee on Livestock and Grains on which I serve. The subcommittee spent many days of hearings and debating the merits of this legislation and the changes that need to be made in the present law to further protect warmblooded animals.

H.R. 19846 has strong bipartisan support and represents a compromise over several proposals presented to the committee. The important point to be made is that we are not tying the hands of researchers who are working with animals daily to unlock the secrets of dread diseases. Rather, we are just strengthening the provisions of the 1966 act which require these researchers to give the animals they are using the most humane and kindly treatment possible.

This bill extends coverage to more types of animals and also makes the humane requirements applicable to exhibitors of animals. I consider this a very important provision, and one that is needed.

Another provision which has my wholehearted support would allow employees of the Department of Agriculture to make spot inspections to ascertain if the requirements of the legislation are being met.

All in all, Mr. Speaker, we have a bill to protect the welfare of warmblooded animals and at the same time allow for the continued use of these animals for research programs in a humane manner. I urge my colleagues to suspend the rules and pass the Animal Welfare Act of 1970.

Mr. FOLEY. Mr. Speaker, I would like to report to the House that both the subcommittee and the full Committee on Agriculture reported this bill unanimously.

Mr. Speaker, before I leave the well, I want to pay tribute to all of those outside of the committee in this House who have labored so long and arduously to make this legislation possible. Certainly there are many people, too many to name, representatives of the pharmaceutical community and the research community, and many, many members of organizations committed to a very deep concern for animal welfare, who can be very proud of their constructive efforts in this legislative result.

I must mention one name in particular, however. A very distinguished lady, Mrs. Roger Stevens, the wife of the former Chairman of the National Council on the Arts, has devoted many, many months of work in behalf of this legislation. Her knowledge of the legislative process, her concern for animal welfare, and her determined effort to make this bill a reality has been absolutely indispensable. I know, frankly, without her devoted service and effort we could not possibly have a bill to report to this House this afternoon. She is, herself, the daughter of a noted American scientist, and she has with her intense concern for animal welfare a compatible commitment to the advancement of medical and scientific knowledge.

She held the key role in developing an effective bill which could be enacted, as I believe we shall enact this bill today. I would not like to leave the well of the House without paying special tribute to her efforts for which all who support this legislation owe special gratitude.

I reserve the balance of my time.

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

(Mrs. MAY asked and was given permission to revise and extend her remarks and to include extraneous matter.)

Mrs. MAY. Mr. Speaker, I rise in support of H.R. 19846, the Animal Welfare Act of 1970.

As a sponsor of the original "cat and dog" bill passed in 1966, I am pleased that this expansion and strengthening of the law can be acted upon before we adjourn. I worked with my colleagues on our House Agriculture Committee to draft the original bill, and am glad to have had the opportunity to help shape this one.

Basically, the legislation amends the act of August 24, 1966, relating to the care of animals used for purposes of research experimentation, exhibition, or held for sale as pets. This bill strengthens the administration of that act, and it expands the perimeters of its protection to more animals and to more people who handle, exhibit, buy or sell, or transport them or who use them in the pursuit of medical and scientific knowledge.

As is pointed out in our committee's report on this bill, H.R. 19846 is the result of careful consideration by our Livestock and Grains Subcommittee and our full Committee on Agriculture. It is an effort to demonstrate America's humanity to lesser creatures while maintaining and promoting the national enlightenment in medicine for the care of all mankind. It is a bill which initially was controversial, but which by virtue of good reason and good will and deliberation and discussion by many persons of divergent views, was able to command the unanimous approval of the Committee on Agriculture as well as the joint sponsorship of the entire membership of the Livestock and Grains Subcommittee on which I have the honor of serving as ranking minority member. I know this measure enjoys broad, bipartisan support in this Chamber, as well.

Briefly, the bill goes to four basic points:

First, it expands the definition of the term "animal" to include more species. The present law applies only to live dogs, cats, rabbits, hamsters, guinea pigs, and monkeys. All warmblooded animals designated by the Secretary of Agriculture, with limited exceptions, would be included.

Second, it regulates more people who handle animals, such as circuses, zoos, and wholesale pet dealers.

Third, it establishes by law the humane ethic that animals should be accorded the basic creature comforts of adequate housing, ample food and water, reasonable handling, decent sanitation, sufficient ventilation, shelter from extremes of weather and temperature, and adequate veterinary care—including the appropriate use of pain-killing drugs.

And, fourth, it strengthens the Secretary of Agriculture's enforcement powers under the act broadening the statutory concept of "commerce," by increasing the penalties against persons convicted of interfering with Government inspectors, and by broadening the discovery procedures for obtaining adequate information to sustain proper administration.

I believe this is a good bill, as we have drafted it, and circumstances have demonstrated that it is a necessary one. While it provides additional needed safeguards for the protection and humane treatment of animals, it preserves the domain of the medical community and in no way authorizes the disruption or interference with scientific research or experimentation. It reaffirms our congressional commitment to proper treatment of all animals, and restates our conviction that the work that is done behind that laboratory door should be done with compassion and with care.

I urge my colleagues to approve this legislation.

I include in the RECORD a copy of an article entitled "More Legal Protection on the Way for Animals Behind Bars" by Ann Cottrell Free, published recently in the Washington Star, which contains a great deal of the background of the development of this legislation, as well as tributes to Mrs. Stevens and others who have had so much to do with the development of the bill that is before us:

[From the Washington Sunday Star, Dec. 6, 1970]

MORE LEGAL PROTECTION ON THE WAY FOR ANIMALS BEHIND BARS

(By Ann Cottrell Free)

The idea behind the proposed Animal Welfare Act of 1970 has been a long time coming into its own—it has been an uphill fight, often resisted by powerful forces—but it looks now as if it may come to a final vote in the closing hours of the 91st Congress.

Its passage will be a tribute to a deepened Congressional ecological conscience. More and more members of Congress are realizing that all living creatures must be treated with decency and respect—regardless of whether they are endangered species roaming in the wild or animals doomed to spend dreary lives behind bars in laboratories or zoos.

There can be little doubt that the passage of the Endangered Species Act one year ago this month and the emphasis in the past year on man's relationship with the earth and all its creatures have had a profound effect on congressional thinking.

The new legislation—which has so many sponsors that this sentence would be consumed by listing them all—has its roots in proposals first made exactly 10 years ago, in 1960. Soon after the 1958 passage of the Federal Humane Slaughter law, humanitarians started laying congressional groundwork to bring some measure of federal supervision over the care and treatment of laboratory animals.

HUMANIACS

The well-funded research explosion was using an unprecedented number of dogs, cats, rodents, primates and a variety of other creatures. Estimates have gone as high as 300 million annually. They were often obtained from questionable sources and treated with less care than the most expendable test tube.

Those persons, who worked for setting standards of care were immediately called anti-vivisectionists or branded as "humaniacs" by some members of the scientific community. In truth, they were violently opposed by the antivivisectionists, who were working for total abolition of animal use.

Though a number of bills were introduced during those years, they went nowhere. In desperation, humane organizations tried new approaches and often fell to quarreling among themselves as to bill content and strategy. (Most of the bills gave supervisory authority to Health, Education and Welfare.)

But 1965 brought the beginning of a breakthrough. Researchers' demands for dogs and cats had grown so great that unprincipled dealers turned to stealing pets. Their boldness and carelessness trapped them.

As more and more "pet-napping" cases turned up, there came to Congress also descriptions of stomach-turning conditions within dealers' compounds. Eyewitnesses told of seeing dead and dying dogs mixed in with live ones in conditions of indescribable filth. Such testimony about this $30 million business prompted passage of the Laboratory Animal Welfare Act of 1966. This legislation had more than 50 sponsors.

Administration of the act was given to the animal health division of the Department of Agriculture's Research Service. Dealers and purchasers were licensed and required to conform to Agriculture's standards of human treatment of dogs, cats, hamsters, primates, rabbits and guinea pigs.

More than 110 dealers went out of business during the first three years of the program. Licenses of some of the larger dealers have been revoked. Agents have been cursed, threatened and shot at. But even so, the act did not go far enough. There were huge loopholes. and it has been handicapped by lack of funds to employ more inspectors—most of whom are veterinarians and have many other Agriculture Department duties within the states where they are stationed.

Though the act has no authority over care of animals actually being used in research, some institutions have declared the animals "in research" on the moment of arrival. This clearly frustrates the intent of the act to improve conditions of the animals while awaiting research.

More federal authority was needed. In 1968 help came from an unexpected source. A 43-year-old GOP freshman representative from Norfolk, Va., introduced legislation that filled the bill. Rep. G. William Whitehurst would extend the mantle of enlightened care to animals actually undergoing research. But what's more, he asked that the same standards apply to animals in circuses, zoos and the pet trade.

Humanitarians soon learned that it was not only Bill Whitehurst they had to thank, but his wife, Jeanette. "I told the people at the Norfolk SPCA, where I have helped with humane education, that I'd try to lend a hand when we got to Washington," she said the other day.

Whitehurst's bill actually was a beefing up of the "pet-napping" Act and was referred to the House Agriculture Committee, whose chairman has repeatedly shown himself a friend of animals. Texan W. R. Poage has been the key man on the House side on both the humane slaughter and "pet-napping" bills.

Testimony, presented this June before Rep. Graham Purcell's subcommittee, lifted once again the curtain of secrecy on unspeakable conditions among the creatures that perform, amuse and give their lives to man.

"We, who worked there, were always pleased when some animal died to be out of a miserable life," said June W. Badger of Middleburg, Va. She told the committee of conditions in some of the circuses and zoos for which she had worked in the last 19 years. Cramped, unventilated cages, starvation, sadistic punishments. A litany of misery.

The arrival from South and Central America and shipment to pet wholesalers of crates of birds and monkeys were described by Mrs. Christine Stevens.

She is the wife of Roger Stevens, president of the Kennedy Center for the Performing Arts and the government's former cultural chief. Mrs. Stevens is president of the Animal Welfare Institute and secretary of the Society for Animal Protective Legislation.

IMPORTED ANIMALS

She described wretched conditions of animals that Custom inspectors have overlooked. (They are charged with checking on condition of imported animals.) She told of continued conditions of cramped laboratory housing and of the inhumane environment in many municipal and roadside zoos. Quoting Dr. Desmond Morris, author of the "Naked Ape," she said, "If zoos are to survive the 20th century, they will have to reform." She introduced into the record a letter in behalf of the Whitehurst bill from Virginia McKenna and Bill Travers, stars of the film "Born Free" and patrons of the Captive Animals Protection Society.

The arrival of dogs and cats at animal auction sales was described by Frank McMahon, field director of the Humane Society of the United States. "I've seen them chained within the trunks of cars. I've seen them jammed in crates and cages. I've seen them sold by the pound." Humane agents of local societies are given rough treatment, he said and under the existing federal law these auctions are exempt from regulation.

The legislation now speeding toward the congressional deadline embodies many of the suggestions made by the men and women who know the problem first hand. Auctions are included. Animal categories have been broadened. Fines for resisting agents have been stiffened. But most important, the Agriculture Committee called for the use of appropriate pain-killers for research animals whenever possible.

(When Agriculture sets the standards for humane handling many humanitarians trust that life-time caging of such research animals as dogs will be eliminated.)

Some of the additions to the Whitehurst bill were called for in bills introduced by Rep. Thomas S. Foley, D-Wash., and in the Senate by Warren Magnuson, D-Wash., Alan Cranston, D-Calif., and William G. Spong, D-Va. When the bill was favorably discharged from the House Agriculture Committee, it bore the name of each member. An exact copy was introduced in the Senate by Robert J. Dole, R-Kan. Hearings by Senator Philip A. Hart's Commerce sub-committee are expected any day.

Even with the evaporation of much of the scientific community's opposition to lab animal legislation and even with the good chance that this measure will miraculously pass this session, there are other hurdles. One is money.

The burden on the Department of Agriculture will be heavier, making necessary the employment of more inspectors. These men, also, have the added duty in coming years of policing the horse shows to see that no "walking horse" brought across state lines has been "sored" to make it step high, wide and handsome. The famous Tydings "walking horse" bill is now awaiting Presidential signature. Sen. Joseph Tydings, D-Md., sponsored it in this session of Congress.

As this session adjourns, left at the post are at least 10 other animal protection measures: air transportation regulations, cessation of shooting wolves and other animals from airplanes over federal lands, elimination of use of agonizing poisons in the government's predator control programs, better conditions at the ports of entry such as Miami. The list is long—but the abuse and suffering have gone on a long time, too.

But at last, what has been described as the "silent lobby" has found its voice. Or could it be that man, for a change, is listening to voices other than his own?

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

Mrs. MAY. I yield to the gentleman from North Dakota, a member of the committee.

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

Mr. Speaker, there was a point in time, when we started hearings on this legislation, when it looked as if we would probably never get together, but I want to compliment the gentleman from Washington for his explanation and the gentlewoman from Washington for her remarks, as well as all other members of the committee for working on this very controversial piece of legislation.

Mr. Speaker, the legislation before us today represents the best possible approach by the House Agriculture Committee, the Department of Agriculture, and interested individuals, to the protection of animals.

The proposal, H.R. 19846, expands the definition of the term "animal" to include any live or dead dog, cat, monkey, guinea pig, hamster, rabbit, or such other warmblooded animal, that the Secretary of Agriculture may determine is being used for research, experimentation, or for exhibition purposes, or as a pet. The bill also regulates those individuals handling animals, including wholesale pet dealers, circuses, zoos, carnivals, and road shows.

The bill establishes by law the humane ethic that animals should be given basic creature comforts of adequate housing,

ample food and water and reasonable handling.

I might add that the bill in no manner authorizes the disruption or interference with scientific research or experimentation. Under this bill the research scientist still holds the key to the laboratory door. However, the Agriculture Committee and the Congress expect that the work that is done behind the laboratory door will be done with compassion and with care.

Finally, the bill strengthens the enforcement powers of the Secretary of Agriculture by broadening the statutory concept of "commerce" by increasing the penalties against persons convicted of interfering with, assault, or killing Government inspectors, and by broadening the discovery procedures for obtaining adequate information to sustain proper administration.

Passage of this legislation will not constitute an unnecessary burden to the taxpayers. The current program is financed in part by license fees, and after implementation of this legislation, will become self-supporting.

After extensive hearings on this legislation, this proposal represents a compromise by the Agriculture Committee, the Secretary of Agriculture and a majority of interested individuals.

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

Mrs. MAY. I yield to the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Speaker, I thank the gentlewoman from Washington for yielding.

I have asked the gentlewoman to yield for two purposes: First, to commend the gentlewoman for her remarks in behalf of this legislation; and second, and very personally, I wish to take note of the fact that with the end of this Congress, my colleague from Washington is leaving this body. I am reminded that we entered the service of the Congress together and served on the same committee. During the 12 years which have passed, the gentlewoman has demonstrated not only her devotion to her constitutents but also her genuine love of her country. She has been a most able Member of the House.

Those of us who have had the privilege of serving with her join with me, I am sure, in an expression of deep affection and respect and the wish that our colleague may have great happiness in the years ahead. We are indeed sorry to lose her from this body.

Mrs. MAY. Mr. Speaker, I thank the gentleman from New York for those very wonderful remarks.

Mr. TEAGUE of California. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Speaker, I certainly associate myself with the remarks made by the gentleman from New York.

The gentlewoman from Washington has sat on my left hand on the Committee on Agriculture for some years now. She will be sorely missed. I frequently needed her advice and guidance. I do not know what I will do without it.

Mr. Speaker, we all wish the gentlewoman the very best.

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

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

Mr. ZWACH. Mr. Speaker, I thank the gentlewoman for yielding and I associate myself with her remarks and the remarks of the gentleman from Washington.

But beyond that, Mr. Speaker, I want to say as a member of the Committee on Agriculture that I have had tremendous benefits from the association with the gentlewoman and from her knowledge in the field of agriculture. We shall miss the gentlewoman sorely.

Mrs. MAY. Mr. Speaker, I thank the gentleman from Wisconsin.

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

Mrs. MAY. I yield to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Speaker, I am sorry the gentlewoman has to yield briefly, because there are many things I would like to say but at this time, at least, I want to state for the record that those of us from the State of Washington regard the gentlewoman with great admiration and affection. We see her leaving Congress as a great loss. I know the agricultural interests of this country feel the same way about it.

Today we had occasion when a Member from the other side of the aisle from the State of Washington led off as far as this particular bill is concerned, and thereby one more example of there being no partisanship on legislation such as this. Our delegation works for the interests in our State and the Nation.

Mr. Speaker, it has been a great personal joy for me to serve with the gentlewoman. I wish her well and great happiness in the future.

Mrs. MAY. Mr. Speaker, I thank my colleague, the gentleman from Washington.

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

Mrs. MAY. Mr. Speaker, I yield the balance of my time to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Speaker, I thank the gentlewoman for yielding. Certainly I want to associate myself with the remarks which have been made about her just now for the service she has rendered in this Congress, and particularly on the Committee on Agriculture; and on the Subcommittee on Livestock and Grains, where it has been my privilege during the past 2 years to sit next to the gentlewoman and to have an excellent opportunity to observe the great contribution she has made to the legislative work of this committee, and in all things regarding the work of the Congress.

The gentlewoman certainly has served her constituents with great distinction. Every member of the committee on both sides of the aisle is going to miss the gentlewomans great talent and integrity very much indeed.

Mr. Speaker, I rise in support of H.R. 19846, the Animal Welfare Act of 1970, and request permission to revise and extend my remarks.

I am pleased to be an original cosponsor of this important legislation and to have had a part in the favorable reporting of the bill by the Livestock and Grains Subcommittee and then by the House Agriculture Committee. It has been a pleasure working with my colleagues on the subcommittee and on the committee on this most recent strengthening of the commitment of Congress and the Nation to the care and protection of dumb animals.

H.R. 19846 expands the definition of covered animals to include all warmblooded animals designated by the Secretary of Agriculture, rather than just live dogs, cats, rabbits, hamsters, guinea pigs, and monkeys. It brings under regulation more animal handlers, such as circuses and wholesale pet dealers.

The bill establishes by statute the requirement that animals be accorded basic creature comforts of housing, food and water, reasonable handling, sanitation, ventilation, shelter and adequate veterinary care, but does not disrupt or interfere with scientific or medical research or experimentation, with the expectation that such research will be done with compassion and care. The bill also strengthens the Secretary of Agriculture's enforcement powers, including improved procedures for obtaining information. I strongly urge its enactment.

Mr. Speaker, during the hearings which led up to H.R. 19846 a great many discussions were held with responsible individuals who use various animals in biomedical research. They were concerned, as I am sure you will recall, with the changes we were intending to make in section 13 of the act of 1966, and especially with the modification in the definition of "adequate veterinary care" which we felt should be provided during an animal's stay within the laboratory.

Mr. Speaker, I should like to use the remainder of my time for the purpose of addressing certain questions to the distinguished gentleman from Washington (Mr. FOLEY), who is handling the bill as floor manager for the majority, in order to further establish legislative intent on this point.

I believe essential protection and freedom for the investigator has been assured by including in this section a stipulation to which the gentleman from Washington has already referred, which appears in section 14 of the bill commencing at page 9, line 17, that the Secretary of Agriculture shall not promulgate rules regulations, or orders with regard to design outline, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility.

However I am somewhat concerned that the section-by-section analysis of the bill contained in committee report No. 91–1651, may not be sufficiently clear on this point to anyone who has not had the advantage of the full discussions held by our subcommittee. In order to clear up any possible uncertainty as to the legislative intent on this point, I would like to ask the gentleman from the State of Washington (Mr. FOLEY), who is handling the bill as floor manager for the majority if it is his understanding as it is mine, that the intent of the committee is

that while animals are undergoing actual research or experimentation the decision with respect to appropriate use of anesthetic analgesic, or tranquilizing drugs would rest exclusively with the attending veterinarian of such research facility, and that any standards or guidelines promulgated by the Department of Agriculture could be disregarded by the research facility if in its opinion these guidelines were not proper under existing circumstances and research requirements. Further, that the research facility veterinarian would not be required by the Secretary to justify or defend his decision not to employ these agents if inconsistent with or contrary to standards recommended by the Secretary. I would ask the distinguished gentleman from Washington (Mr. FOLEY), if his understanding of the committee intent is the same as that which I have just stated.

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

Mr. MAYNE. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. The gentleman has stated the intent of the committee exactly. The statement the gentleman has just made is the intention of the committee in its reporting of this bill to the House for consideration.

Mr. MAYNE. With that assurance from the distinguished gentleman I am happy to renew my support of this very important and salutary legislation. I urge all Members to vote "yea" in support of the bill.

Mr. MIZELL. Mr. Speaker, I rise today in support of H.R. 19846, the Animal Welfare Act of 1970.

This legislation has been a focal point of concern among animal lovers throughout the Nation for some time. I have received dozens of letters from citizens within my own district and from other interested parties seeking my support for this measure.

If ever there was a piece of legislation considered by this body that deserved the support of all of its Members, this bill must be the one.

I have received correspondence from university professors, attorneys, pharmacists, veterinarians and other professionals interested in this legislation. But a housewife from Thomasville, N.C. wrote one of the most convincing of all the letters I received.

She said:

I realize there are many weighty problems facing you these days, from busing of school children to the Vietnam war. It seems that with all the other pleas these days for so many concerns, the animals just go on suffering needlessly because they can't speak for themselves.

Certainly, we are faced with grave and important issues today—the issue of war and peace, of economics, of racial discord, of rampant crime—but I believe they could all be solved if we would all simply apply a greater measure of humanity in our relations with one another.

And just as certainly, that humanity should be extended to all of the creatures with whom we share this planet. These animals bring us great pleasure, and ask for nothing in return. Surely we can see that to return pain for pleasure, even to animals, makes us all a little less humanitarian, and this we cannot afford, especially at a time when humanitarianism is in such short supply.

This bill includes provisions regulating the transportation, purchase, sale, housing care, handling and treatment of warmblooded animals used in research or public exhibition. These provisions will insure that the animals are humanely treated, and will set standards to be rigidly maintained.

I urge my colleagues to vote with me for passage of this legislation.

Mr. MATSUNAGA. Mr. Speaker, as one with a longstanding interest in improving the standard of care, handling, and treatment of laboratory and other animals, I strongly support H.R. 19846, the proposed Animal Welfare Act of 1970.

In a number of ways, this legislation will significantly strengthen the existing law. More species of animals will be protected: all warmblooded animals designated by the Secretary of Agriculture, with but a few specific exceptions.

Further, not only animals used by laboratories are covered. Wholesale pet dealers will be required to comply with the law's provisions, as will animal exhibitors, such as zoos, carnivals, and circuses.

Mr. Speaker, this bill marks a giant step toward honoring man's moral commitment to take the best possible care of the animals who serve him. I urge its approval.

Mr. PRICE of Texas. Mr. Speaker, a member of the Subcommittee on Livestock and Feed Grains and as one of the sponsors of H.R. 19846, I commend this legislation to the attention of my colleagues and urge them to approve it forthwith.

This bill, the Animal Welfare Act of 1970, was sponsored by the entire membership of the subcommittee. It represents the product of months of diligent effort and the final blend of various proposals which have been offered on this subject. Many individuals and organizations in and out of government have contributed greatly to this bill, and I think the final committee product demonstrates this fact full well.

Basically, H.R. 19846 amends the present law covering the care of animals used for research experiments, exhibition, or sale as pets. It strengthens the administration of the present law, which Congress enacted in 1966, in four major respects: First, it enlarges the definition of the term "animal" to include additional species. Under present law, protection is provided only to live dogs, cats, rabbits, hamsters, guinea pigs, and nonhuman primate mammals; namely, monkeys, and so forth. The bill extends the definition to include all warmblooded animals designated by the Secretary of Agriculture, with certain specific limitations and defined exceptions.

Second, Federal regulation is extended to cover exhibitors of animals such as circuses, zoos, carnivals, road shows, and wholesale pet dealers.

Third, animals covered by the act should be accorded, as a matter of law, basic protections such as adequate housing, ample food and water, reasonable handling, decent sanitation, and adequate medical care.

Finally, the Secretary of Agriculture is empowered with greater authority to enforce the provisions of the act, and penalties for criminal violations are increased.

Mr. Speaker, in philosophy, the Animal Welfare Act of 1970 gives legislative flesh to the principle that the humane treatment of dumb animals is not incompatible with the advancement of medical research and development. This bill is eminently worthy of enactment, and I urge my colleagues to give it their wholehearted support.

The SPEAKER. The question is on the motion of the gentleman from Washington (Mr. FOLEY) that the House suspend the rules and pass the bill H.R. 19846, 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. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks in the RECORD on the bill just passed.

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

There was no objection.

TRANSFER OF PEANUT ACREAGE ALLOTMENTS

Mr. O'NEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 17582) to amend the peanut marketing quota provisions to make permanent certain provisions thereunder.

The Clerk read as follows:

H.R. 17582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 358a of the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) Subsection (a) thereof is amended by deleting ", 1969, and 1970" and inserting in lieu thereof "and succeeding".

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. O'NEAL of Georgia. Mr. Speaker, this bill comes up under suspension of the rules because it should not be controversial and consequently should not take us very long to dispose of it during this busy week.

While it is of great importance to those of us with a special interest in peanuts, I realize full well that it is not a big thing to most of the Members of the House. Therefore, I intend to be brief and to the point.

Because of legislation that we have twice passed overwhelmingly by suspension of the rules, peanut farmers in the same country have enjoyed the privilege of transferring allotments to each other

by sale or lease for three recent crop-years, and the present law has worked well. To my knowledge, the Department of Agriculture has received no complaints or reports of any abuses. As a matter of fact, the legislation has met with nearly unanimous approval throughout the peanut industry in every geographical area.

The transfer authority expires this year. In reporting the bill, H.R. 17582, both the Subcommittee on Oilseeds and Rice and the full Committee on Agriculture, without objection, agreed to extend this authority on a continuing basis in view of the program's success and noncontroversial nature.

The original legislation was enacted in 1967 for 2 crop-years and extended in 1969 for 1 additional crop-year. As I said, both bills were brought to the House floor and passed under suspension of the rules. In writing the original law, tight restrictions were included to guard against any speculation or overproduction which might otherwise result. Examples of these restrictions are as follows:

Allotments are never permitted to cross county lines.

The total peanut allotment transferred to any farm cannot exceed 50 acres or any lesser amount prescribed by the Secretary.

If transferred acreage goes to a farm where the production per acre exceeds that of the transferred acreage by more than 10 percent, a corresponding downward adjustment in the acreage transferred is made to assure that no overproduction would result from the transfer.

Allotments may not be resold for a period of 3 crop-years.

And there are other restrictions. It may even be said that some are unnecessary, but I sincerely believe that these conditions are responsible for the universal acceptance and success of the legislation.

The subcommittee heard suggestions that we relax two of the minor restrictions. First, it was suggested that we eliminate the requirement of consent by lien holder in case of temporary transfer by lease for a 1-year term ony. In addition some felt that perhaps the productivity adjustment requirement should be eliminated, now applicable in case a receiving farm—not under irrigation—is placed under irrigation within a 5-year period.

The subcommittee and full committee, however, decided to leave the basic law unchanged. There is absolutely no relaxation of restrictions. The bill under consideration simply extends existing authority on a continuing basis.

The primary purpose of the legislation is to permit some small but capable farmers to become a little more efficient by increasing their allotments while others, who wish to discontinue growing peanuts, could transfer their resources to other crops or retire from peanut production entirely and still receive a small remuneration. Problems connected with small allotments become more serious each year as production costs per acre continue to increase.

Many allotments are simply too small to constitute an economic unit. The Department of Agriculture reports that more than one-fourth of all peanut allotments are 5 acres or less and more than one-half are 10 acres or less. The average size of established allotments is approximately 18 acres.

The type farmer I most wanted to help when I wrote the first bill 3 years ago was the young man who decides on a career in agriculture or the sharecropper who has long dreamed of owning a farm but who did not inherit an allotment. This legislation allows a new grower to acquire an allotment up to 50 acres through lease or outright purchase without increasing the national allotment by a single acre.

Enactment of this measure will not result in any expense to the Government, any added cost to the consumer, nor any increase in the production of peanuts. Mr. Speaker, I urge favorable consideration of this bill.

Mr. MIZELL. Mr. Speaker, I rise today to voice my support for H.R. 17582, which amends existing peanut marketing quota provisions to make permanent the existing authority to sell, lease, and transfer peanut acreage allotments within counties.

The peanut growers of North Carolina have expressed to me their desire to see this legislation passed.

I believe it is good legislation, and needed legislation, but above all, fair legislation.

Some months ago, I introduced legislation calling for similar allotment provisions for burley tobacco growers. I noted at that time the need for a more equitable policy regarding the Nation's burley tobacco farmers, who had felt the pains of discrimination far too long, and as a result, had suffered financially. That bill was recently passed by this body.

The same condition which that legislation remedied for burley growers existed until relatively recently ir the case of peanut farmers, as well. But in 1968, it was wisely decided to allow peanut growers to sell, lease, or transfer acreage allotments through this year.

Now we have an opportunity to extend that right to our peanut farmers on a permanent basis. The proposal does not entail any expense to the Government, any added cost to the consumer, or any increase in the production of peanuts.

It is a simple step toward greater efficiency and equality in this important segment of our agricultural industry. I urge my colleagues to join with me in voting for passage of this legislation.

Mr. PICKLE. Mr. Speaker, today the House considers the transfer of peanut acreage allotments bill, H.R. 17582. Due to a longstanding prior commitment, I am unable to be in Washington today, but I do want to register my support for this bill.

This bill allows for intracounty lease, sale, and transfer of acreage allotments for peanuts among farms. The law has undergone a 2-year trial period and has proved successful in helping peanut farmers to keep the rising costs of producing and harvesting peanuts in line with returns on their investments. I believe that the time is now ripe to make this law a permanent authorization—and this is provided for in H.R. 17582.

The sale, lease, and transfer of allotments does not cost the taxpayer or the consumer. It simply makes it possible for peanut farmers to realize a reasonable return on their investment.

I think this is a good law and one that ought to be made permanent.

Mr. FOUNTAIN. Mr. Speaker, I rise in support of H.R. 17582.

As has already been pointed out, the purpose of this legislation is to make permanent the existing authority for the lease, sale, and transfer of peanut acreage allotments among farmers within a given county.

Under the provisions of this permanent legislation, the Secretary of Agriculture will have the right to make a determination as to whether or not such a lease, sale or transfer, in whatever form, will impair the effective operation of the peanut marketing quota or price support program. If he makes the decision that it will not, then H.R. 17582 would permit on a permanent basis the 1968, 1969, and 1970 practice of the owner or operator of a farm selling or leasing all or any portion of his allotment to any other farmer or to any other farm owned or controlled by him in the same county.

Other portions of section 385(a) of the Agricultural Adjustment Act of 1938 are left unchanged. In other words, allotments still cannot be transferred across county lines and from a farm subject to a mortgage or lien unless the transfer is agreed to by the lienholders. There are some nine conditions still in the law including the requirement that no transfer can be effective until recorded or filed with the county committee of the county in which the transfer is made and until the county committee determines that the transfer complies with the provisions of the law. Another important, unchanged condition is the fact that the total peanut allotment transferred to any farm by sale or lease shall not exceed 50 acres or any lesser amount prescribed by the Secretary.

For some time now it has become increasingly clear that this legislation should be made permanent. There are many peanut acreage allotments which are too small to constitute an economic unit in view of the rising costs of producing and harvesting peanuts. Also, much greater mechanism in the production of peanuts involves the use of very expensive equipment and other items involved in improved methods of cultivation. The cost per acre of producing peanuts has simply gone up and up.

Consequently with more than one-fourth of all peanut acreage allotments being five acres or less and more than one-half being 10 acres or less, farmers with such small acreage are finding the production of peanuts uneconomical and others who want to grow peanuts have found it necessary to increase their peanut acreage in an effort to realize a reasonable return on their tremendous investment. So making this program permanent will enable those interested in growing peanuts to get enough acreage to justify remaining in the business. At the same time, requiring sales or transfers within a county will guard against any major geographic switch in peanut

production which would be injurious to the economy of many counties.

All peanut growers are familiar with the existing transfer legislation. Simply put, therefore, all this legislation does is to make the existing law permanent and enable those farmers who want to continue growing peanuts to get enough acreage by the sale or transfer process to justify their remaining in the business. At the same time, continued production of peanuts in a given area may well prevent the future transfer of such acreage to some other State.

The SPEAKER. The question is on the motion of the gentleman from Georgia (Mr. O'NEAL) that the House suspend the rules and pass the bill H.R. 17582.

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. O'NEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

LAND CONVEYANCE AT FORT RUGER MILITARY RESERVATION, HAWAII, TO STATE OF HAWAII

Mr. BENNETT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4187) to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands.

The Clerk read as follows:

S. 4187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Seretary of the Army, or his designee, is hereby authorized to convey to the State of Hawaii, subject to the terms and conditions hereafter stated, and to such other terms and conditions as the Secretary of the Army, or his designee, shall deem to be in the public interest, all right, title, and interest of the United States in and to certain lands, with the improvements thereon, within the Fort Ruger Military Reservation, Hawaii, as described in section 3 of this Act.

SEC. 2. In consideration for the conveyance by the United States of the aforesaid property, the State of Hawaii shall convey, or provide for the conveyance, to the United States of certain lands, described in section 3 of this Act, acceptable to the Secretary of the Army, or his designee, as replacement land for use as military family housing sites or other purposes in connection with the Fort Shafter-Tripler Army Hospital area, Oahu, Hawaii, and shall, at its sole expense, perform on this replacement land certain site preparations which will, in the opinion of the Secretary of the Army, or his designee, equal in cost the dollar value difference between the appraised fair market value of the property being conveyed to the State and the appraised fair market value of the land being conveyed to the United States. The site preparation shall be in accordance with plans and specifications to be approved by the Secretary of the Army or his designee.

SEC. 3. The lands authorized to be exchanged and referred to in sections 1 and 2 of this Act are located on the island of Oahu, Hawaii, and are as generally depicted on maps on file in the Office of the Pacific Ocean Division Engineer, Honolulu, Hawaii. The lands to be conveyed by the United States comprise approximately fifty-seven acres with the improvements thereon; the replacement lands to be acquired by the United States comprise a minimum of approximately two hundred and fifty-nine acres situated adjacent to the Tripler Army Hospital Reservation. The exact description and acreages are to be determined by accurate surveys as mutually agreed upon between the State of Hawaii and the Secretary of the Army, or his designee.

SEC. 4. The lands conveyed to the United States, as described in section 3 of this Act, shall become a part of the Tripler Army Hospital Reservation and be administered by the Department of the Army.

SEC. 5. Notwithstanding any other provision of law, the cost of the lands to be acquired by the United States, as described in section 3 of this Act, and the cost of the site preparation and installation of utilities borne by the State of Hawaii, as provided herein, shall not be considered in arriving at the average cost of any family housing units or the cost of any single family housing unit to be constructed on the property.

The SPEAKER. Is a second demanded?

Mr. GROSS. 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. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may be allowed 3 legislative days in which to revise and extend their remarks on this bill.

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

There was no objection.

Mr. BENNETT. Mr. Speaker, this bill—S. 4187—would authorize the Secretary of the Army to convey to the State of Hawaii title of the United States in approximately 57 acres of land with improvements located within Fort Ruger Military Reservation, Hawaii, upon the conditions: First, the State shall convey to the United States a minimum of 259 acres of land located adjacent to the Tripler Army Hospital Reservation; second, such lands are to be acceptable as replacement family housing sites or other purposes for Fort Shafter-Tripler Army Hospital area; third, the State shall at its expense provide site preparation on the replacement lands which shall equal in cost the difference in value between the land conveyed to the State and that conveyed to the United States; fourth, specifications or site preparation are to be approved by the Secretary of the Army, or his designee; fifth, exact acreages and descriptions to be determined by surveys; and, sixth, the Secretary may include such other terms he deems in the public interest. The bill further provides that the lands conveyed to the United States shall become a part of the Tripler Army Hospital Reservation; and also that the cost of site preparation by the State shall not be considered in the cost of family housing later constructed thereon.

The State of Hawaii desires to acquire a portion of Fort Ruger lands for the establishment of a university medical school and the expansion of facilities of the Leahi Hospital adjacent to Fort Ruger. To offset the continuing military requirements for family housing, the State has offered to provide substitute lands comparable in value and utility in exchange for approximately 57 acres of Fort Ruger lands, on terms generally set forth in the bill.

The Fort Ruger lands to be conveyed to the State comprise two separate parcels, one of 51.63 acres and one containing 2.94 acres. Improvements consist of administration buildings, warehouses, 39 sets of family quarters and supporting facilities. The housing quarters, by reason of age and condition, are planned for demolition upon authorization of the family housing construction program. Preliminary estimates place a current value on the lands and improvements at between $4,500,000 and $5,000,000.

The 259-acre tract of land to be conveyed to the Government is situated on the Koolau Mountain ridge contiguous to the northeast boundary of the Tripler Army Hospital. The S. M. Demon Trust Estate tentatively has agreed to sell the same to the State for reconveyance to the Government. This tract is raw, undeveloped land with a value in the range of $1 million. Testimony revealed that by reason of the topography only about 180 acres appear economically feasible of development. To render the replacement lands comparable to the Fort Ruger lands as to utility for housing, the State proposes to perform at its expense necessary site preparation under specifications approved by the Army. The cost to be expended is to reflect the difference in value between the property to be conveyed to the Government and that conveyed to the State. Final adjustments will be based on detailed appraisals, mutually agreed upon, as well as other terms of exchange which will be developed by an agreement between the parties. In this connection, it is understood that State legislation has been enacted authorizing the proposed exchange and necessary funds.

The Department of the Army, on behalf of the Department of Defense, recommends that S. 4187 be enacted.

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

Mr. GROSS. I would like to ask the gentleman if the legislature of the State of Hawaii has enacted the necessary legislation.

Mr. BENNETT. It has.

Mr. GROSS. In all of its ramifications to take care of this obligation?

Mr. BENNETT. It has. The State of Hawaii has enacted the legislation and made the appropriations necessary. It has done so.

Mr. GROSS. I thank the gentleman.

Mr. MATSUNAGA. Mr. Speaker, the pending bill is a simple one. It merely authorizes the Secretary of the Army to convey certain lands in Hawaii to the State of Hawaii in exchange for other lands to be conveyed to the Army by the State.

The State of Hawaii would receive about 57 acres now within the Fort Ruger Military Reservation. State plans are to use the land to establish an integrated medical center, consisting of a 4-year University of Hawaii medical school, and an expanded State-operated hospital, which is presently located on State land adjoining the land belonging to the Army.

In return, the Army is to receive about 259 acres of land in Honolulu near Tripler Army Hospital, which will be made suitable for construction of military housing at the expense of the State of Hawaii in accordance with Federal specifications.

Mr. Speaker, both the State of Hawaii and the Army will benefit substantially from this land exchange. Construction of the medical center near existing medical facilities would enable the State to respond to the demands of increasing health care needs in Honolulu.

Correspondingly, the Army would gain a land area suitable for 900 housing units and located near other military housing areas so as to provide better consolidation and more economic use of maintenance and support services.

Mr. Speaker, no expenditure of Federal funds would be required by the enactment of S. 4187. The exchange finally agreed on is to be evenhanded insofar as land values are concerned. Both the Department of the Army and the State of Hawaii favor the bill's enactment. The Senate passed it without any dissent. I urge that the House also give its quick and overwhelming approval to this mutually beneficial legislation.

The SPEAKER. The question is on the motion of the gentleman from Florida (Mr. BENNETT) that the House suspend the rules and pass the bill S. 4187.

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.

COPYRIGHT PROTECTION IN CERTAIN CASES

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 230) extending the duration of copyright protection in certain cases.

The Clerk read as follows:

S. J. RES. 230

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the terms thereof as extended by Public Law 87–668, by Public Law 89–442, by Public Law 90–141, by Public Law 90–416, or by Public Law 91–147 (or by all or certain of said laws), would expire prior to December 31, 1971, such term is hereby continued until December 31, 1971.

The SPEAKER. Is a second demanded?

Mr. HUTCHINSON. 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, will the gentleman yield to me?

Mr. CELLER. I yield to the gentleman from Michigan.

Mr. DINGELL. I have some questions to ask the chairman of the committee about this.

Will the gentleman from New York explain the function of this bill, please, to the House?

Mr. CELLER. This bill is similar to a bill passed in the last Congress extending copyright for those whose renewal terms were expiring. The House passed in the last Congress a comprehensive copyright revision which went to the Senate, but unfortunately, was not acted upon in time. That was due to a controversy that arose because of differences largely concerning community antenna television. Because of the differences the copyright code languished in the Senate and was not passed. Because thereof we in the last Congress extended the copyrights for 1 year pending the action of the Senate.

Now, I am told that the chairman of the subcommittee having jurisdiction over copyrights, patents, and trademarks of the Senate Judiciary Committee will in the next Congress prepare—and he has expressed the hope and belief that most of the difficulties if not all of the difficulties that arose concerning CATV will have been resolved and that they will be able to complete their task and have passed the copyright revision in about the manner in which we have passed it in the last Congress.

Meanwhile, between the time we passed the bill last year extending copyrights and the time that the Senate will act, there will be a number of copyrights in their renewal term which will expire. Many other copyrights will be protected by the new bill that the other body undoubtedly will pass. So, in order not to create discrimination among copyright holders we are asking that the copyrights be extended for the period of another year.

Mr. Speaker, there is no cost to the Government. It is only a matter of equity and justice that this is done.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield further, I would like to ask the gentleman what is the oldest copyright under this bill that would be extended?

Mr. CELLER. What is the what?

Mr. DINGELL. What is the oldest copyright that would be extended under Senate Joint Resolution 230?

Mr. CELLER. I think it is about 64 years.

Mr. DINGELL. Four years?

Mr. CELLER. No.

Mr. DINGELL. I would say to the gentleman that it would be more like about 40 years.

Mr. CELLER. The present copyright law, as the gentleman knows, is for 28 years and then there is an extension permitting another 28 years.

Mr. DINGELL. So, that is a total of 56 years?

Mr. CELLER. Fifty-six years; yes.

Mr. DINGELL. But, we are extending it 56 years, plus how much in addition thereto? There have been several extensions. This will be more like 60-something years, will it not?

Mr. CELLER. This is only for 1 year.

Mr. DINGELL. The oldest copyright would be older than 56 years. How old is the oldest copyright we would be extending through the passage of this particular piece of legislation?

Mr. CELLER. Extensions have totaled 8 years, a total of 64. I think this is the sixth extension.

Mr. DINGELL. The sixth extension? Six 1-year or 2-year extensions?

Mr. CELLER. No, that would be 6 years added; actually, there were eight.

Mr. DINGELL. Six years added to the 56 years, making a total of 62 years?

Mr. CELLER. Yes.

Mr. DINGELL. That is the number of years I would suggest to the gentleman from New York that the copyright laws would be extended.

Mr. CELLER. That is right. The recent bill that we passed; that is, the bill that was passed in the last Congress provided copyright protection for new copyrights for a term of the life of the owner of the copyright, plus 50 years after death.

Mr. DINGELL. How many more times are we going to have these copyright bills before us?

Mr. CELLER. I have told those in the other body who are responsible for passing this very bill that we are now considering that I would under no circumstances renew this copyright provision, but that they must pass the comprehensive compromise code, otherwise there would be no more extensions. This is the last extension.

Mr. DINGELL. I am happy to hear the gentleman say that because every year we have a bill or resolution for the extension of copyrights and usually at the request of the same people. I think it is about time that the House quit extending these copyright laws.

Mr. CELLER. I am in thorough accord with the gentleman's point of view in that respect.

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

Mr. Speaker, I rise in support of Senate Joint Resolution 230.

This resolution would continue until December 31, 1971, the renewal term of any copyright which would otherwise expire prior thereto.

Under present law a copyright is granted for 28 years, renewable for another 28 years, or a total of 56 years.

Senate Joint Resolution 230 would provide an interim extension of the renewal term of all copyrights so that no copyright would expire in calendar 1971. This type of extension has been granted on five previous occasions, the first of which was in 1962.

These extensions have been granted over the years because, during this period, the Congress has been working on a major revision of the copyright law which would substantially extend the term of copyrights. The House passed such a general revision in 1967; the matter is now pending in the other body.

The latest version, S. 543, would extend existing copyrights 19 years, giving them a life of 75 years. Copyrights having their inception subsequent to passage of the new law would enjoy a term of the life of the author plus 50 years.

Those portions of S. 543 containing the extension of existing copyrights to 75 years are not in dispute. The only matter holding up this bill is a series of questions concerning cable TV, which

are wholly unrelated to the copyright terms. When the general copyright revision legislation is passed, as it inevitably will be—and I hope that this will be early in the next Congress—it will unquestionably include the provision extending existing copyrights to 75 years.

To fail to provide for an interim extension at this time would cause thousands of copyright holders to lose their copyrights simply because the other body cannot resolve an unrelated issue.

Mr. Speaker, I urge adoption of Senate Joint Resolution 230.

The SPEAKER. The question is on the motion of the gentleman from New York (Mr. CELLER) that the House suspend the rules and pass the Senate joint resolution (S.J. Res. 230).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

AMENDMENT TO FOREIGN SERVICE BUILDINGS ACT, 1926

Mr. HAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 18012) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations.

The Clerk read as follows:

H.R. 18012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(f)(2) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 295(f)(2)), is amended—

(1) by striking out "and" and inserting in lieu thereof a comma; and

(2) by inserting immediately before the period at the end thereof a comma and the following: "not to exceed $15,000,000 for the fiscal year 1972, and not to exceed $15,900,000 for the fiscal year 1973".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, this is a bill that is reported every 2 years by the Committee on Foreign Affairs. In order that the House may understand it, I am enumerating the principal features and the reasons why the committee believes this bill to be important.

The authorization is for the operating account that covers the maintenance, repair, operation, and equipment of buildings overseas. It also includes rent payments for properties leased for more than 10 years.

It does not authorize money for the acquisition of any buildings. Such acquisitions would come out of the capital account for which no authorization is requested.

The properties are used by many agencies of Government other than the Department of State.

Other agencies reimburse FSO for building operating expenses such as utilities, cleaning services, et cetera. State pays for all improvements and repairs.

Authorizations in the 1968 law were $13,500,000 for fiscal year 1970 and $14,300,000 for fiscal year 1971.

Authorizations in this bill are $15,000,000 for fiscal year 1972 and $15,900,000 for fiscal year 1973.

Experience shows that costs of goods and services increase about 6 percent per year.

United States held properties overseas originally cost about $270 million. They are now estimated to be worth more than twice that amount. The appropriation made pursuant to the authorization in this bill will enable the Department to maintain our valuable properties in the best possible condition.

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

Mr. Speaker, I rise today in support of H.R. 18012, to amend the Foreign Service Buildings Act.

In my opinion the authorization of an appropriation not to exceed $15 million for fiscal year 1972 and $15,900,000 for fiscal year 1973 is reasonable and well justified.

These sums are needed for the operation and maintenance of U.S. buildings abroad that come under the jurisdiction of the Office of Foreign Buildings of the Department of State.

As noted in the committee report, no funds are authorized in this bill for the purchase, construction, or leasing of office buildings, residences, and other structures abroad.

While the amounts requested for operation and maintenance of U.S. buildings abroad in fiscal year 1972 and fiscal year 1973 are slightly higher than for the 2 preceding years, they reflect only the unavoidable worldwide increases for wages and prices averaging 6 percent.

This legislation is necessary if we are to properly maintain and operate the valuable property of the United States abroad.

I urge passage of H.R. 18012.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. HAYS) that the House suspend the rules and pass the bill H.R. 18012.

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.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Mr. EDMONDSON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs, as amended.

The Clerk read as follows:

S. 1

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 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970".

TITLE I—GENERAL PROVISIONS

SEC. 1. As used in this Act—

(1) The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve banks and branches thereof.

(2) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(3) The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(4) The term "Federal financial assistance" means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

(5) The term "person" means any individual, partnership, corporation, or association.

(6) The term "displaced person" means any person who, on or after the effective date of this Act (moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance; and solely for the purposes of sections 202(a) and (b) and 205 of this title, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(7) The term "business" means any lawful activity, excepting a farm operation, conducted primarily—

(A) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, and processing or marketing of products, commodities, or any other personal property;

(B) for the sale of services to the public;

(C) by a nonprofit organization; or

(D) solely for the purposes of section 202(a) of this title, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(8) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(9) The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

FINALITY OF DETERMINATIONS

SEC. 102. (a) Any determination by the head of a Federal agency administering a program or project as to payments under titles II and III of this Act shall be final and no provision of such titles shall be construed to give any person a cause of action in any court, nor may any violation of either of such titles be raised as a defense by such person in any action.

(b) The provisions of section 301 of title III of this Act create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

(c) Nothing in this Act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence on the date of enactment of this Act.

TITLE II—UNIFORM RELOCATION ASSISTANCE

DECLARATION OF POLICY

SEC. 201. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

MOVING AND RELATED EXPENSES

SEC. 202. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this Act, the head of such agency shall make a payment to any displaced person, upon proper application as approved by such agency head, for—

(1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the agency; and

(3) actual reasonable expenses in searching for a replacement business or farm.

(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance, determined according to a schedule established by the head of the Federal agency, not to exceed $300; and a dislocation allowance of $200.

(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than $2,500 nor more than $10,000. In the case of a business no payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the head of such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. (a)(1) In addition to payments otherwise authorized by this title, the head of the Federal agency shall make an additional payment not in excess of $15,000 to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(A) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Federal agency, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subparagraph shall be made in accordance with standards established by the head of the Federal agency making the additional payment.

(B) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the Federal agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(C) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this subsection shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one year period beginning on the date on which he receives from the Federal agency final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

(b) The head of any Federal agency may, upon application by a mortgagee, insure any mortgage (including advances during construction) on a comparable replacement dwelling executed by a displaced person assisted under this section, which mortgage is eligible for insurance under any Federal law administered by such agency notwithstanding any requirements under such law relating to age, physical condition, or other personal characteristics of eligible mortgagors, and may make commitments for the insurance of such mortgage prior to the date of execution of the mortgage.

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 204. In addition to amounts otherwise authorized by this title, the head of the Federal agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall be either—

(1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed $4,000, or

(2) the amount necessary to enable such person to make a downpayment (including incidental expenses described in section 203(a)(1)(C)) on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed $4,000, except that if such amount exceeds $2,000, such person must equally match any such amount in excess of $2,000, in making the downpayment.

RELOCATION ASSISTANCE ADVISORY SERVICES

SEC. 205. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this section, the head of such agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services described in subsection (c) of this section. If such agency head determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under such program.

(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

(1) determine the need, if any, of displaced persons, for relocation assistance;

(2) provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

(3) assure that, within a reasonable period of time, prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by such Federal agency head, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment;

(4) assist a displaced person displaced from his business or farm operation in ob-

taining and becoming established in a suitable replacement location;

(5) supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

(d) The heads of Federal agencies shall coordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of relocation assistance programs.

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. (a) If a Federal project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the head of the Federal agency determines that such housing cannot otherwise be made available he may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

(b) No person shall be required to move from his dwelling on or after the effective date of this title, on account of any Federal project, unless the Federal agency head is satisfied that replacement housing, in accordance with section 205(c)(3), is available to such person.

STATE REQUIRED TO FURNISH REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE (LOCAL COOPERATION)

SEC. 207. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal program or project, the Federal agency having authority over the program or project may not accept such property unless such State agency has made all payments and provided all assistance and assurances, as are required of State agency by section 210 and 305 of this Act. Such State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project, except that in the case of any real property acquisition or displacement occurring prior to July 1, 1972, such Federal agency shall pay 100 per centum of the first $25,000 of the cost of providing such payments and assistance.

STATE ACTING AS AGENT FOR FEDERAL PROGRAM

SEC. 208. Whenever real property is acquired by a State agency at the request of a Federal agency for a Federal program or project, such acquisition shall, for the purposes of this Act, be deemed an acquisition by the Federal agency having authority over such prorgam or project.

PUBLIC WORKS PROGRAMS AND PROJECTS OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 209. Whenever real property is acquired by the government of the District of Columbia or the Washington Metropolitan Area Transit authority for a program or project which is not subject to sections 210 and 211 of this title, and such acquisition will result in the displacement of any person on or after the effective date of this Act, the Commissioner of the District of Columbia or the Washington Metropolitan Area Transit Authority, as the case may be, shall make all relocation payments and provide all assistance required of a Federal agency by this Act. Whenever real property is acquired for such a program or project on or after such effective date, such Commissioner or Authority, as the case may be, shall make all payments and meet all requirements prescribed for a Federal agency by title III of this Act.

REQUIREMENTS FOR RELOCATION PAYMENTS AND ASSISTANCE IN FEDERALLY ASSISTED PROGRAMS; ASSURANCES OF AVAILABILITY OF HOUSING

SEC. 210. Notwithstanding any other law, the head of a Federal agency shall not approve any grant to, or contract or agreement with, a State agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

(2) relocation assistance programs offering the services described in section 205 shall be provided to such displaced persons;

(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c)(3).

FEDERAL SHARE OF COSTS

SEC. 211. (a) The cost to a State agency of providing payments and assistance pursuant to sections 206, 210, 215, and 305, shall be included as part of the cost of a program or project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs, except that, notwithstanding any other law in the case where the Federal financial assistance is by grant or contribution the Federal agency shall pay the full amount of the first $25,000 of the cost to a State agency of providing payments and assistance for a displaced person under sections 206, 210, 215, and 305, on account of any acquisition or displacement occurring prior to July 1, 1972, and in any case where such Federal financial assistance is by loan, the Federal agency shall loan such State agency the full amount of the first $25,000 of such cost.

(b) No payment or assistance under section 210 or 305 shall be required or included as a program or project cost under this section, if the displaced person receives a payment required by the State law of eminent domain which is determined by such Federal agency head to have substantially the same purpose and effect as such payment under this section, and to be part of the cost of the program or project for which Federal financial assistance is available.

(c) Any grant to, contract or agreement with, a State agency executed before the effective date of this title, under which Federal financial assistance is available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this Act, shall be amended to include the cost of providing payments and services under sections 210 and 305. If the head of a Federal agency determines that it is necessary for the expeditious completion of a program or project he may advance to the State agency the Federal share of the cost of any payments or assistance by such State agency pursuant to sections 206, 210, 215, and 305.

ADMINISTRATION—RELOCATION ASSISTANCE IN PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

SEC. 212. In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons under sections 206, 210, and 215 of this title, a State agency may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this title through any Federal or State governmental agency or instrumentality having an established organization for conducting relocation assistance programs. Such State agency shall, in carrying out the relocation assistance activities described in section 206, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activites.

REGULATIONS AND PROCEDURES

SEC. 213. (a) In order to promote uniform and effective administration of relocation assistance and land acquisition of State or local housing agencies, or other agencies having programs or projects by Federal agencies or programs or projects by State agencies receiving Federal financial assistance, the heads of Federal agencies shall consult together on the establishment of regulations and procedures for the implementation of such programs.

(b) The head of each Federal agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure—

(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this Act, or the amount of a payment, may have his application reviewed by the head of the Federal agency having authority over the applicable program or project, or in the case of a program or project receiving Federal financial assistance, by the head of the State agency.

(c) The head of each Federal agency may prescribe such other regulations and procedures, consistent with the provisions of this Act, as he deems necessary or appropriate to carry out this Act.

ANNUAL REPORT

SEC. 214. The head of each Federal agency shall prepare and submit an annual report to the President on the activities of such agency with respect to the programs and policies established or authorized by this Act, and the President shall submit such reports to the Congress not later than January 15 of each year, beginning January 15, 1972, and ending January 15, 1975, together with his comments or recommendations. Such reports shall give special attention to: (1) the effectiveness of the provisions of this Act assuring the availability of comparable replacement housing, which is decent, safe, and sanitary, for displaced homeowners and tenants; (2) actions taken by the agency to achieve the objectives of the policies of Congress, declared in this Act, to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by, or having real property taken for, Federal or federally assisted programs; (3) the views of the Federal agency head on the progress made to achieve such objectives in the various programs conducted or administered by such agency, and among the Federal agencies; (4) any indicated effects of such programs and policies on the public; and (5) any recommendations he may have for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws and regulations.

PLANNING AND OTHER PRELIMINARY EXPENSES FOR ADDITIONAL HOUSING

SEC. 215. In order to encourage and facilitate the construction or rehabilitattion of

housing to meet the needs of displaced persons who are displaced from dwellings because of any Federal or Federal financially assisted project, the head of the Federal agency administering such project is authorized to make loans as a part of the cost of any such project, or to approve loans as a part of the cost of any such project receiving Federal financial assistance, to nonprofit, limited dividend, or cooperative organizations or to public bodies, for necessary and reasonable expenses, prior to construction, for planning and obtaining federally insured mortgage financing for the rehabilitation or construction of housing for such displaced persons. Notwithstanding the preceding sentence, or any other law, such loans shall be available for not to exceed 80 per centum of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing, prior to the availability of such financing, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering, preliminary architectural fees, site acquisition, application and mortgage commitment fees, and construction loan fees and discounts. Loans to an organization established for profit shall bear interest at a market rate established by the head of such Federal agency. All other loans shall be without interest. Such Federal agency head shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of a loan if he determines that a permanent loan to finance the rehabilitation or the construction of such housing cannot be obtained in an amount adequate for repayment of such loan. Upon repayment of any such laon, the Federal share of the sum repaid shall be credited to the account from which such loan was made, unless the Secretary of the Treasury determines that such account is no longer in existence, in which case such sum shall be returned to the Treasury and credited to miscellaneous receipts.

PAYMENTS NOT TO BE CONSIDERED AS INCOME

SEC. 216. No payment received under this title shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

DISPLACEMENT BY CODE ENFORCEMENT, REHABILITATION, AND DEMOLITION PROGRAMS RECEIVING FEDERAL ASSISTANCE

SEC. 217. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall, for the purposes of this title, be deemed to have been displaced as the result of the acquisition of real property.

TRANSFERS OF SURPLUS PROPERTY

SEC. 218. The Administrator of General Services is authorized to transfer to a State agency for the purpose of providing replacement housing required by this title any real property surplus to the needs of the United States within the meaning of the Federal Property and Administrative Services Act of 1949, as amended. Such transfer shall be subject to such terms and conditions as the Administrator determines necessary to protect the interests of the United States and may be made without monetary consideration, except that such State agency shall pay to the United States all amounts received by such agency from any sale, lease, or other disposition of such property for such housing.

DISPLACEMENT BY A SPECIFIC PROGRAM

SEC. 219. Notwithstanding any other provision of this title, a person—

(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the 90th day after the date of enactment of this Act as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency within the area in New York, New York, bounded by Lexington and Third Avenues and 31st and 32d Streets; and

(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person for purposes of sections 202 (a) and (b), 204, and 205 of this title, by the head of the agency acquiring the real property if—

(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

(B) the Federal Government acquired and held such property for at least five years prior to the date of enactment of this Act.

REPEALS

SEC. 220. (a) The following laws and parts of laws are hereby repealed:

(1) The Act entitled "An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes," approved May 29, 1958 (43 U.S.C. 1231–1234).

(2) Paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473).

(3) Section 2680 of title 10, United States Code.

(4) Section 7(b) of the Urban Mass Transportation Act of 1965 (49 U.S.C. 1606(b)).

(5) Section 114 of the Housing Act of 1949 (42 U.S.C. 1465).

(6) Paragraphs (7)(b)(iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8).

(7) Section 2 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes," approved October 6, 1964 (78 Stat. 1004; Public Law 88–629; D.C. Code 5–729).

(8) Section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074).

(9) Sections 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307).

(10) Chapter 5 of title 23, United States Code.

(11) Sections 32 and 33 of the Federal-Aid Highway Act of 1968 (Public Law 90–495).

(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

EFFECTIVE DATE

SEC. 221. (a) Except as provided in subsections (b) and (c) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment.

(b) Until July 1, 1972, sections 210 and 305 shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. After July 1, 1972, such sections shall be completely applicable to all States.

(c) The repeals made by paragraphs (4), (5), (6), (8), (9), (10), (11), and (12) of section 220(a) of this title and section 306 of title III shall not apply to any State so long as sections 210 and 305 are not applicable in such State.

TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 301. In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall, to the greatest extent practicable, be guided by the following policies:

(1) The head of a Federal agency shall make every reasonable effort to acquire expeditiously real property by negotiation.

(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

(3) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of evaluation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The head of the Federal agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

(4) No owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by title II will be available), or to move his business or farm operation, without at least ninety days' written notice from the head of the Federal agency concerned, of the date by which such move is required.

(6) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(7) In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

(8) If any interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall institute formal condemnation

proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(9) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire the entire property.

BUILDINGS, STRUCTURES, AND IMPROVEMENTS

SEC. 302. (a) Notwithstanding any other provision of law, if the head of a Federal agency acquires any interest in real property in any State, he shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which he requires to be removed from such real property or which he determines will be adversely affected by the use to which such real property will be put.

(b) (1) For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired by subsection (a) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant therefor.

(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. Nothing in this subsection shall be construed to deprive the tenant of any rights to reject payment under this subsection and to obtain payment for such property interests in accordance with applicable law, other than this subsection.

EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

SEC. 303. The head of a Federal agency, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the head of such agency deems fair and reasonable, for expenses he necessarily incurred for—

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;

(2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is the earlier.

LITIGATION EXPENSES

SEC. 304. (a) The Federal court having jurisdiction of a proceeding instituted by a Federal agency to acquire real property by condemnation shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if—

(1) the final judgment is that the Federal agency cannot acquire the real property by condemnation; or

(2) the proceeding is abandoned by the United States.

(b) Any award made pursuant to subsection (a) of this section shall be paid by the head of the Federal agency for whose benefit the condemnation proceedings was instituted.

(c) The court rendering a judgment for the plaintiff in a proceeding brought under section 1346(a)(2) or 1491 of title 28, United States Code, awarding compensation for the taking of property by a Federal agency, or the Attorney General effecting a settlement of any such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will in the opinion of the court or the Attorney General reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

REQUIREMENTS FOR UNIFORM LAND ACQUISITION POLICIES; PAYMENTS OF EXPENSES INCIDENTAL TO TRANSFER OF REAL PROPERTY TO STATE; PAYMENT OF LITIGATION EXPENSES IN CERTAIN CASES

SEC. 305. Notwithstanding any other law, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, a State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on and after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302, and

(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304.

REPEALS

SEC. 306. Sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071–3073), section 35(a) of the Federal-Aid Highway Act of 1968 (23 U.S.C. 141) and section 301 of the Land Acquisition Policy Act of 1960 (33 U.S.C. 596) are hereby repealed. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Act or portions thereof under this section.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, this bill, which is the result of almost 10 years of work by the House Committee on Public Works will, when passed, be a memorial to one of the best-loved former Members of the House of Representatives, the Honorable Clifford Davis of Tennessee, who led the study for several years as chairman of the select committee which first dealt with this problem. We have long been concerned by lack of uniformity and lack of equity in the treatment of persons displaced from their homes by Federal land acquisitions or by State and local land acquisitions that are assisted by Federal grants.

The bill is a very complex bill, basically intended to assure that no family or individual now owning their own home should be left without a home owned by them as a result of Federal acquisitions through any lack of fairness or equity in the acquisition procedures. It is also intended to assure that no tenant of any home is left in a worsened condition as a result of Federal acquisition policies, and to give to tenants who are displaced by Federal acquisition or by federally aided acquisitions an opportunity to acquire a home with Federal assistance in that operation and, third, to improve considerably opportunities for relocation and a new start for business and farm operators who are impacted by Federal land acquisition or federally assisted land acquisition programs.

There are many phases of this program on which we would be pleased to answer questions if desired.

I think that we have tried to establish an equitable and a fair system to proceed with uniformity in our various Federal land acquisition programs, and we have called for a series of four annual reports by the departments that are engaged with implementing this program to assure careful oversight by the Congress.

I do not want to omit mentioning at this time the great staff job that was done on this bill by members of the staff of the Committee on Public Works and particularly by a former staff member named Henry Krevor, who has literally lived with this problem and proposals to correct it for almost 10 years.

I also want to compliment the many Members of the Congress who appeared and testified for this bill, the honorable Member from Florida (Mr. BENNETT), the gentleman from Alabama (Mr. BEVILL), the gentleman from Colorado (Mr. BROTZMAN), the gentleman from California (Mr. COHELAN), the gentleman from California (Mr. CORMAN), my colleague from Oklahoma, TOM STEED, and a number of other Members of the Congress who gave to us excellent suggestions and guidance during the extensive hearings that were held on this bill.

At this point, Mr. Speaker, I would yield such time as he may consume to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Speaker, while compliments are being passed out I think that the gentleman from Oklahoma (Mr. EDMONDSON) is fully entitled to the compliments of the House for the work that he himself has done on this bill in bringing it to the floor of the House and making possible its passage.

It is nothing more than a simple act of justice to the American people. Those who oppose Government subsidies to private individuals should also oppose private individual subsidies to the Government when it builds highways or other public works.

So again I commend the gentleman from Oklahoma for this simple act of justice to the American people.

Mr. EDMONDSON. I thank the gentleman very much.

Mr. Speaker, I ask unanimous consent that the chairman of the Committee on Public Works, the gentleman from Maryland (Mr. FALLON), and the chairman of

the Subcommittee on Roads, the gentleman from Illinois (Mr. KLUCZYNSKI), may extend their remarks in connection with this bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FALLON. Mr. Speaker, I rise in support of S. 1, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Affirmative action by the House today will provide the climax of some 9 years of intensive work on the legislation which began when in October of 1961 there was created in the Committee on Public Works a Select Subcommittee on Real Property Acquisition for the specific purpose of providing a comprehensive appraisal of the impact of Federal and federally assisted programs on displaced persons and property owners.

The hearings and report of that subcommittee were the impetus and the cornerstone of the legislation we are considering today.

S. 1 has passed the other body on several occasions. The lateness of the session in previous years has prevented action by the House on this matter but today we have the opportunity to provide the groundwork that will establish a much needed basic program of relocation payments, advisory assistance, decent, safe, and sanitary replacement housing and a uniform policy on real property acquisition practices for all Federal and federally assisted programs. This is worthwhile legislation and this is needed legislation. It will give every citizen in the country an opportunity to get fair and equitable treatment from the Federal Government whenever any one of the many of the Federal grant or federally assisted programs move in to replace persons' homes, apartment dwellings, or acquire their property.

Let me conclude by thanking all the members of the committee who worked so diligently on this legislation and in particular the gentleman from Illinois (Mr. KLUCZYNSKI), and the gentleman from Oklahoma (Mr. EDMONDSON). I might also add that this legislation is another tribute to my dear friend, the late Representative from Tennessee, Clifford Davis, who chaired the 1961 Select Subcommittee on Real Property Acquisition. It is also a tribute to the fine work of the chief counsel of that select subcommittee, Henry Krevor, who also provided invaluable assistance to the committee on its work on the present bill.

Mr. KLUCZYNSKI. Mr. Speaker, as one who has been keenly interested in the need for fair practices by the Federal Government in connection with its policy of acquiring real property or displacing and moving owners or tenants from their property, I am proud to rise in support of S. 1.

I chaired the majority of the hearings held on this legislation this year and I know from the testimony received by the committee from private, State, and Federal witnesses of the need for this legislation.

S. 1 is a major breakthrough in the field of providing fair treatment to all our citizens. In years to come it will be the basis for establishing for the first time across the board within the Federal Government a sound and progressive program to take care of both in a advisory capacity and in an actual financial capacity those many, many fellow citizens of ours who through no fault of their own are forced to move from their own homes or apartments and give up real property they have held for years because of one or another Federal program. This legislation will indeed prove to be invaluable in giving these people the help they so badly need when they are forced to relocate, move, or give up property. I am particularly pleased to note because of my interest in small business legislation and as chairman of one of the subcommittees of the Small Business Committee, how well the small business owners and the "mom and pop" stores are helped by this legislation. This legislation will also be of tremendous benefit to the residents of my home city, the great city of Chicago, and I know it has the enthusiastic support of my mayor, Richard Daley and our commissioner for public works, Milton Pikarsky.

I would like to thank all those who through the years have worked diligently on this legislation and in particular may I acknowledge the fine leadership of our chairman, the Honorable GEORGE H. FALLON, who has supported and has seen the need for this legislation over the years.

I will conclude by commending the original members of the select subcommittee who held the first hearings on this legislation in 1961 and in particular the chairman of the select subcommittee, my old and great friend, the late Clif Davis, of Tennessee. My thanks to the staff for the many hours of work on this legislation and I would particularly thank Henry Krevor, the former chief counsel of the select subcommittee, for his work during those days and his work on the parent legislation.

GENERAL LEAVE TO EXTEND

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that all Members of the House wishing to do so may extend their remarks in connection with the pending bill.

The SPEAKER. Without objection it is so ordered.

There was no objection.

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

Mr. EDMONDSON. I am glad to yield to my good friend, the gentleman from Missouri, who has also been a strong champion of this legislation for a number of years and has been one who has urged the expedition of action in the committee on it and who has supplied to us many useful suggestions in regard to this legislation.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's remarks.

Mr. Speaker, I would only say that my attempts to write a land acquisition bill to update the policies comes about as a result of much land taking, if not grabbing and harassing and exercising of private owners in the congressional district that I am privileged to represent.

Because of the great impoundments of rivers there by the Corps of Engineers we have become particularly experienced about these grabs—and that is my first question.

Does this involve the Corps of Engineers land taking for Federal purposes such as flood control and power generation or other purposes?

Mr. EDMONDSON. I can assure the gentleman that it does and the new policies will be effective upon enactment of the legislation.

Mr. HALL. Second, I found that the Committee on Public Works had several years ago caused hearings to be held on our land acquisition policies and that the report was an excellent one but that it had lain dormant for a Congress or two, and the land acquisition bill that I devised after much research and reading was predicated upon those hearings and my testimony before the subcommittee of the gentleman was predicated on that. There is no question but what our present land acquisition policy states that there will be a willing seller and that there should not be harassment and entrapment or fear.

Can the gentleman assure me whether or not there is a willing seller that will be offset by the relocation policies in this bill by a fair-market-value determination and is there anything specifically herein to prevent leapfrogging or checkerboarding or acquisition of land around a particular person without the right of appraisal, or are they going to be placed at the mercy of a peer of jurors of the Federal Court in order to protect the owners' own holdings in spite of the law of eminent domain?

Mr. EDMONDSON. I assure the gentleman that everything the committee could do to safeguard the rights of the landowner or the business owner in connection with land taking has been done.

Furthermore we have established in the law the principle that the Government can no longer come in and offer to a landowner a price far below the appraisal that they have themselves determined as fair market value price for the property.

The law requires now that the offer they make for the property must be at least the amount of the appraisal figure that they have as the value for the land. This will put to an end for all time to the practice some agencies have been unfortunately guilty or, taking advantage of the uneducated and inexperienced landowner who is willing to cooperate with the Government and to give them the property at the price that is first offered by the Government.

We now assure by law that they cannot make that first offer below the appraisal figure that they have in determining the value of the land.

Mr. HALL. Mr. Speaker, this would void an agency of the Government subcontracting for land acquisition to those who mark up brownie points by making the best deal for the Government, instead of necessarily the best deal for the individual landowner; is that correct?

Mr. EDMONDSON. It certainly would do that.

Mr. HALL. One final question, and then I shall yield the floor. The gentleman knows that in my original bill, which had to be fragmented in its reference and then was corrected in a sub-

sequent bill, there was special treatment of capital gain taxation. Does this bill contain any manner or means of handling capital gains where there was very little markup because of inheritance or otherwise, or is it all handled by protection of those who would reinvest, who hold the profits for business, or who buy property held by a former owner for investment?

Mr. EDMONDSON. I share the interest of the gentleman in that particular question, and it is my impression that the committee feeling was that we did not have the jurisdiction to get into the tax field with regard to this particular bill. We were not able to take care of that particular item for that reason.

I yield to the gentleman from New Hampshire if he wants to elaborate upon that.

Mr. CLEVELAND. Not on that last point, but I have a comment to make on the second question raised by the gentleman from Missouri.

Mr. EDMONDSON. Will the gentleman from Missouri yield to the gentleman from New Hampshire for that purpose?

Mr. HALL. The time is yours; of course.

Mr. EDMONDSON. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Just one comment. I thank the gentleman for yielding. This bill has been the product of a bipartisan effort. Many Members, like the gentleman from Missouri, who have been particularly concerned about this problem, have introduced legislation to correct it. As a result, the Committee on Public Works has borrowed very heavily from not only the majority staff and minority staff but also Members of the House who have had these problems before them.

I might say to the gentleman from Missouri that the relocation expenses are not treated as taxable income.

I would like particularly to address myself to the remarks of the gentleman from Missouri about the possibility of coercion. I refer to page 66 of the bill, section (3) of title III. You will note the following language:

(3) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property.

Again on page 68 the following language appears in section (7):

(7) In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

I think that these sections of the bill make very clear the congressional intent to meet the problems that the gentleman from Missouri has so helpfully called to our attention. I think you will find on examination that fairness has been the hallmark of this legislative effort, and it runs through all sections of the bill.

Mr. Speaker, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is a long-overdue move. All Americans deserve fair and equitable treatment when their homes, businesses, or farms, are taken for public purposes. This was not always the serious problem it is today. In earlier times, there was relatively little taking of residential or commercial property in Federal or federally assisted programs, providing farm-to-market routes, the construction of reservoirs, or public buildings. Because of the popularity of such programs, local support often resulted in little if any cost for lands or rights-of-way taken.

In recent years, however, our economy has expanded tremendously. Our population is increasingly centered in urban areas. At the same time the demand for public facilities and services has grown at an escalating rate. Where major public projects have been undertaken, therefore, whether for highways, urban renewal, or hospitals, the acquisition and clearance of sites has involved the taking of residential and commercial properties and a large displacement of the people who owned, lived, and worked on them. In rural areas the results have been severe. In urban areas, the results have been catastrophic.

The real root of the problem is that traditional concepts of evaluation and eminent domain have proved inadequate. In recognition of this fact, the Congress, in the Federal Aid Highway Act of 1968, provided a more fair and equitable system of relocation payments for both property owners and tenants displaced by that program.

The bill we are considering today will make such provisions applicable for all Federal and federally assisted programs which cause the displacement of people. It provides a humanitarian program of relocation payments, advisory assistance, assurance that comparable, decent, safe, and sanitary replacement housing will be available for displaced persons prior to displacement, and economic adjustments, and other assistance to owners and tenants displaced from their homes, farms, and places of business.

Section 218 relates to a special problem facing displaced persons when land for replacement housing is unavailable. Such is often the case when the Federal Government is a major landowner. I am very familiar with the practical problems which result from this, because of my experience with the White Mountains National Forest. I know many other Members have faced similar problems. In these areas, where the Government is a major landowner, a person displaced by a new road or dam often finds that there is no land in his community which he can buy for a new home. As a result, though he is paid money for his land, it does him no real good—there is simply no land available upon which he can relocate or buy. It is to meet this type of problem that section 28 was drafted. This provision authorizes the transfer of surplus Federal property to State agencies for the purpose of providing replacement housing as required by this bill where such land is otherwise unavailable. Now, in actual practice, the amount of land made available will be very small, only enough to provide replacement housing. This is no raid on Federal landholdings. But it will relieve the severe hardship on those forced to move because of a Federal or federally assisted project where the Government has surplus land available to transfer.

In many parts of New Hampshire, especially in the White Mountains National Forest, most of the land is Government owned. In addition, the forest is on a land-acquisition program which is buying up additional land as it becomes available. So, in such a case, if a new road goes through a person's home, if there is no private land available, and surplus Federal land is, fairness dictates the Federal Government should have to yield enough to allow that person to stay in the community.

Mr. Speaker, for the above reasons, I urge House approval of this just and equitable measure. It is long overdue, and needed.

Mr. EDMONDSON. I thank the gentleman for his comments in that regard. I thank again the gentleman from Missouri for his comments.

Mr. HALL. Mr. Speaker, I thank the gentleman for yielding. I would simply point out that, until such time as we devise a way to treat the gain of inherited property on maybe second, third, or even fourth-generation property with the proper capital gains, I doubt, whether it is within the jurisdiction of this committee or not, we will have solved the total problem of coercion, harassment, or excessive landtaking by a Federal Government that now owns over 34 percent of the land in the United States which less than 105 years ago we were devising ways under the Homestead Acts to give back to the people.

I thank the gentleman.

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

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

Mr. KYL. Mr. Speaker, I thank the gentleman for yielding. In this bill we talk about some of the inequities that have been forced on individuals by the administrative departments, and I would not want to let this opportunity pass without pointing out some of the injury which the Congress itself imposes in land acquisition propositions when we continually authorize projects of various kinds, such as park and recreation areas, without appropriating funds to implement them, and then literally tying the hands and capabilities of property owners for years, until the Congress—not the administrative agencies—takes care of the proposition.

I think this is a good moment to try to point out that this body is at times—and quite frequently, I add—guilty of doing just that. Therefore, we, too, must be conscious of this business of protect-

ing the rights of the individual property owners, as well as reminding the administrative departments of their responsibilities.

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman from Iowa for his observations.

Mr. COHELAN. Mr. Speaker, it is with pleasure and satisfaction that I rise today to support S. 1, a bill that will provide uniform and equitable treatment for all persons displaced from their homes, businesses, or farms by a federally assisted project. For many years I have been vitally interested in this type of legislation. Two years ago, I introduced H.R. 386 in the 90th Congress. At that time, I said that several extensive studies including the relocation report of the Advisory Commission on Intergovernmental Relations and hearings before House and Senate committees had documented, beyond question, the increasing size in inequities of Government-caused displacement of persons and businesses. The compensation assistance is unequal, inadequate, and causes extraordinary burdens for the elderly, the poor, and our minority citizens.

The situation existing at that time is still with us today but its effect has been magnified. It is estimated that within the next 10 years over 1 million households, 180,000 businesses, and 40,000 farms will be forced to relocate. The burden of this displacement falls most heavily on the elderly, the poor, and the underprivileged groups, which increasingly inhabit our central cities. For them the absence of adequate housing near jobs at prices they can afford is particularly severe.

We must also note that not only does the burden of relocating constitute an extreme hardship to these people but also that most of the relocation takes place in the central city—the very area that these people inhabit. In effect, our Federal and federally assisted urban and rural improvement program commonly presents us with a tragic paradox. We want to improve the lives and surroundings of our people and so we push ahead with urban renewal, mass transit, and highways; yet many of those who need to benefit most from these programs actually suffer the most. With this bill we can do much better.

There, of course, have been relocation assistance programs in operation. These have been conflicting programs, however, and S. 1 gives us the opportunity to establish a uniform Federal standard applicable to all Federal and federally assisted projects. This past year in the 91st Congress, I introduced H.R. 14965. This bill, a uniform relocation measure, was similar to S. 1 but included provisions which would have extended the benefits for those persons displaced primarily from older but substantial and adequate homes. I am very pleased to note that a number of the provisions in H.R. 14965 have been adopted in modified form in the House version of S. 1, which is before us today.

One of the things we must recognize is that under the traditional concepts of eminent domain the value paid on a piece of condemned property is equal to its market value. Very often a property that is sound and adequate is often undervalued due to its location in a semi-industrial zoned area—for instance, in such cases a house may have a legitimate market value of $7,000 to $10,000. This, of course, is far less than what would be needed to purchase a home of comparable size and convenience in another area of the city. Under the bill being considered today, section 203 provides additional payments to cover such circumstances. The authorized supplemental payment will not exceed $15,000 under this measure. While the $15,000 supplemental will not bridge the gap between the eminent domain market value standard and the actual reasonable cost which a displaced homeowner must pay for a comparable dwelling it goes far in that direction.

I must commend the Committee on Public Works for passing out an exceptional and far-reaching piece of important legislation. And I strongly urge that this measure be accepted by the House.

Mrs. MINK. Mr. Speaker, I rise in support of S. 1, legislation to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for such programs.

My interest in this bill particularly concerns several projects in Hawaii where Federal land is being acquired by the State under federally assisted programs. These are the John Rodgers and Manana veterans housing areas. I am hopeful that this bill will help persons affected by these transactions receive fair and equitable payment and/or relocation assistance.

When the John Rodgers property, formerly owned by the Navy but being acquired by the State for expansion of Honolulu International Airport, is conveyed, the displacing agency will be the State Department of Transportation. The second project involves the sale of land to the Hawaii Housing Authority of 5.5 acres for housing developments and conveyance of the remaining 14.7 acres to the State for low-rent public housing purposes.

This legislation provides a humanitarian program of relocation payments, advisory assistance, assurance that comparable, decent, safe, and sanitary replacement housing will be available for displaced persons prior to displacement, economic adjustments, and other assistance to owners and tenants displaced from their homes, farms, and places of business. The need for such legislation has long been apparent as mushrooming Federal programs have ousted thousands from their homes with no uniform guarantee of proper compensation or treatment.

In view of the importance of this bill to Hawaii and our other States, I strongly urge its adoption.

Mr. JOHNSON of California. Mr. Speaker, some 9 years ago, the House of Representatives established a Select Committee on Real Property Acquisition, chaired by that distinguished gentleman from Tennessee, the late Judge Clifford Davis. I was privileged to serve on that select committee.

Over a period of more than 3 years, the committee traveled throughout the Nation, from the heart of redevelopment areas in Boston to the mountains of California, holding hearings and uncovering vast inequities in the acquisition programs of the various Federal agencies.

We found not only a lack of uniformity among the agencies, but also uncovered serious cases of discrimination and abuse of power by acquisition officials representing the Federal Government. After the committee completed its work in 1965, I introduced an omnibus bill incorporating the numerous recommendations made by the committee in its final report.

Since that first introduction, we have worked on several proposals, refining them, improving them, modifying them until we have before us today the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which, in the words of House Report 91–1656 is "the culmination of lengthy and extensive efforts to develop legislation establishing a uniform policy for the fair and equitable treatment of persons who are displaced or have their real property taken for Federal and federally assisted programs."

The hearings of the select committee and the reviews subsequently conducted by the Committee on Public Works, headed by its outstanding chairman, the gentleman from Maryland (Mr. FALLON) have demonstrated dramatically the urgency for action.

It is always difficult to force an individual to move as we expand hospital, sanitation, transportation, and other public facilities, to serve a growing population. But it is cruel to force those who are suffering personal hardships because of this displacement to suffer economic hardship as well.

The few should not be made to pay unfairly for the progress that will benefit the many. This is not our American way, but has happened, and without an equitable policy for land acquisition, this will continue to occur.

In brief, the legislation before us today provides a humanitarian program of relocation payments, advisory assistance; assurance that comparable, decent, safe, and sanitary replacement housing will be available for displaced persons prior to displacement; economic adjustments, and other assistance to owners and tenants displaced from their homes, farms, and places of business. It establishes a uniform policy on real property acquisition practice for all Federal and federally assisted programs. And, perhaps most important of all, it gets to the heart of the dislocation problem by providing the means for positive action to increase the available housing supply for displaced low- and moderate-income families and individuals.

In conclusion, Mr. Speaker, I would call on my colleagues to give unanimous support to the proposal we have before us today. I urge this not only because it is the fair and proper course of action by which we can protect the rights and interests of those whose property is being acquired for public purposes, but also, Mr. Speaker, because action on this proposal would bring to a successful conclusion a massive and important effort undertaken in recent years by one of the finest men I have served with in this dis-

tinguished House of Representatives, our respected and beloved friend, Judge Davis.

Mr. BROTZMAN. Mr. Speaker, in the 90th Congress I first introduced legislation to make the Government's real property acquisition policies more equitable. While S. 1 does not contain all of the important features contained in the legislation I have sponsored, I believe it materially improves the existing law, and I hope the bill wins speedy approval.

My interest in fairly compensating individuals and businesses forced to vacate their premises so that worthwhile public projects may be erected dates back quite a few years. In the private practice of law, as the U.S. attorney for the district of Colorado, and as a Congressman, I have had occasion to witness the strengths and weaknesses of our current eminent domain laws.

In an effort to improve condemnation proceedings and alleviate hardship on the condemnees, I introduced a three-bill legislative package in both the 90th and 91st Congresses. One of the bills would have provided for a more equitable treatment of persons affected by capital gains caused by the sale of real property through eminent domain proceedings to the Federal Government or for federally assisted projects. The second bill would have amended the Small Business Act to provide assistance for owners and employees of small business concerns displaced or injured by Federal or federally assisted programs. The provisions of these two bills are not now before us, but I would hope that we might have the opportunity to consider them in the 92d Congress.

The third part of my legislative package is largely incorporated in S. 1. The bill provides for moving expenses for displaced persons. In the case of persons displaced from businesses or farms, provision is made for relocation assistance. For homeowners, new relief is included so that condemnees will not be economically worse off as a result of their being forced to move. This program of relocation assistance is urgently needed. When a home or business is condemned, merely tendering the fair market value is insufficient. Experience has shown that there are often additional costs involved if the effected person is to be successfully relocated. If the project is in the public interest, the public ought to be willing to share these additional costs.

Title III of the bill establishes a uniform policy for real property acquisition. The emphasis is on equal treatment for all landowners and the avoidance of litigation. Great care is taken to assure that the Federal Government act to assist displaced families and businesses. While I would have preferred language guaranteeing the accessibility of appraisals to condemnees, I take comfort in the bill's recognition of the pitfalls of the appraisal process. Provision is made for the property owner to accompany the appraiser on his inspection and responsibility is placed on the acquiring agency to determine, in advance of negotiations, an amount which it regards as the fair market value of the property, and to make an offer to the property owner for the full amount so determined. I am also pleased by the recognition that an across-the-board recovery of attorney fees in condemnation proceedings would be an invitation to litigation. Attorney fees would be recoverable only where the court determines that a condemnation was unauthorized, where the Government abandons a condemnation, or where the property owner wins compensation in an inverse condemnation proceeding.

Mr. Speaker, it is too late to assist the citizens who have already had their land taken, but it is not too late to help the nearly 200,000 persons who have their land condemned by the Federal Government each year. In my own district, it is probable that several public works projects will be initiated in the near future, and I would feel safe in predicting that each of the 435 congressional districts will, to some degree, be affected by the land acquisition policies of the Federal Government within the next few years.

In conclusion, Mr. Speaker, I want to congratulate the distinguished members of the Public Works Committee for reporting the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and I urge its adoption.

Mr. BENNETT. Mr. Speaker, I appreciate this opportunity to speak in favor of S. 1, the Uniform Relocation Assistance and Land Acquisition Policies Act. I have legislation which is identical to S. 1, but I do not claim authorship or expertise in developing this bill, which has already passed the Senate. I believe it is a good bill, and I hope the House will promptly pass it.

I have introduced this legislation and testified before the Public Works Committee in part because of a situation which occurred in my hometown of Jacksonville, Fla., last year.

The Public Works Committee in 1966 approved the prospectus for construction of a much needed new postal facility in Jacksonville. In January 1969 the site for the building was selected by the Post Office Department. The 19.4-acre site included several businesses and about 200 families, mostly below the stated poverty level with less than $3,000 annual income.

The displacement of these families was of great concern to me and to Jacksonville city officials. I contacted the Post Office Department to see what relief might be given to these families when their homes would be destroyed and they would be forced to leave their property. The Post Office Department wrote in March 1969:

> We appreciate your concern for these families (in Jacksonville, Florida) and would like to assure you that the Department is keenly aware of the problem. Our inability to provide for relocation assistance is due to the lack of statutory authority to pay for relocation costs.

As a result, on April 23, 1969, I introduced H.R. 10525, a bill to provide for relocation payments to individuals, families, and business concerns displaced by the construction of a postal facility in Jacksonville, Fla. This bill was referred to the Committee on the Judiciary.

It was my feeling at the time, and it is today, that when any agency of the Federal Government displaces an individual then the Government has an obligation to aid that individual and provide whatever relocation assistance is necessary under the circumstances.

In reporting on my earlier bill, H.R. 10525, the Bureau of the Budget referred to the House Public Works Committee's Select Subcommittee on Real Property Acquisition Report of 1965. The report found that Federal and federally assisted programs for relocation "have fallen short of fairness in the treatment of those displaced by Government programs." The Bureau of the Budget said it believed that comprehensive relocation legislation was needed that would "assure adequate and uniform relocation assistance to all who are displaced when land is acquired for use in all Federal or federally assisted programs." The legislation, which passed the Senate last year, S. 1, was recommended as a broader based bill to cover the problem which we faced in constructing the new Jacksonville postal facility. The General Services Administration also recommended the more uniform legislation contained in S. 1. On January 21, 1970, I introduced H.R. 15479 which is identical to S. 1.

This bill will not directly affect my constituents who were forced to move because of the proposed construction of a new post office building in Jacksonville because the bill will not retroactively include Federal construction projects. I do feel, however, even though I no longer have a parochial interest, the concept of the bill is good and merits passage.

Mr. ANNUNZIO. Mr. Speaker, I rise in support of the Equitable Land Acquisition Policies Act.

This legislation is sorely needed to deal with a problem of increasing complexity and magnitude. I wish to commend the distinguished chairman and members of the Public Works Committee for developing an outstanding measure to introduce equity and uniformity in the treatment of hundreds of thousands of citizens who are dislocated under numerous Federal and federally assisted programs.

As all of us recognize, rapid population growth and technological change make imperative the Federal programs to assist in building and rebuilding our cities, highways, and airports. These programs have been enacted and must go forward for the benefit of our entire society. But they should not impose an undue burden upon those individuals and businesses whose properties have to be acquired to make way for the necessary improvements to benefit the rest of us.

Construction of public improvements frequently takes place in the older sections of our urban areas. Residents and businesses located in such areas are the ones who can least afford to absorb a financial setback occasioned by the need to relocate. They are the poor and the elderly and the small businesses. Many find it difficult or impossible to move from older low-rent areas to newer buildings whose costs and rents reflect the inflation that has taken place over the past several years.

For many businesses, the financial burden of relocation can be so great that they have to close up shop. Employees as well as employers suffer. We can ill afford such shutdowns. When businesses are forced to seek distant relocations, in order to obtain reasonably priced land,

some employees cannot move with the business. Older employees may simply retire. Again, both employees and business owners suffer.

All of you are no doubt aware of examples of dislocation, with resulting suffering and financial loss. There is one in the city of Chicago with which I am most familiar. Hundreds of people who live in my own congressional district and surrounding areas are employed by Edward Don E. Co. This company has been in business for 50 years. It is now being forced to relocate because part of the new Interstate Highway System is being built through the center of our city.

This case can be multiplied a thousandfold. The number of people who will suffer from the effects of Government-sponsored dislocation in their economic and personal activities can literally be counted in the tens of thousands. Unless the Government can provide equal and equitable relief to all who are thus affected, the disillusionment that is abroad in our land will become more and more widespread.

At this time, the unequal treatment of dislocation households, businesses, and farms under different federally supported programs is, in itself, a cause for deep dissatisfaction. The inadequacy of relocation payments under some of the programs is grounds for justifiable resentment by those who are injured.

The provisions of S. 1 would serve to amerliorate the situation. The authorized relocation payments under the different programs would be uniform. There would also be some compensation above the modest moving and dislocation allowances for the small businessman who is dislocated, with special consideration for the elderly displaced businessman who may not be able to start over again in a new location. There is also special consideration for the small farm operator who is dislocated. A payment above the acquisition price would be allowed for homeowners, to offset the effects of inflation and enable them to acquire an adequate home in a suitable location.

Federal agencies which acquire property will also have to provide positive relocation assistance to those who are displaced.

Renters who are displaced from residences will also be eligible to receive assistance payments toward payments of rent in a decent, safe, and sanitary dwelling over the succeeding 2 years.

These and other provisions for financial assistance cannot compensate for the dislocation of lives for persons who must have neighborhoods in which they had established many personal ties. By providing financial assistance, however, we can allay the economic hardships that are caused by dislocation, we can encourage the continuation of business and employment at new sites and we can minimize the suffering and despair of those who are displaced.

Enactment and implementation of S. 1 will help us greatly in coping with the relocation problem that has been created by Government programs. I strongly urge that all the Members of this body vote to pass this bill.

Mr. KOCH. Mr. Speaker, I would like to note at this time my support for S. 1, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which we are now considering.

For too long citizens have been subject to differing and often deficient relocation policies. The economic dislocation and hardship for a man losing his home or business is the same whether the federally sponsored project forcing his move falls under the jurisdiction of one agency or another. But to date, the assistance he has been eligible for has varied from none at all to several thousand dollars depending on the sponsoring agency. S. 1 would provide for the uniform and equitable treatment of all persons displaced from their homes, businesses or farms by Federal and federally assisted programs and provide uniform acquisition policies for all these projects.

This legislation is of interest to me in part because shortly after I was elected to Congress in 1968, the first request I had was from a group of citizens who were being displaced from their homes in New York City to make way for a new post office, but were to receive no relocation benefits at all. They further told me that they could not understand why this was since their friends in another part of town who had been similarly displaced to make way for another post office had been given both relocation services and financial assistance. My first reaction to this was that certainly some bureaucratic error had been made. I soon learned, however, that the facts my constituents had were correct—that they were not eligible for assistance because the Post Office Department was undertaking the construction directly while the other post office had been constructed by private enterprise on a lease-back arrangement. The private corporation was subject to the city's relocation requirements; the Federal Government was not. I must say that I felt a little foolish trying to explain that while it was true that a post office was being built in both instances, the Government in this case could not give relocation benefits, while the private company did.

Today's legislation, which I had a hand in drafting, rectifies this situation. It fills the gaps where assistance is not available while providing a single uniform policy for all of the Government's agencies.

During the past 2 years I have worked with the committee on this bill making certain that it would provide equitable benefits to these constituents. A great deal of consideration and time has been given by the committee to this bill to assure the enactment and implementation of a comprehensive and equitable program. I hope it will receive the support of this body.

The SPEAKER. The question is on the motion of the gentleman from Oklahoma (Mr. EDMONDSON), that the House suspend the rules and pass the bill S. 1, 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.

THE LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19363) to amend the Library Services and Construction Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 19363

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 "Library Services and Construction Amendments of 1970".

PURPOSE: AMENDMENT TO THE LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 2. (a) It is the purpose of this Act to improve the administration, implementation, and purposes of the programs authorized by the Library Services and Construction Act, by lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under such Act and to afford the States greater discretion in the allocation of funds under such Act to meet specific State needs and, by providing for special programs to meet the needs of disadvantaged persons, in both urban and rural areas, for library services and for strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States.

(b) The Library Services and Construction Act (20 U.S.C. 351 et seq.), is amended by striking out all that follows the first section and inserting in lieu thereof the following:

"DECLARATION OF POLICY

"SEC. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services in areas of the States which are without such services or in which such services are inadequate, and with public library construction, and in the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, in strengthening State library administrative agencies, and in promoting interlibrary cooperation among all types of libraries.

"(b) Nothing in this Act shall be construed to interfere with State and local initiative and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this Act, the determination of the best uses in the funds provided under this Act shall be reserved to the States and their local subdivisions.

"DEFINITIONS

"SEC. 3. The following definitions shall apply to this Act:

"(1) 'Commissioner' means the Commissioner of Education.

"(2) 'Construction' includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). For the purposes of this paragraph, the term 'equipment' includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

"(3) 'Library service' means the performance of all activities of a library relating to the collection and organization of library materials and to making the materials and information of a library available to a clientele.

"(4) 'Library services for the physically handicapped' means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

"(5) 'Public library' means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds.

"(6) 'Public library services' means library services furnished by a public library free of charge.

"(7) 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"(8) 'State Advisory Council on Libraries' means an advisory council for the purposes of clause (3) of section 6(a) of this Act which shall—

"(A) be broadly representative of the public, school, academic, special, and institutional libraries, and libraries serving the handicapped, in the State and of persons using such libraries, including disadvantaged persons within the State;

"(B) advise the State library administrative agency on the development of, and policy matters arising in the administration of, the State plan; and

"(C) assist the State library administrative agency in the evaluation of activities assisted under this Act;

"(9) 'State institutional library services' means the providing of books and other library materials, and of library services, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (B) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

"(10) 'State library administrative agency' means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State, which has adequate authority under law of the State to administer State plans in accordance with the provisions of this Act.

"(11) 'Basic State plan' means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this Act; provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under provisions of this Act; and submits copies for approval as required by regulations promulgated by the Commissioner.

"(12) 'Long-range program' means the comprehensive five-year program which identifies a State's library needs and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this Act. Such long-range programs shall be developed by the State library administrative agency and shall specify the State's policies, criteria, priorities, and procedures consistent with the Act as required by the regulations promulgated by the Commissioner and shall be updated as library progress requires.

"(13) 'Annual program' means the projects which are developed and submitted to describe the specific activities to be carried out annually toward achieving fulfillment of the long-range program. These annual programs shall be submitted in such detail as required by regulations promulgated by the Commissioner.

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 4. (a) For the purpose of carrying out the provisions of this Act the following sums are authorized to be appropriated:

"(1) For the purpose of making grants to States for library services as provided in title I, there are authorized to be appropriated $112,000,000 for the fiscal year ending June 30, 1972, $117,600,000 for the fiscal year ending June 30, 1973, $123,500,000 for the fiscal year ending June 30, 1974, $129,675,000 for the fiscal year ending June 30, 1975, and $137,150,000 for the fiscal year ending June 30, 1976.

"(2) For the purpose of making grants to States for public library construction, as provided in title II, there are authorized to be appropriated $80,000,000 for the fiscal year ending June 30, 1972, $84,000,000 for the fiscal year ending June 30, 1973, $88,000,000 for the fiscal year ending June 30, 1974, $92,500,000 for the fiscal year ending June 30, 1975, and $97,000,000 for the fiscal year ending June 30, 1976.

"(3) For the purpose of making grants to States to enable them to carry out interlibrary cooperation programs authorized by title III, there are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, $15,750,000 for the fiscal year ending June 30, 1973, $16,500,000 for the fiscal year ending June 30, 1974, $17,300,000 for the fiscal year ending June 30, 1975, and $18,200,000 for the fiscal year ending June 30, 1976.

"(b) Notwithstanding any other provision of law, unless enacted in express limitation of the provisions of this subsection, any sums appropriated pursuant to subsection (a) shall (1) in the case of sums appropriated pursuant to paragraphs (1) and (3) thereof, be available for obligation and expenditure for the period of time specified in the Act making such appropriation, and (2) in the case of sums appropriated pursuant to paragraph (2) thereof, subject to regulations of the Commissioner promulgated in carrying out the provisions of section 5(b), be available for obligation and expenditure for the year specified in the Appropriation Act and for the next succeeding year.

"ALLOTMENTS TO STATES

"SEC. 5. (a)(1) From the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot the minimum allotment, as determined under paragraph (3) of this subsection, to each State. Any sums remaining after minimum allotments have been made shall be allotted in the manner set forth in paragraph (2) of this subsection.

"(2) From the remainder of any sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

"(3) For the purposes of this subsection, the 'minimum allotment' shall be—

"(A) with respect to appropriations for the purposes of title I, $200,000 for each State, except that it shall be $40,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(B) with respect to appropriations for the purposes of title II, $100,000 for each State, except that it shall be $20,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

"(C) with respect to appropriations for the purposes of title III, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

If the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be reduced ratably.

"(4) The population of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(5) There is hereby authorized for the purpose of evaluation (directly or by grants or contracts) of programs authorized by this Act, such sums as Congress may deem necessary for any fiscal year.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year from any appropriation made pursuant to paragraph (1), (2), or (3) of section 4(a) which the Commissioner deems will not be required for the period and the purpose for which such allotment is available for carrying out the State's annual program shall be available for reallotment from time to time on such dates during such year as the Commissioner shall fix. Such amount shall be available for reallotment to other States in proportion to the original allotments for such year to such States under subsection (a) but with such proportionate amount for any of such other State being reduced to the extent that it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were made and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to subsection (a).

"STATE PLANS AND PROGRAMS

"SEC. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan as defined in section 3(11) and meeting the requirements set forth in subsection (b), (2) submit an annual program as defined in section 3(13) for the purposes for which allotments are desired, meeting the appropriate requirements set forth in titles I, II, and III, and shall submit (no later than July 1, 1972) a long-range program as defined in section 3(12) for carrying out the purposes of this Act as specified in subsection (d), and (3) establish a State Advisory Council on Libraries which meets the requirements of section 3(8).

"(b) A basic State plan under this Act shall—

"(1) provide for the administration, or supervision of the administration, of the programs authorized by this Act by the State library administrative agency;

"(2) provide that any funds paid to the State in accordance with a long-range program and an annual program shall be expended solely for the purposes for which funds have been authorized and appropriated and that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of, and account for, Federal funds paid to the State (including any such funds paid by the State to any other agency) under this Act;

"(3) provide satisfactory assurance that the State agency administering the plan (A) will make such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Act and to determine the extent to which funds provided under this Act have been effective in carrying out its purposes, including reports of evaluations made under the State plans, and (B) will keep such records and afford such access thereto as the Commissioner may

find necessary to assure the correctness and verification of such reports; and

"(4) set forth the criteria to be used in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families.

"(c)(1) The Commissioner shall not approve any basic State plan pursuant to this Act for any fiscal year unless—

"(A) the plan fulfills the conditions specified in section 3(11) and subsection (b) of this section and the appropriate titles of this Act;

"(B) he has made specific findings as to the compliance of such plan with requirements of this Act and he is satisfied that adequate procedures are subscribed to therein insure that any assurances and provisions of such plan will be carried out.

"(2) The State plan shall be made public as finally approved.

"(3) The Commissioner shall not finally disapprove any basic State plan submitted pursuant to subsection (a)(1), or any modification thereof, without first affording the State reasonable notice and opportunity for hearing.

"(d) The long-range program of any State for carrying out the purposes of this Act shall be developed in consultation with the Commissioner and shall—

"(1) set forth a program under which the funds received by the State under the programs authorized by this Act will be used to carry out a long-range program of library services and construction covering a period of not less than three nor more than five years;

"(2) be annually reviewed and revised in accordance with changing needs for assistance under this Act and the results of the evaluation and surveys of the State library administrative agency;

"(3) set forth policies and procedures (A) for the periodic evaluation of the effectiveness of programs and projects supported under this Act, and (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects; and

"(4) set forth effective policies and procedures for the coordination of programs and projects supported under this Act with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library services programs.

Such program shall be developed with advice of the State advisory council and in consultation with the Commissioner and shall be made public as it is finally adopted.

"(e) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a program submitted under this Act, finds—

"(1) that the program has been so changed that it no longer complies with the provisions of this Act, or

"(2) that in the administration of the program there is a failure to comply substantially with any such provisions or with any assurance or other provision contained in the basic State plan,

then, until he is satisfied that there is no longer any such failure to comply, after appropriate notice to such State agency, he shall make no further payments to the State under this Act or shall limit payments to programs or projects under, or parts of, the programs not affected by the failure, or shall require that payments by such State agency under this Act shall be limited to local or other public library agencies not affected by the failure.

"(f)(1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under this Act or with his final action under subsection (e) such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon take new or modified findings of fact and may modify his previous action, and shall certify to the court the record of further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PAYMENTS TO STATES

"SEC. 7. (a) From the allotments available therefor under section 5 from appropriations pursuant to paragraph (1), (2), or (3) of section 4(a), the Commissioner shall pay to each State which has a basic State plan approved under section 6(a)(1), an annual program and a long-range program as defined in sections 3 (12) and (13) an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan, except that no payments shall be made from appropriations pursuant to such paragraph (1) for the purposes of title I to any State (other than the Trust Territory of the Pacific Islands) for any fiscal year unless the Commissioner determines that—

"(1) there will be available for expenditure under the programs from State and local sources during the fiscal year for which the allotment is made—

"(A) sums sufficient to enable the State to receive for the purpose of carrying out the programs payments in an amount not less than the minimum allotment for that State for the purpose, and

"(B) not less than the total amount actually expended, in the areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year; and

"(2) there will be available for expenditure for the purposes of the programs from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such purposes from such sources in the second preceding fiscal year.

"(b)(1) For the purpose of this section, the 'Federal share' for any State shall be, except as is provided otherwise in title III, 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (A) the Federal share shall in no case be more than 66 per centum, or less than 33 per centum, and (B) the Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 per centum, and (C) the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

"(2) The 'Federal share' for each State shall be promulgated by the Commissioner within sixty days after the beginning of the fiscal year ending June 30, 1971, and of every second fiscal year thereafter, on the basis of the average per capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), for the three most recent consecutive years for which satisfactory data are available to him from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years beginning after the promulgation.

"TITLE I—LIBRARY SERVICES

"GRANTS FOR STATES FOR LIBRARY SERVICES

"SEC. 101. The Commissioner shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have had approved basic State plans under section 6 and have submitted annual programs under section 103 for the extension of public library services to areas without such services and the improvement of such services in areas in which such services are inadequate, for making library services more accessible to persons who, by reason of distance, residence, or physical handicap, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public, for adapting public library services to meet particular needs of persons within the States, and for improving and strengthening library administrative agencies.

"USES OF FEDERAL FUNDS

"SEC. 102. (a) Funds appropriated pursuant to paragraph (1) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of carrying out State plans submitted and approved under section 6 and section 103. Except as is provided in subsection (b), grants to States under this title may be used solely—

"(1) for planning for, and taking other steps leading to the development of, programs and projects designed to extend and improve library services, as provided in clause (2); and

"(2) for (A) extending public library services to geographical areas and groups of persons without such services and improving such services in such areas and for such groups as may have inadequate public library services; and (B) establishing, expanding, and operating programs and projects to provide (i) State institutional library services, (ii) library services to the physically handicapped, and (iii) library services for the disadvantaged in urban and rural areas; and (C) strengthening metropolitan public libraries which serve as national or regional resource centers.

"(b) Subject to such limitations and criteria as the Commissioner shall establish by regulation, grants to States under this title may be used (1) to pay the cost of administering the State plans submitted and approved under this Act (including obtaining the services of consultants), statewide planning for and evaluation of library services, dissemination of information concerning library services, and the activities of such advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions under this title, and (2) for strengthening the capacity of State library administrative agencies for meeting the needs of the people of the States.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES

"SEC. 103. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation, and shall—

"(1) set forth a program for the year sub-

mitted under which funds paid to the State from appropriations pursuant to paragraph (1) of section 4(a) for that year will be used, consistent with its long-range program, solely for the purposes set forth in section 102;

"(2) set forth the criteria used in allocating such funds among such purposes, which criteria shall insure that the State will expend from Federal, State, and local sources an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the fiscal year ending June 30, 1971;

"(3) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program; and

"(4) include an extension of the long-range program, taking into consideration the results of evaluations.

"TITLE II—PUBLIC LIBRARY CONSTRUCTION

"GRANTS TO STATES FOR PUBLIC LIBRARY CONSTRUCTION

"SEC. 201. The Commissioner shall carry out a program of making grants to States which have had approved a basic State plan under section 6 and have submitted a long-range program and submit annually appropriately updated programs under section 203 for the construction of public libraries.

"USES OF FEDERAL FUNDS

"SEC. 202. Funds appropriated pursuant to paragraph (2) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of construction projects carried under State plans. Such grants shall be used solely for the construction of public libraries under approved State plans.

"STATE ANNUAL PROGRAM FOR THE CONSTRUCTION OF PUBLIC LIBRARIES

"SEC. 203. Any State desiring to receive a grant from its allotment for the purpose of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit such projects as the State may approve and are consistent with its long-range program.

"Such projects shall be submitted at such time and contain such information as the Commissioner may require by regulation and shall—

"(1) for the year submitted under which funds are paid to the State from appropriations pursuant to paragraph (2) of section 4 (a) for that year, be used, consistent with the State's long-range program, for the construction of public libraries in areas of the State which are without the library facilities necessary to provide adequate library services;

"(2) follow the criteria, policies, and procedures for the approval of applications for the construction of public library facilities under the long-range program;

"(3) follow policies and procedures which will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency;

"(4) include an extension of the long-range program taking into consideration the results of evaluations.

"TITLE III—INTERLIBRARY COOPERATION

"GRANTS TO STATES FOR INTERLIBRARY COOPERATION PROGRAMS

"SEC. 301. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 303 for interlibrary cooperation programs.

"USES OE FEDERAL FUNDS

"SEC. 302. (a) Funds appropriated pursuant to paragraph (3) of section 4(a) shall be available for grants to States from allotments under paragraphs (1) and (3) of section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 303. Such grants shall be used (1) for planning for, and taking other steps leading to the development of, cooperative library networks; and (2) for establishing, expanding, and operating local, regional, and interstate cooperative networks of libraries, which provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM FOR INTERLIBRARY COOPERATION

"SEC. 303. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for interlibrary cooperation. Such program shall be submitted at such time, in such form and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (3) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 302,

"(2) include an extension of the long-range program taking into consideration the results of evaluations."

(c)(1) The amendment made by subsection (b) shall be effective after June 30, 1971

(2) In the case of funds appropriated to carry out programs under the Library Services and Construction Act for the fiscal year ending June 30, 1971, each State is authorized, in accordance with regulations of the Commissioner of Education, to use a portion of its allotment for the development of such plans as may be required by such Act, as amended by subsection (b).

AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 3. (a) Effective on and after July 1, 1969, section 305(a) of the Adult Education Act is amended—

(1) by striking out in the first sentence "any fiscal year" and inserting in lieu thereof "the fiscal year ending June 30, 1972, and for any succeeding year"; and

(2) by inserting at the end thereof the following new sentence: "From the sums available for purposes of section 304(b) for the fiscal year ending June 30, 1970, and the succeeding fiscal year, the Commissioner shall make allotments in accordance with section 305(a) of the Adult Education Act of 1966 as in effect on June 30, 1969."

(b) Section 312(b) of the Adult Education Act is amended by inserting at the end thereof the following new sentence: "For the fiscal year ending June 30, 1970, and the succeeding fiscal year, nothing in this subsection shall be construed to prohibit the use of any amounts appropriated pursuant to this Act to pay such costs, subject to such limitation as the Commissioner may prescribe."

The SPEAKER. Is a second demanded?

Mr. REID of New York. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. PERKINS. Mr. Speaker, the bill before us proposes a 5-year extension of programs carried out under the Library Services and Construction Act.

Secondary purposes of the bill are to simplify and strengthen Federal, State, and local administration of library programs.

Mr. Speaker, this is a modest piece of legislation. For fiscal year 1971, there is presently authorized for all library programs authorized by the act a total of $192,000,000. The bill proposes a total authorization for next year of $207,000,000, a net increase in authorization of only $15,000,000 for the entire act.

For subsequent years, the bill continues to make modest annual increases through fiscal year 1976, when the authorization is $252,350,000. This means that—5 years from now—the total authorization will only be about $60,000,000 over the amount presently authorized.

As my colleagues know, the accomplishments under the Library Services and Construction Act are impressive. Let me state just a few.

An estimated 85,000,000 people have benefitted in one way or another from the library programs.

Under the act, over 1,500 library facilities have been established, enlarged, or remodeled, and—with Federal funds and State and local funds which the act has stimulated—over 45,000,000 books and other library materials have been acquired.

In my own State, the library program has been a model of effective Federal, State, and local cooperation. The success of the program in Kentucky is largely due to the untiring and dedicated efforts of our State librarian, Margaret Willis.

The 1,700 phsically handicapped residents of my State, including the blind, have been provided library services under a Federal grant made under the authority of title IV of the act.

Our correctional institutions, which serve 2,864 persons, have had their library resources strengthened.

Thirty one library construction projects have been assisted with a total Federal contribution of $2,500,000.

I can cite a very striking example of this from my own district where Federal assistance—a small one-time demonstration grant of only $35,000 provided under the LSCA—has stimulated the interest of an entire community to the point where they have passed a local tax levy so that a permanent library facility could become a reality for the area.

Through this project, a community became aware of what a library means to them—and we have witnessed the transformation of a library housed in a vacant store to a library occupying a modern facility worth more than a quarter million dollars. On a small initial Federal investment of $35,000, we have seen a return of a quarter million dollar library building.

Mr. Speaker, I want to mention one additional aspect of this legislation which I feel is most important. While the present act has been a far-reaching piece of legislation in its national impact, I do not believe it provides sufficiently for the library needs of disadvantaged persons in urban ghettos and isolated rural areas.

H.R. 19363 corrects this weakness by according a priority to activities and programs which provide services to this segment of our population.

There are a few more features of the bill which I should like briefly to outline.

Under existing law, each State must submit a separate plan for each program and must appoint three separate State advisory councils. The bill before us today simplifies the administration of the State library program in many ways. It requires the submission of a single annual State plan that would integrate all State library activities under one plan.

Along with the annual consolidated State program, the State must also submit a long-range, 5-year plan explaining how LSCA funds would be used over the 5-year period in coordination with other programs administered by the Office of Education. With these provisions to simplify the application and approval process, State personnel will have more time to devote to the administration of the program.

There is an additional authorization of the appropriation of such sums as may be necessary for evaluation of programs carried out under the act. Presently there is no provision in existing law for evaluating the impact of programs. It is intended that funds appropriated under this section be used solely for evaluation of library programs and for the States to strengthen their local efforts at evaluation.

Title I of the bill continues the program of grants to the States for library services. The minimum allotment to the States under this title is increased from $35,000 to $200,000, with the remainder allotted on basis of population.

Under the bill, funds for establishing continuing and expanding library services in institutions operated or substantially supported by States—like reformatories, hospitals, and residential schools—will be available under title I and not as before under title IV. Likewise, services for physically handicapped—formerly under title IV–B—will be transferred to title I.

For the first time, explicit authority for library service programs for the disadvantaged is included. The amendments require that the annual State plans specifically outline the program designed to assure priority will be afforded projects that serve urban and rural areas with high concentrations of low-income families.

Title II continues the program of grants to the States for public library construction. The basic minimum State allotment would be increased $20,000 to a total of $100,000. These funds will be available for construction of new public library buildings and for acquisition, expansion, remodeling or alteration of existing buildings.

Title III of the bill continues the program for interlibrary cooperation with only one major amendment. Recognizing the support the States have given to other programs of LSCA and responding to fiscal constraints, we have decreased the local matching requirement from 50 percent to zero. Interlibrary cooperation is the key to surmounting many of the problems facing libraries. Cooperation will enable broader use of rare collections and enable shifting populations to continue to have access to good library services. Pooling scarce resources to provide quality services to a wide variety of people covering broad geographical areas is the local answer to many problems facing libraries.

Early this year, the Congress enacted the ESEA Amendments of 1970—Public Law 91–230—which contained an amendment to the formula for allocation of funds under the Adult Education Act of 1966.

Under the old formula, each State was provided with a basic allotment of $100,000 with the remainder allocated among the State according to the relative number of persons aged 16 years and over with less than a sixth grade education.

The new formula provides each State with a $150,000 basic allotment with the remainder allocated on the basis of the relative numbers of persons 16 years and over with less than a high school education.

The change in the allocation as provided by Public Law 91–230 results in the loss of a substantial share of last year's allocation in a number of States. Seventeen States will be subjected to a substantial cut which they had not anticipated. Several will have to cut the scope of the adult basic education program in half.

The amendment in this bill would postpone the operation of the formula change, thus allowing the States to proceed as they have been until the end of this fiscal year. With this postponement, States will have an opportunity to plan for the adjustments which this change will necessitate.

Finally, Mr. Speaker, I want to express deep appreciation to the chairman of the Select Subcommittee on Education, the gentleman from Indiana (Mr. BRADEMAS). This is well-designed legislation and it is largely so because of the leadership and dedicated efforts of the gentleman. As I have indicated, the legislation comes to the floor without a dissenting vote in committee or subcommittee. It is a bipartisan measure, and I want to express my personal appreciation to the members of the subcommittee and committee on both sides of the aisle for their work on the bill.

Mr. REID of New York. Mr. Speaker, I rise in strong support of H.R. 19363, the Library Services and Construction Act Amendments of 1970. The basic act which this legislation amends will expire on June 30, 1971. The several programs in this law have proven themselves of enormous benefit to individual Americans and to our society as a whole; their extension is essential.

H.R. 19363 would extend the several library programs for 5 years, through fiscal year 1976. In addition, a number of consolidations would take place in programs and applications in order to streamline the administration of the program, to ease the burden of reports and paperwork on library systems, and to permit individual priorities in each library system.

Title I of the new bill, entitled public library services, continues the purpose of the current law of extending public library services to geographical areas and population groups without access to library services and of improving public library services where these are inadequate. In addition, the new title I will include the functions of title IV of the existing law, library services for institutions and library services for the handicapped. Further, the bill adds new explicit authority providing library service programs for the disadvantaged, which was a major theme of the administration's library proposals.

Title II of the bill continues the present program of public library construction, and title III continues the present program of interlibrary cooperation with the Federal share raised from 50 to 100 percent.

Mr. Speaker, in testimony before the Select Subcommittee on Education, the administration indicated its belief that "the time is right to provide the States with more flexible authority which would reduce their administrative burdens and permit them to build on their experience under the act by assuming greater discretion in allocating funds among these areas according to their own priorities." In reducing five existing library programs to three, the bill before us represents major steps in the direction of the administration's goal.

More than 85 million people have benefited from the programs of the Library Services and Construction Act since its inception in 1964. Yet a very great deal remains to be done. Libraries must become more than mere repositories of books; they must be living resource centers for an urban neighborhood, a suburban community, a rural town or an entire region. All this requires much money and public library income this year is expected to be $450 million short of the recommended $5 per capita.

The backlogged needs for library services and equipment are in themselves costly. In 1968, the Office of Education estimated that it would require a lumpsum expenditure of $1.6 billion to stock school libraries optimally. Just to make up the backlog of space required to construct centralized school libraries where they did not exist in 1961 would require $2.145 billion. About 40,000 schools—or 40 percent of the total of public elementary schools—still lack libraries.

Funds appropriated in fiscal year 1969 provided 9 million books and filmstrips to elementary and high school children—or about one book or one filmstrip for every five children participating in the title II program. Yet, the standard is three filmstrips per pupil, and the number of volumes of books needed to bring school libraries up to standard is estimated to be 425 million.

The National Advisory Commission on Libraries termed "enormous" the needs of schools for books, library materials and facilities to house them.

Outside of schools, more than 15 million Americans—or 7 percent of the population—lack access to public library services.

Finally, the authorization figures included in this bill, especially for public library construction, are very modest ones in terms of the need. They reflect

a realistic goal for the Federal contribution in this area, rather than an indication of how much money is necessary to do the job. In my view, it is incumbent upon this and successive administrations to recommend budget authority consistent with these levels. For the current fiscal year, the budget request for library programs is but one-third of the amount authorized. To do anything less than these levels would be once more to rely on rhetoric instead of funds to meet a major national need, and thereby to dash the hopes, the curiosity and the future of countless Americans.

Mr. BRADEMAS. Mr. Speaker, the bill S. 3318 to extend and amend the Library Services and Construction Act deals with the major Federal program for both metropolitan and rural libraries, for library services to physically handicapped and disadvantaged persons, and for services to people in hospitals, welfare institutions and other State facilities.

The bill has enjoyed bipartisan support. It was reported unanimously by the Select Subcommittee on Education and by the Education and Labor Committee. I am sure that Members of the entire House as well as those on our committee are well aware of the solid accomplishments the Library Services and Construction Act has brought about thus far in their own districts, resulting in improved library and information services.

The bill is a marked improvement over the law that expires at the end of the present fiscal year. The five titles of the old law have been consolidated into three, and the bill would permit the scrapping of a considerable amount of bureaucratic redtape. Instead of requiring States to submit five State plans each year, as under the present law, the bill provides that in the future States need submit only one basic State plan as a single document for approval as a whole.

It is significant also that the bill requires States to plan for the coordination of programs and projects under this law with those of other public and private libraries within the State. This requirement is to assure that best use is made of the funds provided for library assistance to elementary and secondary schools and institutions of higher education under such laws as the Higher Education Act, the Elementary and Secondary Education Act, the Higher Education Facilities Act and others.

This provision is to assure, also, that the States appraise their own needs for public library facilities and services, as they see them, and rank these needs for fulfillment in the order of priority that the States wish to assign. The bill, in short, encourages assumption of State responsibility for planning for the improvement of library services.

The committee report describes accomplishments under the Library Services and Construction Act since its beginning in 1956, when it was limited to the rural parts of the Nation—then in greatest need public library services—and when it was limited to support for services alone. The act has since been broadened to permit participation in urban areas, to authorize support for construction of facilities, and to strengthen the State library administrative agencies by requiring them to plan for library development, for provision of specialized services on a statewide basis, and for stimulation of interlibrary cooperation.

Your committee has reviewed this program very carefully four times since its inception in 1956, and each time, on the basis of experience and demonstrated need, it has successively been continued and broadened.

The bill before us today would extend the act for 5 more years and improve its effectiveness by simplifying its administration and giving the States more flexibility in using somewhat greater Federal funds for the programs to which they attach the highest priority.

Title I of the bill would authorize grants to the States for the extension of public library service to areas without such services as well as grants for the improvement of public library services where these are inadequate. These grants could also be used, at the option of the States, for provision of library services to the physically handicapped and to the disadvantaged in both urban and rural communities. The program for the handicapped would be consolidated into title I under the new bill.

Title I funds—for public library services—could also be used for the strengthening of metropolitan public libraries that serve as national and regional resource centers. The development of these major institutions is important to the success of the interlibrary cooperation that would be expanded under title III of the bill. Finally, title I funds could help strengthen the State library administrative agencies—which have different names and various placements within the structure of State government—and could support the planning for development and coordination of library services that would be required under the bill.

For title I programs, the bill would authorize appropriations in the amount of $112 million for fiscal year 1972; $117.6 million for fiscal year 1973; $123.5 million for 1974; $129.7 million for 1975; and $137.1 million for 1976. These funds would be matched by the States, with the matching ratio determined on the basis of relative population. The Federal share would range from 50 to 66 percent in the case of the States.

Thus, if the bill is fully funded, title I would evoke matching expenditures at the State and local levels of $98.4 million in fiscal year 1972; $102.5 million in 1973; $108.5 million in 1974; $114.1 million in 1975; and $120.7 million in 1976. There can be no question as to the readiness of the State and local governments to qualify for and to match these Federal funds. This has been demonstrated by experience under the previous legislation dating back to 1956.

Title II of the bill authorizes grants for construction of public library facilities. This title is essentially unchanged from the provisions in the present law. The amounts authorized are $80 million for fiscal year 1972; $84 million in 1973; $88 million in 1974; $92.5 million in 1975; and $97 million in 1976. As in the past, these amounts would be fully matched by State and local construction funds.

Title III of the bill is intended to stimulate further interlibrary cooperation. This effort is considered so important by the committee that separate authority and funding are provided in the bill instead of consolidating this title with title I as was done in the case of other programs under the present law.

Title III appropriations authorized by the bill would be $15 million for fiscal year 1972; $15.7 million for 1973; $16.5 million for 1974; $17.3 million for 1975; and $18.2 million for 1976. The Federal share of programs under this title would be 100 percent instead of 50 percent as at present, and there are several cogent reasons for this change.

We believe, in short, that the funds available under this title, although relatively limited, can yield very high benefits. The various kinds of libraries in the Nation often appear to be independent of each other and to have their particular functions—each serving a portion of the public. Nevertheless, interlibrary cooperation can strengthen an individual library's capacity to serve its constituents more effectively.

If the school libraries of a community are weak or nonexistent, for example, the students must necessarily use the public library. Ideally, perhaps, each library should have all the books, periodicals, films, and other materials that its users might need, but this we know is impossible as well as impractical. The problem can, in part, be solved by means of interlibrary cooperation, that is, by the traditional willingness of libraries to lend their materials to other libraries upon request.

The bill's three titles dovetail to strengthen the grant-in-aid program that the 84th Congress started in 1956, to give that program more flexibility and to speed up its operation. States will benefit from greater administrative simplicity authorized by the law. They will be able to give greater attention to provision of library services for those now without access to the library, including people in remote rural areas, the disadvantaged, the physically handicapped, and those in State institutions of various kinds.

The bill will require careful planning, looking ahead several years, so that maximum benefits will accrue from the relatively small amounts of Federal and matching funds. Within each State, in particular, construction projects will be scrutinized so that they will be located in the places where they are most needed. Where gaps in services are determined, the first approach to closing them will be through interlibrary cooperation, so that duplication is avoided and the best use is made of facilities and professional services.

One of the many witnesses before the Select Subcommittee on Education when it considered this bill told us, after reviewing the experience under this law in his State:

> The framework for improved programs is there. It is working. It is needed. Without continuing commitments through the Library Services and Construction Act, these efforts will all have been in vain.

I am confident, though, that this Congress will continue its commitment to the advancement of library services. We

have already provided for the National Commission on Libraries and Information Services to gain an authoritative, impartial estimate of unfilled needs and necessary next steps for the improvement of libraries and information centers of all kinds. Now we are extending and expanding the proved partnership of the Federal Government with the States and communities through the Library Services and Construction Act.

This bill will aid every part of the Nation and every citizen in it. This bill aids the big cities, the suburbs, the small towns and rural areas. It aids the ordinary citizen—the housewife, businessman, student, or craftsman—as it aids the poor, the crippled, and the friendless of our society. It aids the schools and colleges as it aids the hospitals, the homes for the aged, and the child-care institutions.

The bill is soundly drawn, with amendments based on the experience and recommendations of the States. It is moderate in its fiscal dimensions. It meets the tests proposed by the President for modernization of the intricate structure of Federal grants-in-aid. It will advance the educational, economic, and cultural level of the Nation, and I urge its enactment. These amendments to the Library Services and Construction Act will enable us to make very effective progress toward our goal of access to full library service by all our people.

Mr. PICKLE. Mr. Speaker, a long standing prior commitment prevents me from being on the floor during the consideration of the Library Service and Construction Amendments of 1970, however, I want my support of this legislation to be on record. The Library Services and Construction Act has had a record of steady progress. During its lifetime this program has benefited approximately 85 million people. We need to keep this program rolling to meet the needs of our young people. Our student population, the heaviest users of libraries, will increase by 50 percent during the next 10 years. As the young people and our population, in general, become better educated we are going to have a greater demand on our libraries. The contribution of Federal funds over the next 5 years will help meet this demand.

I also want to speak in support of the committee amendment that deals with adult education. The adult education law was amended this April to change the formula for the allocation of funds among the States. This new formula will change drastically the amount of funds 17 States will receive. My home State of Texas will lose around a million dollars under the new formula. Further, I am opposed to the new formula because I think it disregards the intent of the basic adult education programs which is—first of all—to help the people with very little formal education.

Not only do I object to the new formula, I object to the manner in which the new formula was instigated. Under the law the new formula was to become effective with the 1971 appropriation.

While waiting for the enactment of the 1971 appropriation bill, however, the Office of Education was operating under a continuing resolution. This meant using State allotment figures based on the old formula for the adult education programs. Therefore the States operated for 3 months on the basis of a formula that was no longer law. Suddenly, without substantial notice, 17 of the States had their funds cut. This cut caused many programs that were underway to be dropped suddenly or severely curtailed.

The committee amendment would pospone the implementation of the new formula until fiscal year 1972. Although I would like to see the new formula repealed permanently, I support this amendment because it will at least give the States enough notice to realine their basic adult education programs with some degree of order.

Mr. MATSUNAGA. Mr. Speaker, the measure now being considered, H.R. 19363, the proposed Library Services and Construction Act of 1970, seeks to extend the exemplary, if somewhat undernourished, principle of Federal support for the strengthening and extension of local and State library facilities.

Since the first Federal grant legislation was enacted in 1956, those who have benefited from improved or expanded library services as a result of Federal involvement number in the tens of millions. An estimated 85 million people have benefited as a result of the title I—public library services—funds alone.

One of the most important features of the present law is the State and local matching fund formulas, which transform Federal grants into seed money, stimulating efforts by other levels of Government to meet the increased demand for quality library services.

The need to extend and improve this program is evident. We know that quality library services are not available to every American. Our public libraries have fewer than half of the volumes recognized as the needed number. Fewer than half of the State-operated and substantially State-operated institutions which are eligible, receive any assistance whatever under the present act. Only about half of the estimated 2¼ million handicapped Americans in need of library services can be served under current budget recommendations.

The public library is a basic resource in the education of all our people. Speaking as a former schoolteacher, I am convinced that the provision of quality library services deserves a high priority among the educational needs to be addressed by the Federal Government.

Mr. Speaker, the thrust of H.R. 19363 is an extension of the programs of aid for libraries which have yielded good results, and a recognition of the need for a greater commitment of resources to those programs.

Surely the authorization levels set forth in the bill are moderate in comparison to the manifest need for expanded support for public libraries.

I urge that the House give its swift and unanimous approval to this sound legislation.

The SPEAKER. The question is on the motion of the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill H.R. 19363, 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. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the bill S. 3318, to amend the Library Services and Construction Act, and for other purposes, 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 Kentucky?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3318

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 "Library Services and Construction Amendments of 1970".

PURPOSE; AMENDMENT TO THE LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 2. (a) It is the purpose of this Act to extend authorizations of appropriations for programs authorized by the Library Services and Construction Act for five years and to improve the administration, implementation, and purposes of such programs by lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under such Act and affording the States greater flexibility in the allocation of funds under such Act to meet specific State needs and, by providing for special programs to meet the needs of disadvantaged persons, in both urban and rural areas, for library services and for strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States.

(b) The Library Services and Construction Act is amended by striking out all that follows the first section and inserting in lieu thereof the following:

"DECLARATION OF POLICY

"SEC. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services in areas of the States which are without such services or in which such services are inadequate, and with public library construction, and in the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, in strengthening State library administrative agencies, and in promoting interlibrary cooperation.

"(b) Nothing in this Act shall be construed to interfere with State and local initiative and responsibility in the conduct of public library services. The administration of public libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this Act, the determination of the best uses of the funds provided under this Act shall be reserved to the States and their local subdivisions.

"DEFINITIONS

"SEC. 3. The following definitions shall apply to this Act:

"(1) 'Commissioner' means the Commissioner of Education.

"(2) 'Construction' includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). For the purposes

of this paragraph, the term 'equipment' includes machinery, utilities, and built-in necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

"(3) 'Library service' means the performance of all activities of a library relating to the collection and organization of library materials and to making the materials and information of a library available to clientele.

"(4) 'Library services for the physically handicapped' means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

"(5) 'Public library' means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds.

"(6) 'Public library services' means library services furnished by a public library free of charge.

"(7) 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"(8) 'State Advisory Council on Libraries' means an advisory council for the purposes of clause (3) of section 6(a) of this Act which shall—

"(A) be broadly representative of the public, school, academic, special, and institutional libraries, and libraries serving the handicapped, in the State and of persons using such libraries, including disadvantaged persons, within the State;

"(B) advise the State library administrative agency on the development of, and policy matters arising in the administration of, the State plan;

"(C) assist the State library administrative agency in the evaluation of activities assisted under this Act and

"(D) submit, through the State library administrative agency, to the Commissioner a report of its activities and recommendations as may be appropriate at such time, in such manner, and containing such information as the Commissioner shall prescribe by regulation.

"(9) 'State institutional library services' means the providing of books and other library materials, and of library services, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated as substantially supported by the State, or (B) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

"(10) 'State library administrative agency' means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State, which has adequate authority under law of the State to administer State plans in accordance with the provisions of this Act.

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 4. (a) For the purpose of carrying out the provisions of this Act the following sums are authorized to be appropriated:

"(1) For the purpose of making grants to States for library service as provided in title I, there are authorized to be appropriated $112,000,000 for the fiscal year ending June 30, 1972, $117,600,000 for the fiscal year ending June 30, 1973, $123,500,000 for the fiscal year ending June 30, 1974, $129,675,000 for the fiscal year ending June 30, 1975, and $137,150,000 for the fiscal year ending June 30, 1976.

"(2) For the purpose of making grants to States for public library construction, as provided in title II, there are authorized to be appropriated $80,000,000 for the fiscal year ending June 30, 1972, $84,000,000 for the fiscal year ending June 30, 1973, $88,000,000 for the fiscal year ending June 30, 1974, $92,500,000 for the fiscal year ending June 30, 1975, and $97,000,000 for the fiscal year ending June 30, 1976.

"(3) For the purpose of making grants to States to enable them to carry out interlibrary cooperation programs authorized by title III, there are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, $15,750,000 for the fiscal year ending June 30, 1973, $16,500,000 for the fiscal year ending June 30, 1974, $17,300,000 for the fiscal year ending June 30, 1975, and $18,200,000 for the fiscal year ending June 30, 1976.

"(b) Notwithstanding any other provision of law, unless enacted in express limitation of the provisions of this subsection, any sums appropriated pursuant to subsection (a) shall (1), in the case of sums appropriated pursuant to paragraphs (1) and (3) thereof, be available for obligation and expenditure for the period of time specified in the Act making such appropriation, and (2), in the case of sums appropriated pursuant to paragraph (2) thereof, subject to regulations of the Commissioner promulgated in carrying out the provisions of section 5(b), be available for obligation and expenditure until expended.

"ALLOTMENTS TO STATES

"SEC. 5. (a)(1) From the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot the minimum allotment, as determined under paragraph (3) of this subsection, to each State. Any sums remaining after minimum allotments have been made shall be allotted in the manner set forth in paragraph (2) of this subsection.

"(2) From the remainder of any sums appropriated pursuant to paragraph (1), (2), and (3) of section 4(a) for any fiscal year, the Commissioner shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

"(3) For the purposes of this subsection, the 'minimum allotment' shall be—

"(A) with respect to appropriations for the purposes of title I, $200,000 for each State, except that it shall be $40,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(B) with respect to appropriations for the purposes of title II, $100,000 for each State, except that it shall be $20,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

"(C) with respect to appropriations for the purposes of title III, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. If the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be reduced ratably.

"(4) The population of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year from any appropriation made pursuant to paragraph (1), (2), or (3) of section 4(a) which the Commissioner deems will not be required for the period and the purpose for which such allotment is available for carrying out the State plan as approved shall be available for reallocation or reallotment from time to time on such dates during such year as the Commissioner shall fix. Such amount shall first be available for reallocation to that State for other purposes authorized under this Act and then shall be available for reallotment to other States in proportion to the original allotments for such year to such States under subsection (a) but with such proportionate amount for any of such other State being reduced to the extent that it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were made and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to subsection (a). The Commissioner shall fix at least one date for determinations under the first sentence of this subsection during each fiscal year.

"STATE PLANS

"SEC. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan meeting the requirements set forth in subsection (b), (2) submit an annual program plan for the purposes for which allotments are desired, meeting the appropriate requirements set forth in titles I, II, and III, which plan shall include (no later than July 1, 1972) a long-range program plan for carrying out the purposes of this Act as specified in subsection (d), and (3) if it so elects, establish a State Advisory Council on Libraries which meets the requirements of section 3(8).

"(b) A basic State plan under this Act shall—

"(1) provide for the administration, or supervision of the administration, of the programs authorized by this Act by the State library administrative agency;

"(2) provide that any funds paid to the State in accordance with a long-range program and an annual program plan shall be expended solely for the purposes for which funds have been authorized and appropriated and that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of, and account for, Federal funds paid to the State (including any such funds paid by the State to any other agency) under this Act:

"(3) provide satisfactory assurance that the State agency administering the plan (A) will make such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Act and to determine the extent to which funds provided under this Act have been effective in carrying out its purposes, including reports of evaluations made under the State plans, and (B) will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

"(4) set forth policies and procedures of accepting, reviewing, and approving applications for assistance under this Act, which policies and procedures shall insure that final action with respect to the approval or disapproval of any application (or amendment thereof) shall not be taken without first (A) affording the agency or agencies submitting such application reasonable notice and opportunity for a hearing, and (B) affording interested persons an opportunity to present their views.

"(c)(1) The Commissioner shall not approve any basic or annual program plan pursuant to this Act for any fiscal year unless—

"(A) the plan fulfills the conditions specified in subsections (b) and (d) of this section and the appropriate title of this Act;

"(B) the plan has, prior to its submission, been made public by the State agency to administer it and a reasonable opportunity has been given by that agency for comment thereon by interested persons;

"(C) he has made specific findings as to the compliance of such plan with requirements of this Act and he is satisfied that adequate procedures are set forth therein to insure that any assurances and provisions of such plan will be carried out.

"(2) The State plan shall be made public as finally approved.

"(3) The Commissioner shall not finally disapprove any plan submitted pursuant to subsection (a), or any modification thereof, without first affording the State reasonable notice and opportunity for hearing.

"(d) The long-range program plan of any State for carrying out the purposes of this Act shall be developed in consultation with the Commissioner and shall—

"(1) set forth a program under which the funds received by the State under the programs authorized by this Act will be used to carry out a long-range plan of library services and construction covering a period of not less than three nor more than five years;

"(2) be annually reviewed and revised in accordance with changing needs for assistance under this Act and the results of the evaluation and surveys of the State library administrative agency;

"(3) set forth policies and procedures (A) for the periodic evaluation of the effectiveness of programs and projects supported under this Act, and (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects;

"(4) set forth effective policies and procedures for the coordination of programs and projects supported under the State plan with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library services programs; and

"(5) set forth the criteria to be used in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families.

Prior to its adoption, such program plan shall be made public and a reasonable opportunity shall be afforded for comment thereon by interested persons. Such program plan shall be made public as it is finally adopted.

"(e) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under this Act, finds—

"(1) that the State plan has been so changed that it no longer complies with the provisions of this Act, or

"(2) that in the administration of the plan there is a failure to comply substantially with any such provisions or with any assurance or other provision contained in such plan,

then, until he is satisfied that there is no longer any such failure to comply, after appropriate notice to such State agency, he shall make no further payments to the State under this Act or shall limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or shall require that payments by such State agency under this Act shall be limited to local or other public library agencies not affected by the failure.

"(f)(1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under this Act or with his final action under subsection (e) such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28; United States Code.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon take new or modified findings of fact and may modify his previous action, and shall certify to the court the record of further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PAYMENTS TO STATES

"SEC. 7. (a) From the allotments available therefor under section 5 from appropriations pursuant to paragraph (1), (2), or (3) of section 4(a), the Commissioner shall pay to each State which has the appropriate State plans approved under section 6 and title I, II, or III an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan, except that no payments shall be made from appropriations pursuant to such paragraph (1) for the purposes of title I to any State (other than the Trust Territory of the Pacific Islands) for any fiscal year unless the Commissioner determines that—

"(1) there will be available for expenditure under the plan from State and local sources during the fiscal year for which the allotment is made—

"(A) sums sufficient to enable the State to receive for the purpose of carrying out the plan payments in an amount not less than the minimum allotment for that State for the purpose, and

"(B) not less than the total amount actually expended, in the areas covered by the plan for such year, for the purposes of such plan from such sources in the second preceding fiscal year; and

"(2) there will be available for expenditure for the purposes of the plan from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such purposes from such sources in the second preceding fiscal year.

"(b)(1) For the purposes of this section, the 'Federal share' for any State shall be, except as is provided otherwise in title III, 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (A) the Federal share shall in no case be more than 66 per centum, or less than 50 per centum, and (B) the Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 per centum, and (C) the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

"(2) The 'Federal share' for each State shall be promulgated by the Commissioner within sixty days after the beginning of the fiscal year ending June 30, 1971, and of every second fiscal year thereafter, on the basis of average per capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the trust Territory of the Pacific Islands), for the three most recent consecutive years for which satisfactory data are available to him from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years beginning after the promulgation.

"TITLE I—LIBRARY SERVICES

"GRANTS FOR STATES FOR LIBRARY SERVICES

"SEC. 101. The Commissioner shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have had approved basic State plans under section 6 and annual program plans under section 103 for the extension of public library services to areas without such services and the improvement of such services in areas in which such services are inadequate, for making library services more accessible to persons who, by reason of distance, residence, or physical handicap, or other disadvantage are unable to receive the benefits of public library services regularly made available to the public, for adapting public library services to meet particular needs of persons within the States, and for improving and strengthening library administrative agencies.

"USES OF FEDERAL FUNDS

"SEC. 102. (a) Funds appropriated pursuant to paragraph (1) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of carrying out State plans submitted and approved under section 6 and section 103. Except as is provided in subsection (b), grants to States under this title may be solely—

"(1) for planning for, and taking other steps leading to the development of, programs and projects designed to extend and improve library services, as provided in clause (2); and

"(2) for (A) extending public library services to geographical areas and groups of persons without such services and improving such services in such areas and for such groups as may have inadequate public library services; and (B) establishing, expanding, and operating programs and projects to provide (i) State institutional library services, (ii) library services to the physically handicapped, and (iii) library services for the disadvantaged in urban and rural areas; and (C) strengthening metropolitan public libraries which serve as national or regional resource centers.

"(b) Subject to such limitations and criteria as the Commissioner shall establish by regulation, grants to States under this title may be used (1) to pay the cost of administering the State plans submitted and approved under this Act (including obtaining the services of consultants), statewide planning for and evaluation of library services, dissemination of information concerning library services, and the activities of such advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions under this title, and (2) for strengthening the capacity of State library administrative agencies for meeting the needs of the people of the States.

"STATE ANNUAL PROGRAM PLANS FOR LIBRARY SERVICES

"SEC. 103. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for approval for that fiscal year an annual program plan for library services. Such plan shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation, and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (1) of section 4(a) for that year will be used, consistent with its long-range plan, solely for the purposes set forth in section 102;

"(2) set forth the criteria used in allocating such funds among such purposes, which criteria shall insure that the State will expend from Federal, State, and local sources an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the fiscal year ending June 30, 1971;

"(3) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program plans; and

"(4) include an extension of the long-range plan, taking into consideration the results of evaluations.

"TITLE II—PUBLIC LIBRARY CONSTRUCTION

"GRANTS TO STATES FOR PUBLIC LIBRARY CONSTRUCTION

"SEC. 201. The Commissioner shall carry out a program of making grants to States which have had approved basic State plans under section 6 and State annual program plans under section 202 for the construction of public libraries.

"STATE ANNUAL PROGRAM PLANS FOR THE CONSTRUCTION OF PUBLIC LIBRARIES

"SEC. 202. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic and a long-range State plan under section 6, submit for approval for that fiscal year an annual program plan for the construction of public libraries. Such plan shall be submitted at such time and contain such information as the Commissioner may require by regulations, and shall—

"(1) provide that funds paid to the State from appropriations pursuant to paragraph (2) of section 4(a) for that year will be used, consistent with its long-range plan, solely for the construction of public libraries in areas of the State which are without the library facilities necessary to provide adequate library services;

"(2) set forth the criteria, policies, and procedures for the approval of applications for the construction of public library facilities under the program set forth in clause (1);

"(3) set forth policies and procedures which will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency;

"(4) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program plan; and

"(5) include an extension of the long-range plan, taking into consideration the results of evaluations.

"TITLE III—INTERLIBRARY COOPERATION

"GRANTS TO STATES FOR INTERLIBRARY COOPERATION PROGRAMS

"SEC. 301. The Commissioner shall carry out a program of making grants to States which have approved basic State plans under section 6 and annual program plans under section 303 for interlibrary cooperation programs.

"USES OF FEDERAL FUNDS

"SEC. 302. (a) Funds appropriated pursuant to paragraph (3) of section 4(a) shall be available for grants to States from allotments under paragraphs (1) and (3) of section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 303. Such grants shall be used (1) for planning for, and taking other steps leading to the development of, cooperative library networks; and (2) for establishing, expanding, and operating local, regional, and interstate cooperative networks of libraries, which provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM PLANS FOR INTERLIBRARY COOPERATION

"SEC. 303. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for approval for that fiscal year an annual program plan for interlibrary cooperation. Such plan shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation, and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (3) of section 4(a) will be used, consistent with its long-range plan, solely for the purposes set forth in section 302 and set forth specific procedures, policies, and objectives which will insure that funds available to the State under this title will be used to meet such purposes;

"(2) set forth the criteria which the State agency shall use in evaluating applications for funds under this title and in assigning priority to project proposals;

"(3) set forth such procedures and policies as will provide assurance that all appropriate libraries, agencies, and organizations eligible for participation in activities assisted under this title will be given an opportunity to participate to the extent of their eligibility;

"(4) include such information as will assure that the activities to be carried out during that year are consistent with the long-range program plans; and

"(5) include an extension of the long-range plan, taking into consideration the results of evaluations.".

(c)(1) The amendment made by subsection (b) shall be effective after June 30, 1971.

(2) In the case of funds appropriated to carry out title I of the Library Services and Construction Act for the fiscal year ending June 30, 1971, each State is authorized, in accordance with regulations of the Commissioner of Education, to use a portion of its allotment for the development of such plans as may be required by such Act, as amended by subsection (b).

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. PERKINS: Mr. PERKINS moves to strike out all after the enacting clause of S. 3318 and insert in lieu thereof the provisions of H.R. 19363, as amended, as passed.

The SPEAKER. Is there objection to the motion offered by the gentleman from Kentucky?

The motion was agreed to.

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

A motion to reconsider was laid on the table.

A similar House bill (H.R. 19363) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks immediately prior to passage of H.R. 19363.

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

There was no objection.

VOCATIONAL REHABILITATION ACT EXTENSION

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19401) to extend for 1 additional year the authorization for programs under the Vocational Rehabilitation Act.

The Clerk read as follows:

H.R. 19401

A bill to extend for one additional year the authorization for programs under the Vocational Rehabilitation Act

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

SECTION 1. (a) Section 1(b)(1) of the Vocational Rehabilitation Act is amended by striking out "and" and by inserting before the period at the end thereof the following: ", and for the fiscal year ending June 30, 1972, the sum of $700,000,000".

(b) Section 1(b)(2) of such Act is amended by striking out "and" and by inserting before the period at the end thereof the following: ", and for the fiscal year ending June 30, 1972, the sum of $10,000,000".

(c) Section 1(b)(3) of such Act is amended by striking out "and" where it appears after "$115,000,000," and by inserting before the period at the end thereof the following: ", and for the fiscal year ending June 30, 1972, the sum of $140,000,000".

(d) Section 1(b)(4) of such Act is amended by striking out "1972" and inserting "1973".

SEC. 2. Section 4(a) of the Vocational Rehabilitation Act is amended by striking out "1972" and inserting "1973" in lieu thereof.

SEC. 3. (a) Section 12(i) of the Vocational Rehabilitation Act is amended by striking out "and" where it appears before "$30,000,000", and by inserting the following before the semicolon which follows "1971": ", and $30,000,000 for the fiscal year ending June 30, 1972".

(b) Such section is further amended by striking out "1973", and inserting "1974" in lieu thereof.

SEC. 4. (a) Section 13(a)(1) of the Vocational Rehabilitation Act is amended by striking out "1971", and inserting "1972" in lieu thereof.

(b) Section 13(f) of such Act is amended by striking out "and" where it appears after "1970," and by inserting "and $30,000,000 for the fiscal year ending June 30, 1972," immediately after "1971,".

SEC. 5. Section 15(a)(2) of the Vocational Rehabilitation Act is amended by inserting "$100,000,000 for the fiscal year ending June 30, 1972," immediately after "1971,".

The SPEAKER. Is a second demanded?

Mr. REID of New York. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. PERKINS. Mr. Speaker, H.R. 19401 extends the Vocational Rehabilitation Act for 1 additional year.

The bill is a 1-year straight extension.

The authorization level proposed for fiscal year 1972 is identical to the current authorization for 1971.

There is a total 1971 dollar authorization for the act of $1,010,000,000. The bill proposes the exact amount for fiscal year 1972—$1,010,000,000.

Our sole purpose with this bill is to provide a timely authorization for the vocational rehabilitation program. Every Member of this House desires—I am sure—timely authorizations and timely appropriations. The current act expires at the end of this fiscal year. Passage of this legislation will insure that the appropriations process next year will not be hampered or delayed for want of an authorization for the vocational rehabilitation program.

Mr. Speaker, the Committee on Education and Labor voted unanimously to report H.R. 19401. I want to emphasize, that as reported by the committee, the bill makes no changes in the substance of existing legislation. The levels of authorization for each program are the same in this bill as they are for the current year. I am informed by representatives of rehabilitation agencies that these levels of spending represent the very minimum necessary to assure strong and effective programs next year.

In addition to our concern about timely authorization, it is of great importance that we extend these authorizations now, as State governments must know how much money is available from the Federal level in order to plan their matching allocations. Many State legislatures will be convening in January and February, and need the assurance of continuing legislation in this area.

I would like to read from a telegram I received from Miss Mary Switzer, vice president of the World Rehabilitation Fund, and former Commissioner of Vocational Rehabilitation:

> It is with great confidence . . . that I approach you once again . . . urging the extension of the present Vocational Rehabilitation Act for one year with 1971 authorizations.
>
> This is a strong conservative request and the rehabilitation community, particularly the state governments, need very much to know that Congress continues to support their programs.
>
> We all hope that this extension will be approved so that state programs can go forward with the momentum that has been provided. Many state legislatures meet this coming January. It would be most unfortunate to have the confusion and delay attendant upon the expiration of the present Act with nothing to take its place.
>
> This extension now would give us all the time to do a really workmanlike job in the new Session of the Congress on the next steps in the Vocational Rehabilitation Program.

I received another telegram from the National Rehabilitation Association, as follows:

> The National Rehabilitation Association heartily endorses the proposal to renew for one year at the 1971 rate without change in appropriation or allotment language, Vocational Rehabilitation appropriation authorities expiring June 30th, 1971. This will permit consideration of Rehabilitation legislation to proceed at an orderly pace in 1971 without the pressure of a June 30th expiration.

The record of the vocational rehabilitation program over the past 50 years is indeed impressive. We began after World War I to join with the States in extending rehabilitation services to victims of industrial accidents. Since then, the scope of our vocational rehabilitation efforts has broadened, so that it now includes millions of persons suffering from a variety of disabling accidents and defects.

Always we have aimed at enabling the individual to become a contributing members of society. I am sure my colleagues are familiar with countless instances of the great progress that has been made in returning people to productive work and social independence. Last year the number of people rehabilitated to employment for the first time passed the quarter million mark. The services which they received included medical diagnosis, evaluation, physical restoration, counseling, training, reading services for the blind, interpreting services for the deaf, and employment placement.

The vocational rehabilitation program is a particularly worthy investment in our future as well. It is instructive that the combined income of the 267,000 people who last year were able to return to employment as a result of the services provided under this legislation was less than $200 million at the time they were accepted for help. After rehabilitation, they were earning $863 million. This figure does not begin to take into account the savings to the welfare rolls and the gains in tax revenues thus generated. We cannot, of course, put into dollar value the precious sense of self-esteem, the pride in being able to provide for one's family, that such rehabilitation makes possible.

The record of achievement in my own State of Kentucky is a source of satisfaction to me and the many people associated with the program. The statistics are outstanding—Kentucky stands 50th among the 50 States in the number of persons rehabilitated. The State bureau succeeded in rehabilitating over 8,700 people—a 14-percent increase over 1969. During this fiscal year, Kentucky will probably receive close to $12,000,000 of vocational rehabilitation funds, reflective of the strong support from the State and local levels.

Mr. Speaker, as I said, H.R. 19401 comes from the Committee on Education and Labor with a unanimous vote. I wish to thank all the members of the committee for their efforts with respect to this legislation. As has been traditionally the case with vocational rehabilitation legislation, this is a truly bipartisan effort.

Mr. REID of New York. Mr. Speaker, I rise in strong support of H.R. 19401, the Vocational Rehabilitation Amendments of 1970. The purpose of this bill is simply to provide timely authorization for programs carried out under the Vocational Rehabilitation Act, since the existing authorization expires at the end of the current fiscal year.

The amounts to be authorized in this bill are for the next fiscal year only, and they are identical to the authorization levels for fiscal year 1971, totaling $700 million for grants to the States under section 2 and $310 million for other programs.

Mr. Speaker, there is no question that vocational rehabilitation programs are performing a service not only to more than 1 million disabled Americans but also to their communities and the industries and endeavors which now have the benefit of their skills. Rehabilitation of the handicapped is a source of strength to all America. Extension of authorizations at this time is necessary to make timely allotments to the States in order to enable them to plan for the most effective use of their Federal and State funds.

Finally, Mr. Speaker, I spoke this morning with Secretary Elliot Richardson of the Department of Health, Education, and Welfare. He informed me of the administration's general support for vocational rehabilitation and also of the administration's recognition of the urgent need to extend this legislation.

I urge support of this bill.

Mr. BRADEMAS. Mr. Speaker, today the House is being asked to act on H.R. 19401, a bill to extend for 1 year, 1972, the authorizations for certain vocational rehabilitation programs provided by the Vocational Rehabilitation Act.

The bill is a 1-year straight extension with an authorization level for 1972 identical to the current authorization for 1971—the total being $1,010,000,000.

This is an act which our committee and the Congress has voted to extend and improve over the years. I rise today to speak about this legislation because of my confidence in the ability of this State-Federal program, based on past performance, to continue its effective and urgently needed activities.

Its mission is to rehabilitate and to return to work physically and mentally disabled young people and adults who with help, have prospects of becoming independent functioning members of society.

We are not asking the House to make any substantive changes in the program at this time. We are asking only that existing programs be continued at present levels of authorization for 1 additional year. It is important that this be done as soon as possible so that the States, many of whose legislatures meet early next year, may be able to obtain the State funds they need to claim allotments of Federal funds, thus permitting continued, orderly growth of their service programs.

This program has had a remarkable history of support from the Congress, the people, and many professional and business sectors of society. It has profited from the dedicated leadership of men such as former Congressman Samuel McConnell, of Pennsylvania; the late John Fogarty, of Rhode Island; former Congressman Melvin Laird; Congresswoman EDITH GREEN; Congressman DOMINICK DANIELS; and our esteemed former colleague, Senator Lister Hill. Our own distinguished chairman, CARL PERKINS, and my colleagues on the committee have worked with Mary Switzer, the former Commissioner of Vocational Rehabilitation, and other State and national lead-

ers in rehabilitation to keep this excellent program growing and relevant to the needs of the disabled.

This year, 1970, marks the 50th year of service to the American public by this State-Federal partnership. During this time it has helped put more than 2½ million people back to work. Last year alone it rehabilitated 267,000 people. It served a total of 870,000—many of whom will be among those 288,000 persons the program expects will be able to complete their programs of rehabilitation and placed in employment in 1971.

I think it useful to review the elements of this program which has such a successful record of achievement:

Vocational rehabilitation as a public program was created in 1920 by the Congress and State legislatures for the primary purpose of providing all of the kinds of help that disabled people need in order to work and to earn. It is based upon the philosophy that, in our society every individual is entitled to the opportunity to realize his maximum potential through useful work. While vocational rehabilitation services are designed specifically to help the handicapped overcome the effects of their physical or mental impairments, it would be a mistake to assume that the disabled, alone, benefit from this program.

Vocational rehabilitation benefits taxpayers and the families of the disabled, in that it keeps disabled people from being economically dependent upon others and frees family members from indefinite care of an impaired person.

Vocational rehabilitation is a unique service program. It is a process designed to preserve, develop, or restore the ability of disabled men and women to perform useful work. Services are tailored to meet the specific needs of the disabled individual and may include a diagnostic examination to determine the exact nature of the disability and what is needed to alleviate it. It may include physical restoration such as medical and hospital care, artificial limbs, and the like. Counseling and training for a suitable career, placement in the right job, and followup adjustment to that job are included, as needed. In short, the person is provided what he needs to return him to work and useful living. The result is that rehabilitated people become an integral part of society and our economy, paying taxes and buying goods and services.

Rehabilitation is good business. Consider these facts: The earning capacity of the 267,000 people who were rehabilitated last year was about $195,000,000 at the time they came into the program. After rehabilitation they were earning about $863,000,000.

Clearly, the economics of rehabilitation are impressive. However, the total value of rehabilitation services to society cannot be measured in terms of money alone. There is no way to place a dollar value on the opportunity for a disabled man or woman to be lifted from the despair of unwanted idleness and placed in useful work. There is no way to express in dollars and cents the benefits to the individual of being freed from dependency through a rewarding career that makes self-support a reality. This is the real meaning of rehabilitation.

Earlier, I mentioned the names of some of the past and present leaders of the House and the Senate who have contributed uniquely to the evolution of the program. We can all be proud of the part which the Congress as a whole has had in this effort. I was elected to the Congress in 1958 and soon after was assigned to the Education and Labor Committee. I recall that the vocational rehabilitation program had been amended in 1954 after extensive hearings by the committee. Of all the changes then recommended by the committee, the most fundamental was to change the public program from a single grant system to a multiprogram approach to disability and to rehabilitation. Since that action by Congress, there has been in addition to the basic program of grants to States for providing vocational rehabilitation services to disabled people, a separate system of grants for research in rehabilitation, another for training personnel and another for helping States to extend and improve their programs, and another for projects to help both public and private organizations to expand their rehabilitation services. There were other important departures such as the broadening of the Randolph-Sheppard Act for the blind which our colleague, JENNINGS RANDOLPH, of West Virginia, was so instrumental in passing.

The Congress gave the rehabilitation movement another great tool of forward movement with the passage of the Hill-Burton Hospital Act which provided for the construction of rehabilitation facilities as well as hospitals. The Social Security Act was amended, also, to protect the insurance benefits of covered workers who became disabled because the Congress decided that such earned benefits should not be lost by workmen who suffered disabilities, which by themselves were often catastrophic.

I believe that it is fair to say that the pioneering work done under the research and demonstration programs Congress authorized in 1954—and the new techniques for delivering service which later were developed—account for much of the progress which the rehabilitation programs are making today in reaching and serving the more severely disabled. Thousands of therapists, nurses, counselors, workshop administrators, and other professional personnel were trained under the program for work in public and private rehabilitation programs and centers. They help to account, also, for the phenomenal increase in the numbers of youth and adults who are served by these programs.

By the 1960's the public and voluntary rehabilitation programs set in motion by the amendments to the act in 1954 were in full operation and the results can be seen in the statistics of growth. From a total of 56,000 rehabilitated by the State-Federal service program in 1954, the count rose to 88,000 in 1960, 102,000 in 1962, and 135,000 in 1965. The first in a series of research and training centers was established where the expertise of a topflight center were combined with the resources of a university to assure maximum results in research, professional training, and care of the disabled. There are 18 such centers now in different parts of the country, some concentrating primarily upon certain disability groups such as the retarded, others emphasizing medical attention to all disabilities, and some concentrating upon the techniques of evaluation, counseling, and vocational rehabilitation.

During the early 1960's the Congress stressed new efforts to improve services to the mentally retarded through community programs, through medical centers and within the vocational rehabilitation program. In 1963, general hearings in the House and Senate revealed new opportunities for development and expansion of the total program.

The resulting legislation in 1965 provided a long list of noteworthy improvements for the program: the construction of new rehabilitation facilities, grants to speed the improvement of workshops, new methods of alloting funds to States, funding for statewide planning for new State services, the establishment of a National Commission on Architectural Barriers, and other steps to expand and perfect programs, such as use of money from the social security disability trust in rehabilitation beneficiaries of that program.

In 1967 and 1968, we provided support for a new National Center for Deaf-Blind Youth and Adults and authorized a special program for disabled migrants, and a new system for evaluation and work adjustment and additional ways to fund new rehabilitation facilities. As before, congressional action has made it possible to extend the program to more people, to people with more difficult problems to solve. By 1967, about 174,000 disabled people were being returned to employment; by 1968, the number was 208,000 rising to 267,000 by 1970.

Congress is now considering far-reaching proposals for new approaches to the economic maintenance of public assistance clients. New initiatives in the welfare program tend to emphasize activities which will help to restore and rehabilitate the individuals and families many of whom have lived so long and so hopelessly in dependence. It is significant, I think, that the family assistance program being considered by the Congress and the amendments to the manpower program which we have just completed work, place great emphasis upon the vocational rehabilitative process.

The public vocational rehabilitation programs can and should play a strong role in helping to return the disabled clients of the welfare and the manpower programs back to significant work. Among the poor, the rehabilitation problems reach their peak of difficulty. Disease and injury rates are higher than among the population generally. The result is a higher incidence of disabling conditions which, when taken in combination with the often equally severe problem of poverty, racial obstacles, substandard education, and general social deprivation, produce some of the most formidable rehabilitation challenges ever faced by any group of rehabilitation experts.

In the next Congress we expect to be considering new approaches to the welfare problem, the problem of improved medical and health services for all our people, and the expanding role of rehabilitation in these areas.

Mr. Speaker, in closing I want to say that vocational rehabilitation has meant a better standard of living for millions of disabled people and their families. It has meant more stable family life and better opportunities for the children. For all of us, this program has helped to build a better society.

Mr. MATSUNAGA. Mr. Speaker, as one who has given strong support to the vocational rehabilitation program, first as a State legislator and later as a U.S. Congressman, I rise in support of H.R. 19401, which would authorize the extension of the Vocational Rehabilitation Act through fiscal year 1972.

The Vocational Rehabilitation Act is widely recognized as one of the most forward-looking pieces of social and economic legislation to be passed by Congress in this century. As an unusually effective Federal-State program, it has provided remunerative employment and carved out new career opportunities for handicapped individuals who otherwise might have been relegated to a lifetime on the welfare rolls. The Vocational Rehabilitation Act is providing these handicapped persons, who are being counted in ever-increasing numbers with each passing year, the opportunity to become productive members of our competitive and demanding society. Even more important, perhaps is the fact that this program is enabling each rehabilitated individual to gain self-respect, a necessary element of the rehabilitation process.

Mr. Speaker, we ought to be mindful also of the need for expeditious and favorable consideration of this legislation at this time. Enactment of H.R. 19401 before the end of the current session of Congress would enable the States to provide matching funds so that vocational rehabilitation programs can be continued without interruption or loss of momentum.

H.R. 19401 would give the Secretary of Labor the authority to continue for 1 additional year the various programs under the Vocational Rehabilitation Act, and to provide grants in support of these programs at the same funding levels as in fiscal year 1971.

Mr. Speaker, this legislation deserves our wholehearted support.

The SPEAKER. The question is on the motion of the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill H.R. 19401.

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. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks prior to the passage of H.R. 19401.

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

There was no objection.

DEMONSTRATION ELEMENTARY SCHOOL FOR THE DEAF

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4083) to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes, as amended.

The Clerk read as follows:

S. 4083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of providing day and residential facilities for elementary education for persons who are deaf in order to prepare them for high school and other secondary study, and to provide an exemplary educational program to stimulate the development of similar excellent programs throughout the Nation, the directors of Gallaudet College are authorized to maintain and operate Kendall School as a demonstration elementary school for the deaf, to serve primarily residents of the National Capital region.

SEC. 2. As used in this Act—

(a) The term "elementary school" means a school which provides education for deaf children from the age of onset of deafness to age fifteen, inclusive, but not beyond the eighth grade or its equivalent.

(b) The term "construction" includes construction and initial equipment of new buildings, and expansion, remodeling, and alteration of existing buildings and equipment thereof, including architect's services, but excluding off-site improvements.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) There are authorized to be appropriated for each fiscal year such sums as may be necessary for the establishment and operation, including construction and equipment, of the demonstration elementary school provided for in section 1.

(b) Federal funds appropriated for the benefit of the school shall be used only for the purposes for which paid and in accordance with the applicable provisions of this Act.

SEC. 4. In the design and construction of any facilities, maximum attention shall be given to excellence of architecture and design, works of art, and innovative auditory and visual devices and installations appropriate for educational functions of such facilities.

SEC. 5 (a) The second proviso of the first paragraph under the heading "COLUMBIA INSTITUTION FOR THE DEAF AND DUMB" of the first section of the Act for March 2, 1889 (D.C. Code, sec. 31–1010), is repealed.

(b) The provisio and the last sentence in the paragraph having a side heading "COLUMBIA INSTITUTION FOR THE DEAF AND DUMB" in the first section of the Act of March 1, 1901 (D.C. Code, sec. 31–1008), is repealed.

(c) The last sentence under the heading "COLUMBIA INSTITUTION FOR THE DEAF AND DUMB" in the first section of the Act of March 3, 1905 (D.C. Code, sec. 31–1011), is repealed.

(d) The last sentence of the first paragraph under the heading "COLUMBIA INSTITUTION FOR THE DEAF AND DUMB" in the first section of the Act of June 27, 1906 (D.C. Code, sec. 31–1011), is repealed.

(e) The Act of November 7, 1966 (D.C. Code, sec. 31–1010a, and each subsequent Act making appropriations for Gallaudet College, are amended by striking out the proviso under the heading "Gallaudet College, Salaries and Expenses" in each such Act.

The SPEAKER. Is a second demanded?

Mr. REID of New York. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. PERKINS. Mr. Speaker, the bill before us was unanimously approved by the Select Subcommittee on Education and unanimously reported from the Committee on Education and Labor.

It provides for construction and operation of a demonstration preschool and elementary school for the deaf in connection with Kendall School on the campus of Gallaudet College.

Through the continuing commitment of the Congress to Gallaudet College—and through the establishment of the model secondary school for the deaf and the National Technical Institute for the Deaf—programs for the education of the deaf have been significantly strengthened and improved at every level—with one exception.

The bill will fill this void because it focuses on educational programs and activities which are in my judgment the most essential—those at the preschool and elementary level.

Researchers, educators, and experts in the training of the deaf tell us that unless major efforts are made at this level—that is, the preschool and elementary—many deaf students will not be able to benefit from the federally assisted programs I have mentioned. Without improved programs at this basic level, it will be difficult—if not impossible—for many to bridge this educational gap.

Under the bill, Kendall School will serve children through age 15. These are critical formative years in any child's life, and even more so when a handicap like deafness must be dealt with. This makes the activities and scope of the proposed legislation much more vital and necessary.

As a demonstration school with a special emphasis at this age level, innovative and effective methods of teaching, techniques, media and technology will all be utilized to assist in teaching our young deaf children to learn. From this experience, the resulting evaluations and promising ideas will be disseminated to elementary schools for the deaf throughout the Nation.

The Kendall School will be operated primarily to serve residents of the National Capital region—the District of Columbia and the suburban areas of Maryland and Virginia. The bill contemplates that no tuition will be charged to any student in attendance at the school.

All the evidence before us indicates that a demonstration school at the preschool and elementary level is needed. In testimony presented to the committee, Mary E. Switzer—a name familiar to all of us—commented in this way on the need for increased emphasis on early levels of education for the deaf:

The deaf have been the most handicapped of almost any of our disabled population by

virtue of the gaps in their early education, and I think we are all convinced now that the earlier one can attack the problems of learning in young children, the more chance there is of having them keep pace with the progress in education as they go from grade to grade.

One need only consider the increased demands at the elementary level which will result from the rubella epidemic of 1963–65, to appreciate the need for additional help at the levels proposed in S. 4083.

And I believe my colleagues will agree with me that it is only logical that the proposed demonstration program be located at the Kendall School. I make this statement for a number of reasons.

The Kendall School is already an established school of quality and competent staff. Thus, demonstration programs can be established with a minimum of delay and additional outlay of Federal funds. It is estimated that the additional cost for the demonstration school through 1975 will be approximately $10,700,000. This is surely quite a modest sum for the work that will be cut out for the program.

Second, the full and excellent resources of Gallaudet College can be effectively utilized in developing, perfecting and evaluating these demonstration elementary programs, with a speed and efficiency which only a complete facility such as Gallaudet can provide. With the close proximity of these educational institutions—all devoted to the education of the deaf—from preschool through college—positive results from innovative concepts and experimentation in education for the deaf can be swiftly disseminated and implemented.

Before closing, Mr. Speaker, I want to call my colleagues attention to a committee amendment to the bill which contains a series of technical changes in section 5 of the Senate-passed bill.

As can be seen from the committee report, certain provisions of existing law relating to Kendall School have become obsolete.

Aside from these, there are certain other provisions which relate to the financing of Gallaudet College and Kendall School. In the past, Gallaudet was required by law to charge tuition for students from the District of Columbia attending Kendall School. As I have indicated, this legislation contemplates that no tuition charge will be made for any students. Thus, the bill provides for the repeal of these previous requirements so as to carry out the intent of the legislation in this respect.

Mr. Speaker, I urge the Members of this body to join in unanimously approving the bill, S. 4803, so that the very worthwhile work in the area of education for the deaf can move forward to even greater accomplishment.

Finally, Mr. Speaker, I want to pay particular tribute to the gentleman from New York (Mr. CAREY) for his sponsorship of this legislation. It was because of his efforts in 1966 and his sponsorship then of legislation to create a model secondary school that we now have a very effective educational secondary system to work exclusively with the deaf. And it is because of his continued interest in and dedication to the improvement of educational programs for deaf students that we will today—with passage of this legislation—strengthen and improve programs at the elementary and preschool level.

I also want to compliment the chairman of the Select Subcommittee on Education (Mr. BRADEMAS) and the members of the subcommittee on both sides of the aisle for their excellent work on the bill.

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

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

Mr. GROSS. I thank the gentleman for yielding.

Does this mean, in effect, the establishment of still another school in the District of Columbia paid for by Federal taxpayers?

Mr. PERKINS. The bill authorizes the Directors of Gallaudet College to operate a demonstration preschool and elementary school program at the Kendall School on the Gallaudet campus.

Mr. GROSS. How many schools have we established on this basis throughout the rest of the country?

Mr. PERKINS. None. This will be a demonstration school to serve the Washington area principally Maryland, Virginia, and the District of Columbia.

Mr. GROSS. I have every compassion for children who are deaf. Are there no other schools of this nature anywhere else in the United States?

Mr. PERKINS. This will be a demonstration school for pre-school-age children up to 15 years of age. The bill provides for construction and operation. As a demonstration school it will serve the whole country. The knowledge acquired from the demonstration school will be disseminated to schools across the country.

Mr. GROSS. Is the gentleman saying that children can be brought in to that school?

Mr. PERKINS. I am not saying that. I am saying children will be enrolled in the school principally from the Washington area, Maryland and Virginia, and the District of Columbia. It is anticipated that a limited number of students will come from other areas.

Mr. GROSS. I am talking about children from Iowa and children from Kentucky and children from New York.

Mr. PERKINS. In other areas there are State schools. These will benefit directly from what is learned at the demonstration school.

Mr. GROSS. Is this a laboratory for Gallaudet College?

Mr. PERKINS. In a sense it will be a laboratory; what is learned will be transmitted to State schools throughout the Nation.

Mr. GROSS. The thing I want to get straight is whether we are doing something for the District of Columbia that we will not do for any other area of the United States.

Mr. PERKINS. We are providing a preschool. That is is greatly needed. I know of no objections to a preschool in this area. If we have a demonstration preschool and elementary school anywhere in the country it should be located on the campus of Gallaudet College because of the facilities and resources already there.

Mr. GROSS. The gentleman does not think this will set a precedent?

Mr. PERKINS. I do not think so.

Mr. GROSS. For the construction of other schools in other States of the country?

Mr. PERKINS. The States already have schools for the deaf.

Mr. GROSS. Why are there no department views in the report?

Mr. PERKINS. It is my understanding the administration supports the bill. It was reported from the committee unanimously.

Mr. GROSS. I am talking about the departmental or agency reports.

Mr. BRADEMAS. Mr. Speaker, if the gentleman will yield, I will respond to the gentleman from Iowa.

I have a letter from the Acting Assistant Secretary for Education of the Department of Health, Education, and Welfare indicating support for this legislation.

Mr. BRADEMAS. Mr. Speaker, I consider it a privilege to rise in support of S. 4083, a bill to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region.

We have had schools for the deaf in the United States for more than 100 years and Kendall School is one which was established in 1857. Yet, at no single time have we been able to gather together the numbers of deaf children, the highly specialized trained staff, the resources in terms of new educational technology, new techniques which have resulted from research so that we might have in one place a real model of exemplary elementary school program for deaf children.

Mr. Speaker, the development of this program at the Kendall School, on the Gallaudet campus, is very logical because its experience is ideally suited to demonstrate innovative and effective methods, techniques, media, materials, and technology in assisting young deaf children to learn well and at a rate more nearly comparable to hearing children of similar ages.

The reasons supporting this conclusion are:

First. The evolution of the Kendall School into a demonstration elementary school represents the natural progression in its development. The present grounds and facilities, with appropriate renovation and additions, can be converted into a demonstration school at minimal cost.

Second. The highly specialized resources of Gallaudet College, the model secondary school for the deaf, and the newly authorized center on educational media and materials for the handicapped will be available to support the development of the Kendall School.

Third. The experience in disseminating new techniques and materials developed by the model secondary school for

the deaf can be employed enabling this demonstration elementary school for the deaf to have maximum impact on schools for the deaf.

The legislation before us is necessary to enable the Kendall School to expand its present capacity and thus to increase its service capability. The kinds of innovative programs the school will demonstrate will serve as an incentive to public programs across the Nation to compensate for an educational need which has been sorely neglected. Thus, increased program capabilities will not only reach those children not yet found and not yet being served, but, it will finally provide the establishment of a comprehensive education complex with a multidisciplinary staff which will work with the parents of deaf children, the deaf child, and their hearing peers to enable a greater portion of our deaf American citizens to realize the message of America which is to attain full participation in our society.

Parents are never prepared to accept the shock of being told that their child, upon whom they base their dreams and aspirations, is deaf. This handicap is not well known or understood by the general public and misconceptions regarding deaf persons abound. A parent education complex, as this legislation will provide, will constitute an absolutely imperative addition. There is currently no school in this country with a complex of the scope proposed by this bill.

Mr. Speaker, I urge my colleagues to join me in supporting the badly needed authority.

Mr. REID of New York. Mr. Speaker, I rise in support of S. 4083, a bill to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf.

Since 1857, the Kendall School, originally known as the Columbia Institute for the Deaf, Dumb, and Blind, has operated in conjunction with Gallaudet College under congressional incorporation and aegis. It serves some 210 deaf pupils from preschool to the age of 15 in the National Capital area.

The purpose of the bill before us is to enlarge the authority of Gallaudet College to make the Kendall School into a demonstration elementary school for the deaf. The need for such a facility on a national level has become increasingly apparent in recent years as the importance of early language training for deaf children has been recognized. There have been schools for the deaf for more than a century in this country but none has been able to draw together the numbers of children, the highly trained staff, up-to-date resources, educational materials, and practices that are necessary to maintain a real model of an exemplary elementary school program for the deaf.

The Kendall School, because of its proximity to the expert faculty and modern resources of Gallaudet College, is able to fill that gap. The establishment of a model elementary school program for the deaf will be a great service not only to the children from the National Capital area who will attend Kendall School classes, but also to many of the 4½ million preschool and school-age deaf children who are not now receiving appropriate educational services. The model programs and techniques developed at the Kendall School will assist these deaf children throughout the country.

The cost of operating the Kendall School as a demonstration elementary school will be $11.7 million through fiscal year 1975 above the regular cost of the Kendall School's operations during that period. That figure is estimated at $7.5 million. Of the additional sum, $7 million would be a one-time construction cost.

In testimony on this measure in the Senate, administration spokesman Frank Withrow of the Bureau of Education for the Handicapped said:

> A pilot demonstration program at Kendall School such as is contemplated in this legislation could influence the progress in early education of deaf children throughout the country.

Noting that a model elementary school for the deaf would complement the existing model secondary school facility at Gallaudet College, Mr. Withrow further observed:

> An exemplary program at the Kendall School would establish in one central location a continuous sequence of high quality educational programs for deaf youngsters from preschool to secondary school and on into postsecondary education.

The SPEAKER. The question is on the motion of the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill S. 4083, 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. PERKINS. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

RELATING TO LIMITATION ON NUMBER OF EMPLOYEES WHO MAY BE PAID FROM CLERK HIRE ALLOWANCES OF MEMBERS OF THE HOUSE AND RESIDENT COMMISSIONER FROM PUERTO RICO

Mr. FRIEDEL. Mr. Speaker, I move to suspend the rules and pass the resolution (H. Res. 1264) relating to the limitation on the number of employees who may be paid from the clerk hire allowances of Members of the House and Resident Commissioner from Puerto Rico, as amended.

The Clerk read as follows:

H. RES. 1264

Resolved, That, until otherwise provided by law, effective immediately prior to noon on January 3, 1971, each Member and the Resident Commissioner from Puerto Rico, shall be entitled to three clerks in addition to those to which he is otherwise entitled.

SEC. 2. Notwithstanding any other authority to the contrary, no person shall be paid from the clerk hire allowance of any Members of the House of Representatives or the Resident Commissioner from Puerto Rico at a gross per annum rate of less than $2,000.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. FRIEDEL. Mr. Speaker, I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. May I ask the gentleman from Maryland what triggers this latest addition to the payroll?

Mr. FRIEDEL. Just recently we passed a reorganization act doing away with the basic salary system for clerk hire for Members. Now they have done away with the basic salary and there will be a simple gross salary system starting with the 92d Congress on January 3, 1971. Members are now limited to 12 or 13 employees on their staff, depending on whether their constituencies are under or above 500,000 population. This will allow three additional clerks without any additional money. It does not cost the Government a penny.

Mr. GROSS. How do you live on $2,000? The amendment reduces the gross from $3,000 to $2,000. How does anyone live on $2,000 in Washington, D.C., or anywhere else, for that matter?

Mr. FRIEDEL. Well, the amendment was put in there to keep away these $1 a year or other token-type employees. Such employees would be entitled to health and life insurance, plus retirement benefits out of proportion to their salaries. There might be a need in the summer months or when we have a heavy workload where a Member could get someone for $40 or $50 or $60 or $70 a week, but they cannot pay such employees less than $40 a week. This would probably be short-term, temporary employment.

Mr. GROSS. Is this to take care of some moonlighting?

Mr. FRIEDEL. Oh, no, no, no. This is when Members experience peak workloads.

Mr. GROSS. Members are overworked?

Mr. FRIEDEL. Their staff may be hard pressed to handle the workload.

Mr. GROSS. So the $2,000 a year is going to relieve the Member who is so overworked?

Mr. FRIEDEL. It is expected to provide help when help is needed. They will not be able to pay them at a rate less than $2,000 a year. This will avoid putting anyone on for $1 a year who will have all of the other benefits. This will stop that.

Mr. GROSS. But it provides for three additional employees.

Mr. FRIEDEL. Yes. But no additional money, and they cannot pay an employee less than $40 a week.

Mr. GROSS. I see what you are doing. You are putting a minimum on now.

Mr. FRIEDEL. That is a protection for the Government and for the House.

Mr. GROSS. Will the gentleman explain about this protection?

Mr. FRIEDEL. I just said earlier it was

to do away with $1 a year men getting on the payroll.

Mr. GROSS. Do I have to be protected against the $1 a year man or woman?

Mr. FRIEDEL. You do not have to be protected against anything. This safeguard prevents a Member from putting anybody on for $1 a year. You would have to pay an employee at least $40 a week or more.

Mr. GROSS. Does the gentleman have any indication of how many employees work for more than one Member?

Mr. FRIEDEL. I do not have that figure, but this would be even better than the $5 minimum rule we have today under the base pay system.

The SPEAKER. The question is on the motion of the gentleman from Maryland that the House suspend the rules and agree to the resolution House Resolution 1264, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution as amended was agreed to.

A motion to reconsider was laid on the table.

INCREASE IN REGULATION "A" EXEMPTION

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 336) to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security issues, not exceeding $500,000 in aggregate amount, from the provisions of such act.

The Clerk read as follows:

S. 336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c. (b)) is amended by striking out "$300,000" and inserting in lieu thereof "$500,000".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, section 3(b) of the Securities Act of 1933 exempts from registration, subject to rules and regulations of the Securities and Exchange Commission, offerings of less than $300,000. This provision is intended to aid small businesses in raising capital for the commencement or expansion of their activities. The $300,000 figure was put into the section in 1945 and since that time costs have continued to rise throughout our economy. S. 336 would simply increase the $300,000 limit to $500,000.

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

(Mr. SPRINGER asked and was given permission to revise and extend his remarks.)

Mr. SPRINGER. Mr. Speaker, may I say this is a much needed increase. It probably ought to be more than we really put in the bill, in my estimation; and, there are a good many members of the committee who believed the same. However, we have raised it by a considerable percentage, from $300,000 to $500,000. This makes it more realistic in the truly small offerings. If the Exchange were to include the same type of offerings as the original measure contained, it would be much higher, about $2 million. However, we held it at $500,000, recognizing the need for relief in this area. The need is probably greater today than when the original figure was set.

Mr. Speaker, this is badly needed legislation.

It had the unanimous approval of the subcommittee, the unanimous approval of the full committee, and I recommend its passage.

The SPEAKER. The question is on the motion of the gentleman from West Virginia that the House suspend the rules and pass the bill S. 336.

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.

INVESTOR PROTECTION IN CORPORATE TAKEOVERS

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3431) to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors, as amended.

The Clerk read as follows:

S. 3431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the part of paragraph (1) of subsection (d) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) which precedes clause (A) is amended—

(1) by inserting after "section 12 of this title" the following: ", or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title,"; and

(2) by striking out "10 per centum" and inserting in lieu thereof "5 per centum".

(b) Paragraph (5) of subsection (d) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(5)) is redesignated as paragraph (6) and the following new paragraph is inserted immediately after paragraph (4).

"(5) The Commission, by rule or regulation or by order, may permit any person to file in lieu of the statement required by paragraph (1) of this subsection or the rules and regulations thereunder, a notice stating the name of such person, the number of shares of any equity securities subject to paragraph (1) which are owned by him, the date of their acquisition and such other information as the Commission may specify, if it appears to the Commission that such securities were acquired by such person in the ordinary course of his business and were not acquired for the purpose of and do not have the effect of changing or influencing the control of the issuer nor in connection with or as a participant in any transaction having such purpose or effect."

SEC. 2. Paragraph (2) of subsection (e) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)(2)) is amended by adding at the end thereof the following: "The Commission shall have power to make rules and regulations implementing this paragraph in the public interest and for the protection of investors, including exemptive rules and regulations covering situations in which the Commission deems it unnecessary or inappropriate that a purchase of the type described in this paragraph shall be deemed to be a purchase by the issuer for purposes of some or all of the provisions of paragraph (1) of this subsection."

SEC. 3. The first sentence of paragraph (1) of subsection (d) of section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)(1)) is amended—

(1) by inserting after "section 12 of this title," the following: "or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title,"; and

(2) by striking out "10 per centum" and inserting in lieu thereof "5 per centum".

SEC. 4. Paragraph 8 of subsection (d) of section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)(8)) is amended by striking out clause (A) and redesignating clauses (B), (C), and (D) as clauses (A), (B), and (C), respectively.

SEC. 5. Subsection (e) of section 14 of the Securities Exchange Act (15 U.S.C. 78n(e)) is amended by adding the following sentence at the end thereof: "The Commission shall, for the purposes of this subsection, by rules and regulations define, and prescribe means reasonably designed to prevent, such acts and practices as are fraudulent, deceptive, or manipulative.".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, on July 29, 1968, Public Law 90–439 was enacted for the purpose of providing protection for investors in corporate takeovers. S. 3431 would amend the takeover legislation by providing:

First, that the protections of Public Law 90–439 be extended to insurance company securities; second, that persons with the goal of acquiring 5 percent or more of any class of equity security be subject to the reporting requirements; and, third, that the Securities and Exchange Commission have rulemaking power to define and prescribe means reasonably designed to prevent fraudulent, deceptive, and manipulative practices in corporate acquisitions.

Mr. Speaker, these amendments to the corporate takeover legislation of 1968 are worthwhile changes to this important investor protection statute.

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

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

Mr. GROSS. Mr. Speaker, I thought that the bill that was passed here last week, in my opinion something of a monstrosity, was the last word in protecting the investors of this country. I thought that would solve all of the protective problems that were ever devised in the mind of man.

Mr. STAGGERS. The gentleman did not read the bill, because it had nothing to do with takeovers whatsoever. This has to do with stock takeovers and buying stock.

Mr. GROSS. It seemed to me it had a lot to do with the investors' money, which would be commingled and used.

Mr. STAGGERS. That had nothing to do with stock takeovers, and this does. I have just explained to the gentleman what the three provisions are, that the insurance companies are not covered, and we are putting them under on these securities on the market, we protect their investors, and also it drops the percentage down from 10 percent to 5 percent as to the number of securities.

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

Mr. Speaker, the reason for this bill is as follows:

The 90th Congress passed Public Law 90–439 which required disclosures of intentions or attempts to buy up more than 10 percent of the stock of a registered security. The disclosure reveals the following items:

Who is involved;

What they now own of this security;

Where the money is coming from;

Any scheme to parcel out shares; and

What they will do with the money if they get it.

This bill extends the coverage to insurance stocks, without changing State responsibility for regulation of actual insurance company activities.

The 10-percent figure is lowered to 5 percent because experience indicates that in many instances a 5-percent holding can mean effective control of a company.

Offers of stock for stock exchanges must comply.

Acquisitions in the ordinary course of business, and by specialists and market-makers must be reported also, but simpler filings can be provided.

I recommend passage of this legislation as needed in the public interest.

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

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

Mr. GROSS. Mr. Speaker, the gentleman is not going to overprotect the investors, is he?

Mr. SPRINGER. May I say to the distinguished gentleman from Iowa that I think his question is good. The bill last week had nothing to do with this.

I would like to recall to the gentleman that the amount of stock which we will say that a corporation had to have before it had to make a report to the Securities and Exchange Commission was 10 percent of the stock, and now we have found through our investigations in our committee that it is possible with only 10 percent to determine what will happen to a corporation that it buys into because 10 percent in some corporations gives you almost control. What we have attempted to do in this bill is lower that figure from 10 percent of the stock to 5 percent of the stock, so that when they acquire it two or three things happen:

First of all, if it acquires 5 percent of the stock instead of 10 percent of the stock, that is one thing. The second thing in this bill is that it must disclose what it intends to do. Those are two very important provisions, may I say, in stock takeovers.

These are questions that the gentleman from Iowa has in the past shown interest in on the floor where we have had these very serious mergers by companies buying up other companies, so we have now made it impossible for them to secretly buy in by cutting it in half and making it 5 percent.

And the second thing is that now it must disclose what it intends to do by the buying of 5 percent of the stock. This is a very substantial change, may I say, in what a corporation does when it takes over another corporation. So we are on an entirely different subject.

The gentleman from Iowa, I believe, raised some serious questions last week as to the responsibility of those who are on the stock market exchange itself, but this bill has nothing to do with the problem the gentleman mentioned last week.

Mr. GROSS. Mr. Speaker, I want to thank the gentleman for his very clear explanation. If the gentleman will yield further to me, I would like to digress to make the observation that I am astounded that some of those who earlier this afternoon filibustered the House are not here now, and the temptation is great to get them over here. I will not do so on this bill, but the temptation is very great to bring some people over here who brought us down to this point in time this afternoon, because they slowed down the House earlier today.

Mr. SPRINGER. I think the gentleman has made a very good observation, because this is an important piece of legislation.

Mr. MONAGAN. Mr. Speaker, I support S. 3431 which amends the Securities and Exchange Act of 1934 to provide additional protection to investors in corporate tender offers and other acquisitions of securities.

Among other things the bill extends the full disclosure requirements of the Corporate Takeover Act, Public Law 90–439, to tender offers and acquisitions of over 5 percent of a company's stock. Under existing law the disclosure requirements are triggered only when a tender offer or acquisition involves over 10 percent of a company's stock. Clearly, lowering the trigger mechanism to 5 percent is a proper recognition of the impact that acquisition of 5 percent of a company's stock can have upon the control and marketing of the securities involved, and shareholders and management are entitled to be fully informed at the earliest point.

The bill also grants the Securities and Exchange Commission rulemaking power to prescribe methods to prevent fraudulent and manipulative practices in making tender offers. The new power will enable the Commission to deal more effectively with the devices frequently utilized by parties in contested tender offers. This provision in the bill is directly related to H.R. 4285, legislation which I introduced on January 23, 1969, to provide for adequate notice to stockholders and management of a target company in a cash takeover bid. My bill, along with S. 3431 the bill which we are considering today, was the subject of hearings before the Interstate and Foreign Commerce Committee on October 12, 1970.

I introduced this bill because I am seriously concerned about the defenseless position of shareholders and management of target companies in these takeovers. The provisions of the present law requiring disclosure to shareholders and management at the time disclosure is made to the SEC do not provide enough time to shareholders to make an informed decision, nor to management to present a defense to the takeover. I pointed out at that time that while I appreciated the necessity for the SEC to maintain a posture that favors neither the person making the cash tender offer nor the target company, I did not believe that that objective could be achieved under existing law. As the situation stood the moving party had all of the advantages and frequently utilized the element of surprise to the detriment of shareholders and management of the target company. The disclosure requirements of the Corporate Takeover Act were intended to give notice of the takeover bid to the target company management, and the 7 day withdrawal right for shareholders was intended to enable them to weigh the merits of retaining or selling their shares. Practices of moving parties under existing disclosure requirements were effectively thwarting both intended safeguards. My bill, providing for a 30-day hold period between the filing of a cash takeover bid with the SEC and the actual purchase of the target company's securities provided an approach to rectifying the inequities in the present law. I did not introduce my bill to shift the advantages from the person making the cash takeover offer to the management or to put shareholders in a position to exploit the market impact of a tender offer. I did introduce the bill as a means to balance the equities between the competing parties to prevent unnecessary economic dislocations of particular industries which are frequently occasioned by the looseness of our present laws governing cash takeover bids.

I hope the provisions in this bill granting the SEC the specific authority to define and prescribe means to prevent fraudulent, deceptive and manipulative practices in the area of tender offers insures greater fairness in this regard.

This legislation is needed and I urge my colleagues to suspend the rules and pass this bill.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill S. 3431, 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. SPRINGER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection, so ordered.

There was no objection.

POISON PREVENTION PACKAGING ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill S. 2162 to provide for special packaging

to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes, as amended.

The Clerk read as follows:

S. 2162

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

SECTION 1. This Act may be cited as the "Poison Prevention Packaging Act of 1970".

SEC. 2. For the purpose of this Act—

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(2) The term "household substance" means any substance which is customarily produced or distributed for sale for consumption or use, or customarily stored, by individuals in or about the household and which is—

(A) a hazardous substance as that term is defined in section 2(f) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f));

(B) an economic poison as that term is defined in section 2a of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(a));

(C) a food, drug, or cosmetic as those terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); or

(D) a substance intended for use as fuel when stored in a portable container and used in the heating, cooking, or refrigeration system of a house.

(3) The term "package" means the immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household, and, for purposes of section 4(a)(2) of this Act, also means any outer container or wrapping used in the retail display of any such substance to consumers. Such term does not include—

(A) any shipping container or wrapping used solely for the transportation of any household substance in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof, or

(B) any shipping container or outer wrapping used by retailers to ship or deliver any household substance to consumers unless it is the only such container or wrapping.

(4) The term "special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

(5) The term "labeling" means all labels and other written, printed, or graphic matter (A) upon any household substance or its package, or (B) accompanying such substance.

SEC. 3. (a) The Secretary, after consultation with the technical advisory committee provided for in section 6 of this Act, may establish in accordance with the provisions of this Act, by regulation, standards for the special packaging of any household substance if he finds that—

(1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance; and

(2) the special packaging to be required by such standard is technically feasible, practicable, and appropriate for such substance.

(b) In establishing a standard under this section, the Secretary shall consider—

(1) the reasonableness of such standard;

(2) available scientific, medical, and engineering data concerning special packaging and concerning childhood accidental ingestions, illness, and injury caused by household substances;

(3) the manufacturing practices of industries affected by this Act; and

(4) the nature and use of the household substance.

(c) In carrying out this Act, the Secretary shall publish his findings, his reasons therefor, and citation of the sections of statutes which authorize his action.

(d) Nothing in this Act shall authorize the Secretary to prescribe specific packaging designs, product content, package quantity, or, with the exception of authority granted in section 4(a)(2) of this Act, labeling. In the case of a household substance for which special packaging is required pursuant to a regulation under this section, the Secretary may in such regulation prohibit the packaging of such substance in packages which he determines are unnecessarily attractive to children.

SEC. 4. (a) For the purpose of making a household substance for which a standard has been established pursuant to this Act readily available to elderly or handicapped persons who may be unable to use special packaging and to those households without young children, such household substance may be packaged in packages not complying with such standard if—

(1) such substance is supplied to the consumer in at least one popular size package which complies with such standard; and

(2) the packages which do not meet such standard bear, in conformity with regulations of the Secretary, conspicuous labeling stating: "This product is also available in special packaging which is recommended for use in households with young children". In the case of a household substance dispensed pursuant to an order of a physician, dentist, or other licensed medical practitioner who is authorized to prescribe, such substance may be sold in noncomplying packaging only when directed in the order of such practitioner or when requested by the purchaser.

(b) Whenever the Secretary determines that any household substance packaged in noncomplying packages is not also being supplied by a manufacturer or packer in popular size packages which comply with the standard established for such substance, he may, after giving the manufacturer or packer an opportunity to comply with the purposes of this Act, by order require such substance to be packaged by such manufacturer or packer exclusively in special packaging complying with such standard if he finds, after opportunity for hearing, that such exclusive use of such packaging is necessary to accomplish the purposes of this Act.

SEC. 5. (a) Proceedings to issue, amend, or repeal a regulation prescribing a standard under section 3 shall be conducted in accordance with the procedures prescribed by section 553 (other than clause (B) of the last sentence of subsection (b) of such section) of title 5 of the United States Code unless the Secretary elects the procedures prescribed by subsection (e) of section 701 of the Federal Food, Drug, and Cosmetic Act, in which event such subsection and subsections (f) and (g) of such section 701 shall apply to such proceedings. If the Secretary makes such election, he shall publish that fact with the proposal required to be published under paragraph (1) of such subsection (e).

(b) In the case of any standard prescribed by a regulation issued in accordance with section 553 of title 5 of the United States Code, any person who will be adversely affected by such a standard may, at any time prior to the 60th day after the regulation prescribing such standard is issued by the Secretary, file a petition with the United States Court of Appeals for the circuit in which such person resides or has his principal place of business for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary shall file in the court the record of the proceedings on which the Secretary based his standard, as provided in section 2112 of title 28 of the United States Code.

(c) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there was no opportunity to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original standard, with the return of such additional evidence.

(d) Upon the filing of the petition under subsection (b) the court shall have jurisdiction to review the standard of the Secretary in accordance with subparagraphs (A), (B), (C), and (D) of paragraph (2) of section 706 of title 5 of the United States Code. If the court ordered additional evidence to be taken under subsection (c), the court shall also review the Secretary's standard to determine if, on the basis of the entire record before the court pursuant to subsections (b) and (c), it is supported by substantial evidence. If the court finds the standard is not so supported, the court may set it aside. With respect to any standard reviewed under this subsection, the court may grant appropriate relief pending conclusion of the review proceedings, as provided in section 705 of such title 5.

(e) The judgment of the court affirming or setting aside, in whole or in part, any such standard of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28 of the United States Code.

SEC. 6. (a) For the purpose of assisting in carrying out the purposes of this Act, the Secretary shall appoint a technical advisory committee, designating a member thereof to be chairman, composed of not more than eighteen members who are representative of (1) the Department of Health, Education, and Welfare, (2) the Department of Commerce, (3) manufacturers of household substances subject to this Act, (4) scientists with expertise related to this Act and licensed practitioners in the medical field, (5) consumers, and (6) manufacturers of packages and closures for household substances. The Secretary shall consult with the technical advisory committee in making findings and in establishing standards pursuant to this Act.

(b) Members of the technical advisory committee who are not regular full-time employees of the United States shall, while attending meetings of such committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

SEC. 7. (a) Section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261(p)) is amended—

(1) by striking out "which substance" in the part preceding paragraph (1) and insert-

ing in lieu thereof "if the packaging or labeling of such substance is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970 or if such substance"; and

(2) by adding the following after and below paragraph (2):

"The term 'misbranded hazardous substance' also includes a household substance as defined in section 2(2)(D) of the Poison Prevention Packaging Act of 1970 if it is a substance described in paragraph 1 of section 2(f) of this Act and its packaging or labeling is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970.".

(b) Section 2z(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(z)(2)) is amended by striking out the period at the end of paragraph (h) of such section and inserting in lieu thereof "; or" and by adding at the end thereof a new paragraph as follows:

"(i) if its packaging or labeling is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

(c) Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end thereof a new paragraph as follows:

"(n) If its packaging or labeling is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

(d) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end thereof a new paragraph as follows:

"(p) If it is a drug and its packaging or labeling is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

(e) Section 503(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(2)) is amended by striking out "and (h)" and inserting in lieu thereof ", (h), and (p)".

(f) Section 602 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 362) is amended by adding at the end thereof a new paragraph as follows:

"(f) If its packaging or labeling is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

SEC. 8. Whenever a standard established by the Secretary under this Act applicable to a household substance is in effect, no State or political subdivision thereof shall have any authority either to establish or continue in effect, with respect to such household substance, any standard for special packaging (and any exemption therefrom and requirement related thereto) which is not identical to the standard established under section 3 (and any exemption therefrom and requirement related thereto) of this Act.

SEC. 9. This Act shall take effect on the date of its enactment. Each regulation establishing a special packaging standard shall specify the date such standard is to take effect which date shall not be sooner than one hundred and eighty days or later than one year from the date such regulation is final, unless the Secretary, for good cause found, determines that an earlier effective date is in the public interest and publishes in the Federal Register his reason for such finding, in which case such earlier date shall apply. No such standard shall be effective as to household substances subject to this Act packaged prior to the effective date of such final regulation.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, I would like to give a brief explanation, if I may, of the bill.

Mr. Speaker, this is a very simple bill which seeks to achieve a very important and worthwhile objective.

Every year more than 100,000 children are injured seriously—and hundreds even lose their lives or are maimed for the remainder of their lives—by ingesting drugs or potentially toxic household products. The household drug most frequently involved is aspirin and among the household products causing the most serious and most frequent injuries are cleaning and polishing agents, cosmetics, pesticides, turpentine, and related paint products.

The bill seeks to avoid or at least reduce these deaths and injuries by requiring drugs and potentially dangerous household products to be marketed in special safety packaging which is significantly difficult for children under 5 years of age to open, but not difficult for normal adults to use properly.

I might say to the Members of the House that this bill is substantially noncontroversial—as it should be considering the objectives which the legislation seeks to achieve. There is one issue, however, on which there is considerable controversy. This issue involves the question whether special safety packages should become the rule or the exception on the shelves of supermarkets and other stores.

I regret to say to the Members of the House that under the bill reported by the committee, special safety packages are likely to become the exception rather than the rule. This consequence results from an amendment adopted by a majority of the committee which would permit the marketing of drugs and potentially hazardous household substances in conventional packages if drugs or products are also marketed in special safety packages in at least one popular size. The conventional packages would be required to carry a label stating "This product is also available in special packaging which is recommended for use in households with young children."

A majority of the committee members felt that since census figures indicate that approximately 75 percent of the households in this country do not have children between the ages of 1 and 5, it would be sufficient protection for those households which do have young children to make a single size package available with safety closures.

Personally, I would have preferred the bill without the Thompson amendment, but, I feel that the bill as reported is still preferable to not having any bill at all. Experience will have to tell us whether the availability of a single size special safety package will make a significant difference in avoiding or reducing death or injuries to children in the 1-to-5 age group. If experience shows that the present bill is insufficient, the committee, will, I trust, come back to the House with new legislation. Therefore, I urge the House to support this legislation as a first step in the right direction.

Mr. SPRINGER. Mr. Speaker, I think this is something Members will want to know about. One of the real problems in packaging poisons of any kind, whether they are real serious or not so serious, is that a child may open this package and use them. We have tried in this bill to correct that situation. That is in essence what this bill is about.

The chairman of our committee has mentioned to you the thousands of these accidents, and I think they are accidents that happen each year. Even though there is a label on the package or on the bottle—like a crossbones or skull, saying this is poisonous—keep it out of the reach of children—as we all know, accidents do happen where children do get them in one way or another.

What we have done here is to follow what we thought HEW recommended. HEW determines what substances need special packaging, with the help of a technical advisory committee, and this is one that is pretty important. This must be offered in one popular size with special packaging, so that when you go to the drugstore or to any other store where you can buy these substances in a package or a bottle, there must be a popular size which you can buy which has a safety packing and which cannot be opened by a child, but would require an adult to open it. Second, other sizes, because there may be many sizes of these various substances, must have a reference to the availability of the safety package. In other words, on these packages it must say "This product may be bought with a special kind of packaging," so the parents can get that package if they ask for it. Suppose you have nine or 10 of those. All of them must say there is one that you can buy which has a safety cap or safety packaging, whatever you want to call it.

As to prescriptions, those will be specially packaged except when the customer or the doctor specifically otherwise request. I think that is reasonable.

The only question that has been raised is whether the packaging of poisons should be the rule or the exception to the rule. This bill takes the latter approach. It is certainly a desired improvement over the present practice. It may be sufficient. No bill can possibly rule out all negligence or all accidents. But if the reduction in negligence or accidents seems unsatisfactory, further requirements can be instituted on the basis of that experience.

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

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

Mr. KYL. Do I correctly understand that under the bill, if adopted, the manufacturer would be required to have one popular-sized container of the type described in his particular manufacture?

Mr. SPRINGER. It could be placed on the base package. He would put it on the popular-sized package.

Mr. KYL. And if he provides one such package and if he has that product appropriately labeled, then his responsibility has been met?

Mr. SPRINGER. That is correct.

Mr. KYL. Is there anything in this legislation which provides that the Department, HEW, or some other Government agency, must approve the so-called children-proofed packaging so that there is not immediately a suit brought against the company for saying that it was supposed to be child-proof but it was not?

Mr. SPRINGER. No. Let me explain that. The technical advisory committee at HEW would determine that.

Mr. KYL. And would approve each packaging?

Mr. SPRINGER. Correct.

Mr. KYL. The responsibility is on the manufacturer. The bill does not in any way provide that the hometown drugstore must at all times have stocked this popular-sized model in a child-proofed container?

Mr. SPRINGER. If you have a prescription, it will be specially packaged, unless the customer or the doctor says, "No."

Mr. KYL. Have these prescription-type packages been approved at this time so that the industry will immediately know what they have to do?

Mr. SPRINGER. No, that will still be up to the technical advisory committee.

Mr. KYL. At what point does the local drugstore become advised?

Mr. SPRINGER. When the technical advisory committee in HEW advises that it is in effect.

Mr. KYL. That the law is in effect, and that there is an approved model and it is available?

Mr. SPRINGER. That is correct.

Mr. KYL. I thank the gentleman.

(Mr. COLLIER (at the request of Mr. SPRINGER) was given permission to extend his remarks at this point in the RECORD).

Mr. COLLIER. Mr. Speaker, I rise in strong support of S. 2162, the Poison Prevention Packaging Act of 1970, and compliment members of both the House and Senate Committees on Interstate and Foreign Commerce for getting this legislation to us before adjournment.

Last year there were 76,155 poisonings of children under 5, and nearly 41,000 of these were poisoned by medicines. A child-resistant container for medicines is presently used at all armed services and public health hospitals. In a test at Madigan General Hospital in Tacoma, Wash., 837,000 prescriptions were issued in child-resistant containers; poisonings were reduced by 90 percent. Of the poisonings of children that did occur, two-thirds were due to adult failure to put the protective closure on properly. This study alone is dramatic proof that a protective package must be required. Statistics show that drugs and medicines are involved in nearly half of the poisonings of small children.

Many cases of poisonings require lengthy hospitalization and produce injuries from which the child may never recover. The substances which cause such tragic results are not primarily those thought of as being toxic but are such everyday products as aspirin, vitamin pills, cough medicines, soap, bleaches, furniture polishes, and similar products. When one considers the variety of such items in the average home, he realizes that there is no such thing as "out of reach" where children are concerned.

The need for passing the bill before us today is as urgent as any matter pending before this session.

Mr. SPRINGER. I yield to the gentleman from Michigan (Mr. CHAMBERLAIN).

Mr. CHAMBERLAIN. Mr. Speaker, I rise in support of S. 2162, the Poison Prevention Packaging Act of 1970.

Each year, we are told, there are more than 100,000 reported cases of accidental poisonings, burns, and other injuries caused by medicines and chemicals, readily available in our drugstores and supermarkets, that have come into the hands of curious and unknowing little children. There are, as well, a good many cases that go unreported. This makes the question of the easy accessibility of these potentially lethal substances a matter of deep and general concern.

As I see it, the question here is not one of negligence on the part of the manufacturers or, for that matter, on the part of the parents. The point is simply that we have the technical means to package these hazardous materials in a way that should make it much more difficult for overly inquisitive little hands to open. We have the means and I believe we should use them.

Of course, as much as we might like to, we cannot legislate away such tragic accidents, but we can at least take the added precautions that should serve to reduce their number and the terrible toll they take in misery and in young lives.

The bill before us today is similar to legislation already passed by the other body. It can and, I believe, should be improved upon.

One significant difference in the two bills is that the Senate version is considerably stronger with respect to nonprescription hazardous substances available on the open shelf in that it would permit only one size to be sold in a nonsafety container. The House version, on the contrary, states that only one size has to be marketed in a safety container. This difference in the two approaches is substantial.

In its report accompanying this bill, the House Interstate and Foreign Commerce Committee states that the Senate version is not needed or desirable because not every household in the country includes small children. It is nevertheless true that small children not infrequently get into such homes. Even more important, I believe, is whether the House version would really result in encouraging the purchase of safety containers by those most in need of them—particularly if the safety package is in an inconvenient or less economical size. I would point out that 11 members of the House committee have signed additional views on this section of the bill in which they state they prefer the Senate version.

Mr. Speaker, if amendments were in order today on this bill, I would support one that would adopt the Senate position in this regard. Even so, I am going to vote for the bill in its present form and urge that it be passed. Time is very short in the life of the 91st Congress. If this bill does not pass today, and we seek to bring it up again under the normal procedures of the House, that would permit amendments from the floor, it is likely that no further action will be taken this year. For this reason, this bill should pass and it is my hope that a compromise bill can be agreed upon that will go a long way toward adopting the Senate position on the section of the bill to which I have referred.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Michigan for a question.

Mr. DINGELL. Mr. Speaker, I have this brief question of the chairman of the committee. On page 5 of the report, about the end of the section, before the words "Marketing of products in conventional and special safety packages," appears some language which was inserted in the report at my request. The bill applies to different commodities, and it names them. I was troubled because of some language that appeared in the Senate hearings from the departments. I note after careful review of that language the bill does not apply to commodities like, for example, small arms, ammunition, sportsmen's products and things of that kind, and I simply wanted to bring that to the attention of the House and also get the comment of my good friend, the chairman of the committee.

Mr. STAGGERS. It would not. Furthermore, the Secretary would have to make a finding before he could put any of it in. Ammunition is not in the bill.

Mr. DINGELL. I thank the chairman.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Texas (Mr. ECKHARDT), a member of the committee.

Mr. ECKHARDT. Mr. Speaker, I wish to praise this bill with faint damns—and perhaps not too faint at that. In its present form it is perfectly worthless. It is an example of the product of a lobby writing legislation for the House and most arrogantly insisting that its every "i" be dotted, its every "t" be crossed.

In the hearings it was found that thousands of incidents occur per year in which small children's hands are eroded by lye used for unstopping sinks; their eyes and faces are scarred by phenol used in disinfectants; their digestive systems are severely impaired by furniture polish; or they die from swallowing aspirin tablets. Cases of this type are occurring at the rate of more than 100,000 per year. These are only the cases severe enough to be reported and there must be many times the number of injuries actually occurring in our society.

The other body passed a bill which would take out of circulation easily operable containers of substances hazardous to children. He provided a single package exception to take care of such cases as that of the arthritic who needs easy access to his aspirin or the heart patient who needs quick access to his nitroglycerins.

The Proprietary Association urged to the subcommittee that the exception

should be widened, and all Members were willing to amend the bill in such a way as to provide that one or more containers—as would appear reasonable—could be offered to these special purchasers.

In the subcommittee the bill's original rationale, to take unsafe containers out of circulation, was changed to a new rationale: The philosophy that consumers should be permitted to exercise their free choice concerning safe or unsafe packaging. The bill, as it came out of the subcommittee, permitted an election between the special child-safe container and the ordinary container.

Some of the Democratic Members considered this a reasonable forward step, feeling that at very least such a law might tend to move manufacturers and packagers toward uniform safe packages for each available size of container. I did not agree. I thought the Senate language preferable. But all of the signers of the statement of additional views which appears in the report recognized that the original approach of the bill had been altered and weakened as the bill came from subcommittee. I thought it was weakened too much even then. If 100,000 or more accidents of the kind mentioned are to be drastically reduced, unsafe packages must be cut off at their source, and it is desirable that unsafe packages be kept off the market—at least as nearly as possible.

If the Drano or Lysol or Clorox container at grandmother's house can be easily opened, the young child is just as surely injured there, or at the neighbor's, or in the apartment or tenement, or in the garage or storage house down the block, as he would be at home.

But it was not enough for the Proprietary Association that the bill's virility was so enfeebled in the subcommittee. It was their aim to emasculate it altogether, and this is what was done by the Thompson amendment in full committee. Republicans on the committee voted for it to the man, and in the haste occasion by the approach of the end of the session, some Democrats who signed additional views supported it primarily to assure that some bill would come out of committee. But a large majority of Democrats on the committee do not agree with the emasculating language. A substantial number could be reached to sign the report, and others are also opposed.

If the original bill could be characterized as one to take hazardous containers out of circulation, and the subcommittee bill could be characterized as a "buyer's choice" bill, the bill as it came out of the full committee is accurately described as the "packagers' token." If one sells lye or carbolic acid in four sizes of container, he may make a "child-safe" 4-ounce-container—along with the ordinary one which sells for, say, one-half the price—and then can offer unsafe containers in pint, quart, and half-gallon sizes—so long as their labels refer to the availability of the 4-ounce safe container.

Is it probable that the busy shopper, selecting some 15 to 20 items on her grocery list, will be so prudent as to seek out the small, "non-economy" size? Or is it not more likely that she will pick the pint size, ignoring the reference thereon to the small, child-safe package? Indeed, there may be difficulty in finding the safe package.

All Democrats on the committee believed that the bill should be moved out of committee and to the floor, but most do not favor the crippling amendment. Those who signed the additional views, 11 in all, stated that final passage of the bill in its present form would be a useless gesture.

This is why I praise the bill with not too faint damns. But since it comes up, in the only way it can be assured of coming up at this late time, on suspension of the rules, I cannot seek its amendment. I vote for it, like many of my colleagues, in the hope that the pernicious amendment will be removed in conference. Otherwise the bill will be a mockery to the public and a monument to the hard nosed—and hard hearted—willfulness, and, I must admit, adroitness, of a powerful lobby in the drug industry.

Mr. STAGGERS. Mr. Speaker, I yield to the chairman of the subcommittee, the gentleman from Oklahoma (Mr. JARMAN).

Mr. JARMAN. Mr. Speaker, I am familiar with the subject of this bill; have been so since 1966 when the Health Subcommittee first held hearings on the matter. I have continued to follow it closely since.

I am also acquainted with the issue raised by the minority report on this bill. The report states that the Proprietary Association urged the committee to provide for conventional packages for incapacitated persons such as arthritics and old persons.

Representatives of the Proprietary Association talked with me about their proposal and they certainly did urge that conventional packages be provided for those who could not open safety packages.

However, in their conferences with me they did not limit their remarks solely to the incapacitated, or those who needed medicine instantly. They argued that the law should make it clear that conventional packages will be available for the vast majority of the public which has no need or desire for safety packaging. I have read their communications to the committee on this bill and they did stress this point. As I always understood their position, they suggested, in effect, that safety packaging be the exception rather than the rule because the vast bulk of the public did not have young children in the age range where accidental ingestion would be a problem—ages 1 to 5.

There apparently was misunderstanding among some of the committee members as to the effect of the amendments and changes made in the bill in both subcommittee and full committee. That is not surprising since the bill was taken up by the full committee the morning after it was acted on by the subcommittee. Nevertheless, any misunderstanding is unfortunate and regrettable. But a debate on that is not fruitful.

The issue here today is whether we should pass this bill and let a conference committee resolve the differences or let the safe packaging bill die this year. I think we should pass the bill and not spend time dealing with problems that may have arisen from honest misunderstandings.

I have known the Proprietary Association for many years and I know of the many contributions they and their members have made to the furtherance of safety packaging. Long before the Congress considered legislation in this area, Proprietary Association members were conducting experiments and research to further the technological art of safety packaging and working to reduce accidental ingestions. Hearings before my subcommittee in 1966, and those on this bill before the Senate and the House, document many of the association's efforts and those of its members.

Briefly, such activities include:

Education efforts by the Council on Family Health—a nonprofit organization composed of many of the association's members—to point out the dangers of accidental ingestions. That work has been recognized and praised by Members of the Congress—Senator MAGNUSON on at least two occasions: CONGRESSIONAL RECORD, vol. 114, pt. 12, pp. 15086–15090, and vol. 114, pt. 16, p. 20808.

Sponsorship of industry conferences on safety packaging and safety in the use of home medicines. Indeed, this week the association is sponsoring another such conference in New York. Among the participants will be Dr. Jay Arena, president-elect of the American Academy of Pediatrics. That conference is devoted to "Safety Packaging in the 1970's."

Support of a number of publications and research studies related to accidental ingestion.

Financial support of the work of the Food and Drug Administration Committee on Safety Closures, a committee of Government, the medical profession, and industry appointed to develop standards for safety packaging. That committee today, December 7, is formally reporting the results of its work to the FDA.

The introduction, as early as 1956, of safety closures on children's aspirin bottles and extensive research and development of safety packaging.

The voluntary limitation—as recommended by an HEW panel—of the quantity of medicine in children's aspirin bottles to reduce the likelihood of injury. Senator FRANK MOSS, Utah, who spearheaded this bill in the Senate, stated at the opening of hearings on the bill:

> The drug industry, in particular, has undertaken preventive measures by limiting the number of tablets in children's aspirin bottles and by experimenting with preventive packaging.

The Proprietary Association's constructive work in this area of safety packaging must not be overlooked, and they should not be condemned or criticized because of honest differences in views as to how best to provide for both safe packaging and at the same time assure consumer choice for the vast majority.

I believe we should enact the bill as reported by the Commerce Committee and move quickly to conference with the Senate—if that is indicated—to assure

passage of this important and needed legislation this year.

Mr. ROGERS of Florida. Mr. Speaker, I rise to express concern about S. 2162, a bill to provide for special packaging to protect children from serious personal injury or illness resulting from handling, using, or ingesting household substances.

The committee report states that in 1968 the Food and Drug Administration cited 105,000 reported ingestions of drugs and potentially toxic household products. Children under 5 years of age were involved in 71,563 of these ingestion accidents; 4,129 of these children were hospitalized as a result of these accidents. In 1967 there were a total of 325 child deaths reported. The figures for 1968 are still incomplete.

It is my opinion that these figures underestimate the extent of the accidents, taking in consideration the fact that many ingestions were probably not reported to the Food and Drug Administration.

I am concerned about the requirement in the bill reported out of the committee that safety closures of dangerous household substances only be made available in at least one popular-size container. Considering the multitude of package sizes available to the consumer and the fact that the prospective buyer is likely to buy containers or packages of dangerous household substances in many different sizes, I doubt that providing safety closures for only one size will really encourage the distribution of safety packaged products into a significant number of homes throughout the Nation.

Under the requirements of this bill I would venture to say that nonsafety closures will remain the rule in our marketplaces and will continue to be purchased for the most part by the consumer.

The argument that because 75 percent of the households in the country do not have children between the ages 1 through 5, and that therefore there is no reason to require all sizes of safety child-resistant packaging, seems ludicrous when you consider that almost every household in the country has visitors of that age category at one time or another.

The argument that the housewife with small children in her household will search through five or six sizes of bleach, furniture polish, or some other harmful household substance on the shelf to find the one package with the safety closure and will then purchase that size, is unrealistic. The housewife, on more occasions, will make a decision based upon the size suited for her purposes and the price to fit her budget.

Although I am in full accord with the intent of this bill, I cannot see how its safety closure requirements will reduce the availability to children of "easy to open" containers or packages of dangerous household substances. We should strive toward making the safety child-resistant package the rule in the marketplace—not the exception. We should provide one size of packaging without safety closures for those individuals, who because of physical handicaps, cannot easily open safety closures. There should be bold-faced warnings written on the packaging of such containers, and perhaps nonsafety containers should be available at the checkout counter or otherwise more closely controlled by the seller or distributor. I hope that the conference will make improvement in this bill.

The SPEAKER. The question is on the motion of the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill S. 2162, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were supended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FORT POINT CHANNEL, BOSTON, MASS.

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 17750) to declare the tidewaters in the waterway of the Fort Point Channel lying between the northeasterly side of the Summer Street highway bridge and the easterly side of the Dorchester Avenue highway bridge in the city of Boston nonnavigable tidewaters, as amended.

The Clerk read as follows:

H.R. 17750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the city of Boston to construct, maintain, and operate a causeway and a fixed-span bridge in and over the water of the Fort Point Channel, Boston, Massachusetts, lying between the northeasterly side of the Summer Street highway bridge and the easterly side of the Dorchester Avenue highway bridge.

SEC. 2. Work shall not be commenced on such bridge and causeway until the location and plans therefor are submitted to and approved by the Secretary of Transportation.

SEC. 3. Any project heretofore authorized by an Act of Congress, insofar as such project relates to the above-described portions of Fort Point Channel, is hereby abandoned.

SEC. 4. In approving the location and plans of any bridge, the Secretary of Transportation may impose any specific conditions relating to the maintenance and operation of the structure which may be deemed necessary in the interest of public navigation.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, this legislation is necessary to allow the city of Boston to replace an obsolete drawbridge with a permanent bridge. There is no longer any commercial use of the waterway involved. The drawbridge was last opened in 1961. There is no objection to the bill and no cost on the part of the Federal Government, and I recommend passage of the legislation.

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

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

Mr. GROSS. Mr. Speaker, this is confined strictly to the bridge situation in Boston, and has nothing to do with the bridge at Chappaquiddick?

Mr. STAGGERS. No.

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

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

Mr. SPRINGER. Mr. Speaker, I just want to make sure the Members understand we did go into this very thoroughly and everything on it was quite carefully considered. The evidence was quite conclusive that the bridge presently spanning, in the nature of a drawbridge, is no longer needed, so that a fixed bridge is in order at this time. The span has not been used as a drawbridge since the year 1961, so I think it is rather conclusive it is no longer needed as a drawbridge and that a fixed bridge is proper.

The SPEAKER. The question is on the motion of the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill H.R. 17750, 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.

The title was amended so as to read: "A bill to grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Massachusetts."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on the bill (H.R. 17750), just passed.

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

There was no objection.

FEDERAL BOAT SAFETY ACT OF 1970

Mr. CLARK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15041) to provide for a coordinated national boating safety program, as amended.

The Clerk read as follows:

H.R. 15041

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 "Federal Boat Safety Act of 1970".

DECLARATION OF POLICY AND PURPOSE

SEC. 2. It is hereby declared to be the policy of Congress and the purpose of this Act to improve boating safety and to foster greater development, use, and enjoyment of all the waters of the United States by encouraging and assisting participation by the several States, the boating industry, and the boating public in development of more comprehensive boating safety programs; by authorizing the establishment of national construction and performance standards for boats and associated equipment; and by creating more flexible regulatory authority concerning the use of boats and equipment. It is further declared to be the policy of Congress to encourage greater and continuing uniformity of boating laws and regulations as among the several States and the Federal Government, a higher degree of reciprocity

and comity among the several jurisdictions, and closer cooperation and assistance between the Federal Government and the several States in developing, administering, and enforcing Federal and State laws and regulations pertaining to boating safety.

DEFINITIONS

SEC. 3. As used in this Act, and unless the context otherwise requires—

(1) "Boat" means any vessel—

(A) manufactured or used primarily for noncommercial use; or

(B) leased, rented, or chartered to another for the latter's noncommercial use; or

(C) engaged in the carrying of six or fewer passengers.

(2) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(3) "Undocumented vessel" means a vessel which does not have and is not required to have a valid marine document as a vessel of the United States.

(4) "Use" means operate, navigate, or employ.

(5) "Passenger" means every person carried on board a vessel other than—

(A) the owner or his representative;

(B) the operator;

(C) bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(D) any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

(6) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(7) "Manufacturer" means any person engaged in—

(A) the manufacture, construction, or assembly of boats or associated equipment; or

(B) the manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or

(C) the importation into the United States for sale of boats, associated equipment, or components thereof.

(8) "Associated equipment" means—

(A) any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component; and

(B) any accessory or equipment for, or appurtenance to, a boat; and

(C) any marine safety article, accessory, or equipment intended for use by a person on board a boat.

(9) "Secretary" means the Secretary of the Department in which the Coast Guard is operating.

(10) "State" means a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia.

(11) An eligible State means one that has an accepted State boating safety program.

APPLICABILITY

SEC. 4. (a) This Act applies to vessels and associated equipment used, to be used, or carried in vessels used, on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States.

(b) Sections 5 through 11 and subsections 12(a) and 12(b) of this Act are applicable also to boats moving or intended to be moved in interstate commerce.

(c) This Act, except those sections where the content expressly indicates otherwise, does not apply to—

(1) foreign vessels temporarily using waters subject to United States jurisdiction;

(2) military or public vessels of the United States, except recreational-type public vessels;

(3) a vessel whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;

(4) ships' lifeboats.

BOAT AND ASSOCIATED EQUIPMENT STANDARDS AND USE

SAFETY REGULATIONS AND STANDARDS

SEC. 5. (a) The Secretary may issue regulations—

(1) establishing minimum safety standards for boats and associated equipment, and establishing procedures and tests required to measure conformance with such standards. Each standard shall be reasonable, shall meet the need for boating safety, and shall be stated, insofar as practicable, in terms of performance;

(2) requiring the installation, carrying, or using of associated equipment on boats and classes of boats subject to this Act; and prohibiting the installation, carrying, or using of associated equipment which does not conform with safety standards established under this section. Equipment contemplated by this clause includes, but is not limited to, fuel systems, ventilation systems, electrical systems, navigational lights, sound producing devices, fire fighting equipment, lifesaving devices, signaling devices, ground tackle, life and grab rails, and navigational equipment.

(b) A regulation or standard issued under this section—

(1) shall specify an effective date which is not earlier than one hundred and eighty days from the date of issuance, except that this period shall be increased in the discretion of the Secretary to not more than eighteen months in any case involving major product design, retooling, or major changes in the manufacturing process, unless the Secretary finds that there exists a boating safety hazard so critical as to require an earlier effective date; what constitutes major product redesign, retooling, or major changes shall be determined by the Secretary;

(2) may not compel substantial alteration of a boat or item of associated equipment which is in existence, or the construction or manufacture of which is commenced, before the effective date of the regulation; but within that limitation may require compliance or performance that the Secretary considers appropriate in relation to the degree of hazard that the compliance will correct; and

(3) shall be consistent with laws and regulations governing the installation and maintenance of sanitation equipment.

PRESCRIBING REGULATIONS AND STANDARDS

SEC. 6. In establishing a need for formulating and prescribing regulations and standards under section 5 of this Act, the Secretary shall, among other things—

(1) consider the need for and the extent to which the regulations or standards will contribute to boating safety;

(2) consider relevant available boat safety standards, statistics and data, including public and private research, development, testing, and evaluation;

(3) consider whether any proposed regulation or standard is reasonable and appropriate for the particular type of boat or associated equipment for which it is prescribed;

(4) consult with the Boating Safety Advisory Council established in compliance with this Act regarding all of the foregoing considerations.

DISPLAY OF LABELS EVIDENCING COMPLIANCE

SEC. 7. The Secretary may require or permit the display of seals, labels, plates, insignia, or other devices for the purpose of certifying or evidencing compliance with Federal safety regulations and standards for boats and associated equipment.

DELEGATION OF INSPECTION FUNCTION

SEC. 8. The Secretary may, subject to regulations, supervision, and review as he may prescribe, delegate to any person, or private or public agency, or to any employee under the supervision of such person or agency, any work, business, or function respecting the examination, inspection, and testing necessary to carry out his responsibilities under sections 5 and 6 of this Act.

EXEMPTIONS

SEC. 9. The Secretary may, if he considers that boating safety will not be adversely affected, issue exemptions from any provision of this Act or regulations and standards established thereunder, on terms and conditions as he considers appropriate.

FEDERAL PREEMPTION

SEC. 10. Unless permitted by the Secretary under section 9 of this Act, no State or political subdivision thereof may establish, continue in effect, or enforce any provision of law or regulation which establishes any boat or associated equipment performance or other safety standard, or which imposes any requirement for associated equipment, except, unless disapproved by the Secretary, the carrying or using of marine safety articles to meet uniquely hazardous conditions or circumstances within the State, which is not identical to a Federal regulation issued under section 5 of this Act.

ADMISSION OF NONCONFORMING FOREIGN-MADE BOATS

SEC. 11. The Secretary of the Treasury and the Secretary may, by joint regulations, authorize the importation of a nonconforming boat or associated equipment upon terms and conditions, including the furnishing of bond, which will assure that the boat or associated equipment will be brought into conformity with the applicable Federal safety regulations and standards before it is used on waters subject to the jurisdiction of the United States.

PROHIBITED ACTS

SEC. 12. (a) No person may manufacture, construct, assemble, introduce, or deliver for introduction in interstate commerce, or import into the United States, or if engaged in the business of selling or distributing boats or associated equipment, may sell or offer for sale, any boat, associated equipment, or component thereof to be sold for subsequent assembly, unless—

(1) it conforms with regulations and standards prescribed under this Act, or

(2) it is intended solely for export, and so labeled, tagged, or marked on the boat or equipment and on the outside of the container, if any, which is exported.

(b) No person may be held liable for a violation of this section if he establishes that he did not have reason to know in the exercise of due care that a boat or associated equipment does not conform with applicable Federal boat safety standards, or who holds a certificate issued by the manufacturer of the boat or associated equipment to the effect that such boat or associated equipment conforms to all applicable Federal boat safety standards, unless such person knows or reasonably should have known that such boat or associated equipment does not so conform.

(c) No person may affix, attach, or display a seal, label, plate, insignia, or other device indicating or suggesting compliance with Federal safety standards on, in, or with a boat or item of associated equipment, which is false or misleading.

(d) No person may use a vessel in violation of this Act or regulations issued thereunder.

(e) No person may use a vessel, including one otherwise exempted by subsection 4(c) of this Act, in a negligent manner so as to endanger the life, limb, or property of any

person. Violations of this subsection involving use which is grossly negligent, subject the violator, in addition to any other penalties prescribed in this Act, to the criminal penalties prescribed in section 34.

(f) No vessel equipped with propulsion machinery of any type and not subject to the manning requirements of the vessel inspection laws administered by the Coast Guard, may while carrying passengers for hire, be used except in the charge of a person licensed for such service under regulations, prescribed by the Secretary, which pertain to qualifications, issuance, revocation or suspension, and related matters.

(g) Subsection 12(f) of this Act shall not apply to any vessel being used for bona fide dealer demonstrations furnished without fee to business invitees. However, if on the basis of substantial evidence the Secretary determines, pursuant to section 6 hereof, that requiring vessels so used to be under the control of licensed persons is necessary to meet the need for boating safety, then the Secretary may promulgate regulations requiring the licensing of persons controlling such vessels in the same manner as provided in subsection 12(f) of this Act for persons in control of vessels carrying passengers for hire.

SEC. 13. If a Coast Guard boarding officer observes a boat being used without sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition as defined in regulations of the Secretary, and in his judgment such use creates an especially hazardous condition, he may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended.

INSPECTION, INVESTIGATION, REPORTING

SEC. 14. (a) Every manufacturer subject to the provisions of this Act shall establish and maintain records, make reports, and provide information as the Secretary may reasonably require to enable him to determine whether the manufacturer has acted or is acting in compliance with this Act and the regulations issued thereunder. A manufacturer shall, upon request of an officer, employee, or agent authorized by the Secretary, permit the officer, employee, or agent to inspect at reasonable times factories or other facilities, books, papers, records, and documents relevant to determining whether the manufacturer has acted or is acting in compliance with this Act and the regulations issued thereunder.

(b) All information reported to or otherwise obtained by the Secretary or his representative pursuant to subsection (a) containing or relating to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, or authorized to be exempted from public disclosure by subsection 552(b) of title 5, United States Code, shall be considered confidential for the purpose of that section of title 18, except that such information may be disclosed to other officers, employees, or agents concerned with carrying out this Act or when relevant in any proceeding under this Act.

NOTIFICATION OF BOAT DEFECTS

SEC. 15. (a) Every boat manufacturer shall furnish notification of a defect in any boat produced by the manfacturer, which he determines in good faith relates to safe use of the boat, to the dealer to whom the boat was delivered and to the purchaser (when known to the manufacturer) of the boat, within a reasonable time after the manufacturer has discovered the defect.

(b) Notification shall be accomplished—

(1) by certified mail to the first purchaser (not including any dealer of the manufacturer) of the boat containing the defect, and to any subsequent purchaser to whom has been transferred any warranty on the boat; and

(2) by certified mail or other more expeditious means to the dealer to whom the boat was delivered.

(c) Notification shall contain a clear description of the defect, an evaluation of the risk to boating safety reasonably resulting from the defect, and a statement of measures to be taken to repair the defect.

(d) Every manufacturer shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to purchasers or dealers required under this Act. The Secretary may publish so much of the information contained in the communication as he deems will contribute to boating safety.

RENDERING OF ASSISTANCE IN CASUALTIES

SEC. 16. (a) The operator of a vessel, including one otherwise exempted by subsection 4(c) of this Act, involved in a collision, accident, or other casualty, to the extent he can do so without serious danger to his own vessel, or persons aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the collision, accident, or casualty. He shall also give his name, address, and the identification of his vessel to any person injured and to the owner of any property damaged. The duties imposed by this subsection are in addition to any duties otherwise imposed by law.

(b) Any person who complies with subsection (a) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonably prudent man would have acted under the same or similar circumstances.

NUMBERING OF CERTAIN VESSELS

VESSELS REQUIRING NUMBERING

SEC. 17. An undocumented vessel equipped with propulsion machinery of any type shall have a number issued by the proper issuing authority in the State in which the vessel is principally used.

STANDARD NUMBERING

SEC. 18. (a) The Secretary shall establish by regulation a standard numbering system for vessels. Upon application by a State the Secretary shall approve a State numbering system which is in accord with the standard numbering system and the provisions of this Act relating to numbering and casualty reporting. A State with an approved system is the issuing authority under the Act. The Secretary is the issuing authority in States where a State numbering system has not been approved.

(b) If a State has a numbering system approved by the Secretary under the Act of September 2, 1958 (72 Stat. 1754), as amended, prior to enactment hereof, the system need not be immediately revised to conform with this Act and may continue in effect without change for a period not to exceed three years from the date of enactment of this Act.

(c) When a vessel is actually numbered in the State of principal use, it shall be considered as in compliance with the numbering system requirements of any State in which it is temporarily used.

(d) When a vessel is removed to a new State of principal use, the issuing authority of that State shall recognize the validity of a number awarded by any other issuing authority for a period of at least sixty days before requiring numbering in the new State.

(e) If a State has a numbering system approved after the effective date of this Act, that State must accept and recognize any certificate of number issued by the Secretary, as the previous issuing authority in that State, for one year from the date that State's system is approved, or until its expiration date, at the option of the State.

(f) Whenever the Secretary determines that a State is not administering its approved numbering system in accordance with the standard numbering system, or has altered its system without his approval, he may withdraw his approval after giving notice to the State, in writing, setting forth specifically wherein the State has failed to meet the standards required, and the State has not corrected such failures within a reasonable time after being notified by the Secretary.

EXEMPTIONS

SEC. 19. (a) The Secretary, when he is the issuing authority, may exempt a vessel or class of vessels from the numbering provisions of this Act under such conditions as he may prescribe.

(b) When a State is the issuing authority, it may exempt from the numbering provisions of this Act any vessel or class of vessels that has been exempted under subsection (a) of this section or otherwise as permitted by the Secretary.

DESCRIPTION OF CERTIFICATE OF NUMBER

SEC. 20. (a) A certificate of number granted under this Act shall be pocket size, shall be at all times available for inspection on the vessel for which issued when the vessel is in use, and may not be valid for more than three years. The certificate of number for vessels less than twenty-six feet in length and leased or rented to another for the latter's non-commercial use of less than twenty-four hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative. A vessel which does not have the certificate of number on board shall be identified while in use, and comply with such other requirements, as the issuing authority prescribes.

(b) The owner of a vessel numbered under this Act shall furnish to the issuing authority notice of the transfer of all or part of his interest in the vessel, or of the destruction or abandonment of the vessel, within a reasonable time thereof, and shall furnish notice of any change of address within a reasonable time of the change, in accordance with prescribed regulations.

DISPLAY OF NUMBER

SEC. 21. A number required by this Act shall be painted on, or attached to, each side of the forward half of the vessel for which it was issued, and shall be of the size, color, and type as may be prescribed by the Secretary. No other number may be carried on the forward half of the vessel.

SAFETY CERTIFICATES

SEC. 22. When a State is the issuing authority it may require that the operator of a numbered vessel hold a valid safety certificate issued under terms and conditions set by the issuing authority.

REGULATIONS

SEC. 23. The issuing authority may prescribe regulations and establish fees to carry out the intent of sections 17 through 24 and section 37 of this Act. A State issuing authority may impose only terms and conditions for vessel numbering which are prescribed by this Act or the regulations of the Secretary concerning the standard numbering system.

FURNISHING OF INFORMATION

SEC. 24. Manufacturers may request from an issuing authority vessel numbering and registration information which is retrievable from vessel numbering system records of the issuing authority. When the issuing author-

ity is satisfied that the request is reasonable and related to a boating safety purpose, the information shall be furnished upon payment by the manufacturer of the cost of retrieval and furnishing of the information requested.

STATE BOATING SAFETY PROGRAMS

ESTABLISHMENT AND ACCEPTANCE

SEC. 25. In order to encourage greater State participation and consistency in boating safty efforts, and particularly greater safety patrol and enforcement activities, the Secretary may accept State boating safety programs directed at implementing and supplementing this Act. Acceptance is necessary for a State to receive full rather than partial Federal financial assistance under this Act. The Secretary may also make Federal funds available to an extent permitted by subsection 27(d) of this Act to national nonprofit public service organizations for national boating safety programs and activitiles which he considers to be in the public interest.

BOATING SAFETY PROGRAM CONTENT

SEC. 26. (a) The Secretary shall accept a State boating safety program which—

(1) incorporates a State vessel numbering system previously approved under this Act or includes such a numbering system as part of the proposed boating safety program;

(2) includes generally the other substantive content of the Model State Boat Act as approved by the National Association of State Boating Law Administrators in conjunction with the Council of State Governments, or is in substantial conformity therewith, or conforms sufficiently to insure uniformity and promote comity among the several jursidictions;

(3) provide for patrol and other activity to assure enforcement of the State boating safety laws and regulations;

(4) provides for boating safety education programs;

(5) designates the State authority or agency which will administer the boating safety program and the allocated Federal funds; and

(6) provides that the designated State authority or agnecy will submit reports in the form prescribed by the Secretary.

(b) The requirements of subparagraph (a)(2) of this section shall be liberally construed to permit acceptance where the general intent and purpose of such requirements are met and nothing contained therein is in anyway intended to discourage a State program which is more extensive or comprehensive than suggested herein, particularly with the regard to safety patrol and enforcement activity commensurate with the amount and type of boating activity within the State and with regard to public boat safety education, and experimental programs which could enhance boating safety.

ALLOCATION OF FEDERAL FUNDS

SEC. 27. (a) The Secretary shall allocate the amounts appropriated to the several eligible States as soon as practicable after July 1 of each fiscal year for which the funds are appropriated.

(b) In order to encourage and assist the States in the development of boating safety programs during the first three fiscal years for which funds are available under this Act, the funds shall be allocated among applying States having a boating safety program, or which indicate to the Secretary their intention to establish boating safety programs in accordance with section 25 of this Act. One-half of the funds shall be allocated equally among the applying States. The other half shall be allocated to each applying eligible State in the same ratio as the number of vessels propelled by machinery numbered in that State bears to the number of such vessels numbered in all applying eligible States.

(c) In fiscal years after the third fiscal year for which funds are available under this Act the moneys appropriated shall be allocated among applying States. Of the total available funds one-third shall be allocated each year equally among applying States. One-third shall be allocated so that the amount each year to each applying eligible State will be in the same ratio as the number of vessels numbered in that State, under a numbering system approved under this Act, bears to the number of such vessels numbered in all applying eligible States. The remaining one-third shall be allocated so that the amount each year to each applying eligible State shall be in the same ratio as the State funds expended or obligated for the State boating safety program during the previous fiscal year by a State bears to the total State funds expended or obligated for that fiscal year by all the applying eligible States.

(d) The Secretary may allocate not more than 5 per centum of funds appropriated in any fiscal year for national boating safety activities of one or more national nonprofit-public service organizations.

ALLOCATION LIMITATIONS; UNOBLIGATED OR UNALLOCATED FUNDS

SEC. 28. (a) Notwithstanding the allocation ratios prescribed in section 27 of this Act, the Federal share of the total annual cost of a State's boating safety program may not exceed 75 per centum in fiscal year 1972, 66⅔ per centum in fiscal year 1973, 50 per centum in fiscal year 1974, 40 per centum in fiscal year 1975, and 33⅓ per centum in fiscal year 1976. No State may receive more than 5 per centum of the Federal funds appropriated or available for allocation in any fiscal year.

(b) Amounts allocated to an eligible State shall be available for obligation by that State for a period of three years following the date of allocation. Funds unobligated by the State at the expiration of the three-year period shall be withdrawn by the Secretary and shall be available with other funds to be allocated by the Secretary during that fiscal year.

(c) Funds available to the Secretary which have not been allocated at the end of a fiscal year shall be carried forward as part of the total allocation funds for the next fiscal year for which appropriations are authorized by this Act.

DETERMINATION OF STATE FUNDS EXPANDED

SEC. 29. In accordance with regulations prescribed by the Secretary computation by a State of funds expended or obligated for the boating safety program shall include the acquisition, maintenance, and operating costs of facilities, equipment, and supplies; personnel salaries and reimbursable expenses; the costs of training personnel; public boat safety education; the costs of administering the program; and other expenses which the Secretary considers appropriate. The Secretary shal: determine any issues which arise in connection with such computation.

APPROPRIATIONS AUTHORIZATIONS FOR STATE BOATING SAFETY PROGRAMS

SEC. 30. For the purpose of providing financial assistance for State boating safety programs there is authorized to be appropriated $7,500,000 for the fiscal year ending June 30, 1972, and $7,500,000 for each of the four succeeding fiscal years, such appropriations to remain available until expended.

PAYMENTS

SEC. 31. (a) Amounts allocated under section 27 of this Act shall be computed and paid to the States as follows:

(1) During the first three fiscal years that funds are available the Secretary shall schedule the initial payment to each State at the earliest possible time after application and compliance with subsection 27(b) of this Act.

(2) For fiscal years after the third fiscal year for which funds are available, the Secretary shall determine during the last quarter of a fiscal year, on the basis of computations made pursuant to section 29 of this Act and submitted by the States, the percentage of the funds available for the next fiscal year to which each eligible State shall be entitled. Notice of the percentage and of the dollar amount, if it can then be determined, for each State shall be furnished to the States at the earliest practicable time. If the Secretary finds that an amount made available to a State for a prior year is greater or less than the amount which should have been made available to that State for the prior year, because of later or more accurate State expenditure information, the amount for the current fiscal year may be increased or decreased by the appropriate amount.

(b) Notwithstanding any other provision of law, the Secretary shall schedule the payment of funds consistent with the program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of funds from the United States Treasury and the subsequent disbursement thereof by a State.

(c) Whenever the Secretary, after reasonable notice to the designated State authority or agency, finds that—

(1) the boating safety program submitted by the State and accepted by the Secretary has been so changed that it no longer complies with this Act or standards established by regulations thereunder; or

(2) in the administration of the boating safety program, there has been a failure to comply substantially with the standards established by the regulations;

the Secretary shall notify the State authority or agency that no further payments will be made to the State until the program conforms to the established standards or the failure is corrected.

(d) The Secretary shall, by regulation, provide for such accounting, budgeting, and other fiscal procedures as are necessary and reasonable for the proper and efficient administration of this section. The Secretary and the Comptroller General of the United States shall have access for the purpose of audit and examination, to any books, documents, papers, and records that are pertinent to Federal funds received by the States under this Act.

CONSULTATION AND COOPERATION

SEC. 32. (a) In carrying out his responsibilities under this Act the Secretary may consult with State and local governments, public and private agencies, organizations and committees, private industry, and other persons having an interest in boating and boating safety.

(b) The Secretary may advise, assist, and cooperate with the States and other interested public and private agencies, in the planning, development, and execution of boating safety programs. Acting under the authority of section 141 of title 14, United States Code, and consonant with the policy defined in section 2 of this Act, the Secretary shall insure the fullest cooperation between the State and Federal authorities in promoting boating safety by entering into agreements and other arrangements with the States whenever possible. Subject to the provisions of chapter 23, title 14, he may make available, upon request from a State, the services of members of the Coast Guard Auxiliary to assist the State in the promotion of boating safety on State waters.

BOATING SAFETY ADVISORY COUNCIL

SEC. 33. (a) The Secretary shall establish a National Boating Safety Advisory Council, which shall not exceed twenty-one members whom the Secretary considers to have a particular expertise, knowledge, and experience

in boating safety. Insofar as practical, to assure balanced representation, members shall be drawn equally from (1) State officials responsible for State boating safety programs, (2) boat and associated equipment manufacturers, and (3) boating organizations and members of the general public. Additional persons from those sources may be appointed to panels to the Council which will assist the Council in the performance of its functions.

(b) In addition to the consultation required by section 6 of this Act the Secretary shall consult with the Advisory Council on any other major boat safety matters related to this Act.

(c) Members of the Advisory Council or panels may be compensated at a rate not to exceed the rate provided for Federal classified employes of grade GS–18 when engaged in the duties of the Council. Members, while away from their home or regular places of business, may be allowed travel expenses, including a per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Advisory Council employees or officials of the United States for any purposes.

CRIMINAL PENALTIES

SEC. 34. Any person who willfully violates subsection 12(d) of this Act or the regulations issued thereunder shall be fined not more than $1,000 for each violation or imprisoned not more than one year, or both.

CIVIL PENALTIES

SEC. 35. (a) In addition to any other penalty prescribed by law any person who violates subsection 12(a) of this Act shall be liable to a civil penalty of not more than $2,000 for each violation, except that the maximum civil penalty shall not exceed $100,000 for any related series of violations.

(b) In addition to any other penalty prescribed by law any person who violates any other provision of this Act or the regulations issued thereunder shall be liable to a civil penalty of not more than $500 for each violation. If the violation involves the use of a vessel the vessel, except as exempted by subsection 4(c) of this Act, shall be liable and may be proceeded against in the district court of any district in which the vessel may be found.

(c) The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty prior to referral to the Attorney General. Subject to approval by the Attorney General, the Secretary may engage in any proceeding in court for that purpose, including a proceeding under subsection (d) of this section. In determining the amount of any penalty to be assessed hereunder, or the amount agreed upon in any compromise, consideration shall be given to the appropriateness of such penalty in light of the size of the business of the person charged, the gravity of the violation and the extent to which the person charged has complied with the provisions of section 15 of this title or has otherwise attempted to remedy the consequences of the said violation.

(d) When a civil penalty of not more than $200 has been assessed under this Act, the Secretary may refer the matter for collection of the penalty directly to the Federal magistrate of the jurisdiction wherein the person liable may be found for collection procedures under supervision of the district court and pursuant to order issued by the court delegating such authority under section 636(b) of title 28, United States Code.

INJUNCTIVE PROCEEDINGS

SEC. 36. The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this Act, or to restrain the sale, offer for sale, or the introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of any boat or associated equipment which is determined not to conform to Federal boat safety standards, upon petition by the Attorney General on behalf of the United States. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and except in the case of knowing and willful violation, shall afford him a reasonable opportunity to achieve compliance. The failure to give notice and afford such opportunity does not preclude the granting of appropriate relief.

CASUALTY REPORTING SYSTEMS

SEC. 37. (a) The Secretary shall prescribe a uniform vessel casualty reporting system for vessels subject to this Act, including those otherwise exempted by terms (1), (3), and (4) of subsection 4(c).

(b) A State vessel numbering system and boating safety program approved under this Act shall provide for the reporting of casualties and accidents involving vessels. A State shall compile and transmit to the Secretary reports, information, and statistics and accidents reported to it.

(c) A vessel casualty reporting system shall provide for the reporting of all marine casualties involving vessels indicated in subsection (a) of this section and resulting in the death of any person. Marine casualties which do not result in loss of life shall be classified according to the gravity thereof, giving consideration to the extent of the injuries to persons, the extent of property damage, the dangers which casualties create, and the size, occupation or use, and the means of propulsion of the boat involved. Regulations shall prescribe the casualties to be reported and the manner of reporting.

(d) The owner or operator of a boat or vessel indicated in subsection (a) of this section and involved in casualty or accident shall report the casualty or accident to the Secretary in accordance with regulations prescribed under this section unless he is required to report to a State under a State system approved under this Act.

(e) The Secretary shall collect, analyze, and publish reports, information, or statistics together with findings and recommendations he considers appropriate. If a State accident reporting system provides that information derived from accident reports, other than statistical, shall be unavailable for public disclosure, or otherwise prohibits use by the State or any person in any action or proceeding against an individual, the Secretary may utilize the information or material furnished by a State only in like manner.

APPROPRIATIONS AUTHORIZATION

SEC. 38. There is authorized to be appropriated amounts as may be necessary to administer the provisions of this Act.

MISCELLANEOUS PROVISIONS

SEC. 39. (a). The following are repealed:

(1) Section 7, as amended, and sections 13 and 14 of the Motorboat Act of 1940, Public Law 76–484, April 25, 1940 (54 Stat. 165);

(2) The Federal Boating Act of 1958, Public Law 85–911, September 2, 1958 (72 Stat. 1754), except subsections 6(b) and 6(c) thereof;

(3) The Act of March 28, 1960, Public Law 86–396 (74 Stat. 10); and

(4) The Act of August 30, 1961, Public Law 87–171 (75 Stat. 408).

(b) Subsection (c) of section 6 of the Federal Boating Act of 1958, September 2, 1958 (72 Stat. 1754), is amended to read as follows:

"(c) Such Act of April 25, 1940 (46 U.S.C. 526–526t), is further amended by adding at the end thereof the following new section:

"'SEC. 22. (a) This Act applies to every motorboat or vessel on the navigable waters of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia, and every motorboat or vessel owned in a State and using the high seas, except that the provisions of this Act other than sections 12, 18, and 19 do not apply to boats as defined in and subject to the Boat Safety Act of 1970.

"'(b) As used in this Act—

"'The term "State" means a State of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia.'"

(c) Any vessel, to the extent that it is subject to the Small Passenger Carrying Vessel Act, May 10, 1956 (70 Stat. 151), or to any other vessel inspection statute of the United States, is exempt from the provisions of this Act.

(d) Nothing contained in this Act shall be deemed to exempt from the antitrust laws of the United States any conduct that would be unlawful under such laws, or to prohibit under the antitrust laws of the United States any conduct that would be lawful under such laws.

(e) Regulations previously issued under statutory provisions repealed, modified, or amended by this Act continue in effect as though promulgated under the authority of this Act until expressly abrogated, modified or amended by the Secretary under the regulatory authority of this Act.

(f) A criminal or civil penalty proceeding under the Motorboat Act of 1940, as amended, or the Federal Boating Act of 1958, as amended, for a violation which occurred before the effective date of this Act may be initiated and continue to conclusion as though the former Acts had not been amended or repealed hereby.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. CLARK. Mr. Speaker, we have before us today, H.R. 15041, the Federal Boat Safety Act of 1970, which is a recreational boat safety bill to provide for a coordinated national boating safety program. The record of the hearings indicates that this legislation is necessary and that there is a great and growing need for it. Last year there were 1,350 fatalities in small-boat accidents and the Coast Guard was called upon approximately 31,000 times in 1969 to help small-boat operators.

Although the bill does not provide for Federal licensing or certification of small-boat operators, which is a controversial proposal, it does provide in section 22 that the States may require the operator of a numbered vessel to hold a valid safety certificate. The bill does not apply to foreign vessels, military vessels, vessels of a State or political subdivision used principally for governmental purposes or ships' lifeboats. The bill does apply to any noncommercial vessels leased, rented, or chartered for noncommercial use or engaged in the carrying of six or fewer passengers.

The thrust of the various sections of H.R. 15041 is to promote and encourage safety in the manufacture and use of recreational boats. One of the primary purposes of the bill is to provide the recrea-

tional boater with a boat constructed to provide safe boating through the means of construction and performance regulations and standards. In this connection, the bill provides for the issuance of regulations, first, establishing safety standards for boats and allied equipment, and second, governing the installation and use of associated equipment.

A basic purpose of the bill is to encourage the States to participate in boating safety through the establishment of boating safety programs and to encourage the States already having boating safety programs to enlarge and intensify their participation in these programs. The bill is designed to foster State participation by setting up a system of Federal funding to the States. H.R. 15041 provides that $7½ million be authorized and appropriated every year beginning in fiscal year 1972 with the $7½ million being allocated to the States in each of the next 4 succeeding fiscal years.

In allocating this $7½ million per year for a 5-year period, the bill sets out an initial level of Federal funding set at a Federal contribution of 75 percent the first fiscal year which then phases down at the 5th year to a Federal contribution of 33⅓ percent. No State may receive more than 5 percent of the Federal funding available for allocation in any fiscal year. The purpose of the phaseout device is to provide large Federal funding in the beginning and phase down the Federal contribution as the States become more involved financially and operationally so that at the end of the 5-year period, the Federal Government hopefully will be out of the picture completely, at least with respect to the funding of the State boating safety programs. The total 5-year implementation costs of the legislation, including financial assistance costs, operating expenses, and research and development costs, is estimated by the Coast Guard to be $51,158,225.

Another important feature of the bill is that it provides for a Boating Safety Advisory Council which will consist of 21 members selected to assure adequate representation from all segments of the boating community. The purpose of this Advisory Council is to insure that the boating community will have an input into such important recreational boat safety matters as the promulgation of standards for the manufacture of recreational boats.

In addition to the features mentioned above, this bill provides for the numbering of all undocumented vessels equipped with propulsion machinery and encourages boating safety by providing uniformity among the various States with respect to the aspects of boating safety.

Any person who willfully uses a vessel in violation of this act or the regulations issued thereunder shall be subject to a fine of not more than $1,000 for each violation or imprisonment not more than 1 year, or both. Any person who manufactures, constructs, assembles, or introduces into interstate commerce a vessel in violation of the act or its regulations shall be subject to a civil penalty of not more than $2,000 for each violation. The maximum civil penalty for any related series of violations shall be $100,000.

The Subcommittee on Coast Guard, Coast and Geodetic Survey, and Navigation held extensive hearings on this legislation from March until July both here in Washington and in various boating centers of the United States. In the course of these hearings and subsequent deliberations, we ironed out the many problems which were raised initially so that this bill comes to the House floor with virtually the total support of the various organizations and interested parties comprising the boating community. For this reason, because the bill is timely, it fills the need, and is a good bill, I urge the support of all the Members for the passage of this very worthy piece of legislation. This bill passed unanimously in full committee.

Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the body of the RECORD.

Mr. GARMATZ. Mr. Speaker, the bill we have before us for consideration, H.R. 15041, the Federal Boat Safety Act of 1970, is a recreational boat safety bill to promote and encourage recreational boat safety.

The House Committee on Merchant Marine and Fisheries has been working on this legislation since 1968. Originally, there was a number of problems concerning this legislation. However, by holding hearings in the various boating centers of the Nation as well as hearings in Washington and by constant consultation between staff members, the Coast Guard, and the various parties from the boating community, we are able to bring a bill to the floor today which has the support of virtually all the interested parties in the recreational boat community.

Of all the areas of marine activity, the recreational boat field is the one at the present time most in need of reasonable legislation to foster and promote safety. Last year there were approximately 1,300 fatalities arising from small boat accidents. H.R. 15041 will make a significant contribution to decreasing this statistic and minimizing the hazards which give rise to it. The bill would enhance small boat safety in several material respects:

First. It would provide a safe boat by authorizing the Secretary to promulgate performance and construction standards governing the manufacture of small boats.

Second. The bill would provide a Boating Safety Advisory Council which will be available to consult with the Secretary on the many important aspects of boating safety including the promulgation of construction and performance standards mentioned above.

Third. It will go a long way toward encouraging the States to participate in boating safety through the establishment of boating safety programs set up and maintained by a system of Federal funding to the States.

Fourth. The bill would also contribute to boating safety by establishing uniformity in the area of boating safety.

The need for this legislation is all too apparent. The bill before us is a sound and reasonable legislative proposal which goes a long way toward promoting needed safety in the recreational boat field. I urge all the Members to join with me in support of H.R. 15041.

Mr. KEITH. Mr. Speaker, I rise in support of H.R. 15041, the Federal Boating Safety Act of 1970.

Mr. Speaker, for years now we have had Federal safety standards for aircraft, railroads, trucks, and more recently, for automobiles. Yet in the area of small boating, which is one of our Nation's most popular recreational activities, there has been with the exception of the Bonner bill, which is primarily a numbering bill, almost no Federal regulation.

As a result, fatalities in small boating accidents have run at the rate of 1,300 annually—more than in any other mode of transportation except automotive. And there is no question that, with improved safety standards, many of these deaths might have been prevented.

This legislation before us today will take some long-needed steps toward greater boating safety. It does so, in two ways—by setting standards for boat manufacturers, and by aiding the States in funding boating safety programs.

In drafting this bill, let me point out that the committee has been in close and mutually beneficial contact with the boat manufacturers who will be most affected by this legislation. I would like to particularly mention the National Association of Engine and Boat Manufacturers, whose treasurer, Ralph Thacher, is a constituent and friend of mine.

The manufacturers have recognized the necessity for boating safety standards, and I believe that their cooperation has resulted in a more effective bill.

In the vital area of recreational boat design and construction this legislation for the first time recognizes the fact that responsibility should be placed upon the manufacturer to produce a safe product. The Motorboat Act of 1940, the first Federal small boat law, placed responsibility for compliance solely upon the boat owner. This was true even for such devices as backfire flame control equipment sold an integral part of the boat. The boat owner is responsible for the effective operation of this device even though it may have been poorly designed or constructed. The average small boat owner is no better equipped to judge the quality of the various components which go into his boat than the average automobile purchaser. Responsibility for providing the boatman with a boat and equipment meeting Federal safety standards properly should lie with the manufacturer. A single set of standards is therefore necessary. To leave responsibility for the establishment of standards to the States could result in safety standards and equipment requirements so varied as to make compliance by the manufacturers extremely difficult. Varying State requirements also tend to raise the cost to the boatman, since the manufacturer must tailor his product for the area of boat use.

As reported by your Committee on Merchant Marine and Fisheries, therefore, the legislation authorizes the Sec-

retary of the Department in which the Coast Guard is operating to issue regulations establishing minimum safety standards for boats and associated equipment, and to establish procedures and tests required to measure conformance with such standards. These standards must be reasonable and geared to meet the needs of boating safety. All noncommercial boats, regardless of size or method of propulsion, are included within the standards setting authority of this act.

In establishing standards the Secretary must consult with the Boating Safety Advisory Council. The council, composed of 21 members drawn from State officials, boat and associated equipment manufacturers, and boating organizations and the general public, will insure that there is adequate communication between the Federal Government and the private sector in the establishment and enforcement of standards.

The States may establish regulations governing the carriage or use of marine safety equipment which exceed or are in addition to Federal requirements to meet uniquely hazardous conditions with the State. Except in the case of such unique conditions the legislation prohibits the imposition of State or local standards or requirements. This preemption is essential.

Following the precedent established in the field of motor vehicle safety standards, this legislation provides for the notification of boat owners by the manufacturer whenever a defect in design or construction is discovered. The notice must be furnished to the Secretary who may publish this information to insure that the public is fully informed.

The second principal element of the Federal Boat Safety Act is the encouragement of State boating safety programs. The safe use and enjoyment of boats should be fostered at levels of Government which are closer to the boating public. Through a program of financial assistance the States will be encouraged to increase their safety patrol and enforcement activities and boat safety education. A boating safety program must be adopted and approved by the Secretary in order for a State to receive full financial assistance under the act. As reported by your committee the act authorizes $7.5 million for the current fiscal year and for each of the 4 succeeding years. The States will have 3 years within which to develop their boating safety programs. During these 3 years all States will be entitled to their share of Federal assistance based upon the allocation formula of the act. During the fourth and fifth years however, assistance to States which have not adopted an approved boating safety program will be reduced. The Federal share of each State's program may not exceed 75 percent of the total cost in fiscal year 1972 decreasing to approximately one-third in fiscal year 1976.

Mr. Speaker, I believe that the system of financial assistance to the States established in H.R. 15041 is sound. It provides an incentive to the States to increase their activity in this vital area and requires the States to take over the total burden of operating their programs within a reasonable period of time.

The Federal Boating Safety Act of 1970 contains a number of other important provisions which I would like to discuss briefly. Section 13 of the bill authorizes Coast Guard officers to direct boat operators to take corrective steps including, if necessary, returning to port whenever the officer observes a boat being used without sufficient lifesaving or firefighting equipment or in an overloaded or otherwise unsafe condition. Overloading and capsizing are the primary causes of boating fatalities. Some concern was expressed during the hearings over this provision, however it is an unfortunate fact that a great many people go out on their boats without regard to the most elementary safety requirements. Their guests may be completely unaware of the operator's negligence in inviting too many people aboard or in failing to provide enough life jackets. Under existing law the Coast Guard has limited authority to cite boat operators for unsafe or negligent operation, but no authority to direct the operator to take immediate corrective action. I do not believe the Coast Guard will use this authority to second guess the actions of responsible boatmen. This section of the bill will however enable the Coast Guard to intervene when there has been a failure to adhere to basic safety requirements.

Another important provision of the act is the so-called Good Samaritan clause, section 16. This provision requires the operator of a vessel to render assistance to persons involved in a marine casualty to the extent that he can do so without endangering his own vessel or passengers. Any person complying with this requirement in good faith is immune from civil damages. Often emergency first aid is required by the victims of marine casualties. While the lack of this protection has not inhibited dedicated boatmen in the past, the tremendous increase in recreational boating which is now taking place warrants its adoption.

Mr. Speaker, this legislation is an important step forward. While we may not entirely overcome the problem of the boating fool, we are insuring that the boats which are offered to the public are safe if used with reason and consideration for others. At the same time we are encouraging the States to assert their proper role in the field of boating safety and education.

I urge my colleagues to support the Federal Boat Safety Act of 1970.

Mr. MONAGAN. Mr. Speaker, I support H.R. 15041, the Federal Boat Safety Act of 1970. I am the sponsor of H.R. 15140 which is an identical bill.

The popularity of recreational boating in the United States has increased to the point where over 40 million people presently participate in the sport, and it is predicted that by 1975 the number will exceed 50 million. Another 10 million people are expected to take up the sport by 1980. The number of recreational boats now in use is estimated to be 9 million and this number is increasing by 200,000 annually.

Unfortunately, this great surge in recreational boating has occurred without a corresponding growth in safety regulations to govern the quality of recreational boating equipment and the conduct of those engaged in the sport. The fact that recreational boating accidents have been responsible for approximately 1,350 deaths in each of the last 5 years dramatically underscores the need to expand Federal safety regulations in this area.

To date, Congress has passed two laws relating to the problems involved in recreational boating. The Motorboat Act of 1940 dealt with specific items of safety equipment required to be carried on recreational boats, and the more recent law, the Federal Boating Act of 1958, for the first time involved State and local jurisdictions in the problems arising from recreational boating.

The Special Studies Subcommittee of the House Government Operations Committee, of which I am chairman, held hearings on July 31, 1967, and July 1, 1968, to evaluate the Coast Guard's administration of its statutory responsibilities for boating safety. The March 4, 1968, report of the subcommittee focused on the need for revision of existing laws to accomplish greater boating safety and recommended that the Merchant Marine and Fisheries Committee consider the need for revising existing laws to apply safety standards at the manufacturing level, in order to broaden existing numbering requirements, and licensing of motorboat operators.

I am pleased that the bill which we are considering incorporates most of the proposals contained in the subcommittee report. I am hopeful that mandatory education and certification requirements will be the subject of future legislation.

The main thrust of the bill under consideration is to authorize the Secretary of Transportation to establish safety standards applicable to boats and associated equipment, and to regulate the installation and use of safety equipment on boats. The construction and performance standards for recreational boats will mark the first time that manufacturers will have to produce boats and equipment that comply with uniform Federal standards, and I am confident that this requirement will guarantee the boating public greater safety.

In addition, the bill encourages States to adopt or improve boating safety standards by authorizing grants-in-aid to assist in program development and implementation; establishes a standard numbering system for recreational boats; creates a National Boating Safety Advisory Council; establishes criminal and civil penalties for violation of the act, and a uniform vessel casualty reporting system.

I am proud of the part that I have played in the development of this legislation to provide for a coordinated and comprehensive boating safety program, and I urge my colleagues to join me in voting to suspend the rules and pass this bill.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania (Mr. CLARK), that the House suspend the rules and pass the bill H.R. 15041, 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. CLARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 15041, just passed.

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

There was no objection.

SALE OF PASSENGER VESSEL "ATLANTIC"

Mr. GARMATZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16498) to permit the sale of the passenger vessel *Atlantic* to an alien, and for other purposes, as amended.

The Clerk read as follows:

H.R. 16498

A bill to permit the sale of the passenger vessel "Atlantic" to an alien, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 503 of the Merchant Marine Act of 1936, as amended (46 U.S.C.A. 1153), American Export Isbrandtsen Lines, Incorporated, may sell the passenger vessel "Atlantic" to an alien with transfer to foreign registry: *Provided,* That before such vessel is transferred to foreign registry all indebtedness thereon shall be discharged, including the outstanding balance of a note dated February 5, 1960, from American Export Isbrandtsen Lines, Incorporated, to the Seafarers International Union of North America, Atlantic, Gulf, Lakes, and Inland Waters District: *And provided further,* That such alien transferee enters into an agreement to make such vessel available to the United States in time of emergency in accordance with section 302 of such Act of 1936 (46 U.S.C.A. 1212) which agreement shall run with the title of such vessel and be binding on all owners thereof: *And provided further,* That American Export Isbrandtsen Lines, Incorporated, agrees (1) to deposit the net proceeds of sale, after satisfaction of all outstanding indebtedness, in its capital construction fund; (2) if it has no such fund at the time of the sale, to establish such a fund on such terms as the Secretary of Commerce prescribes, and to deposit such proceeds in such fund; (3) to use such proceeds solely for the construction of qualified vessels; and (4) to furnish a surety bond in an amount and with a surety satisfactory to the Secretary of Commerce to secure performance of the foregoing agreements.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. GARMATZ. Mr. Speaker, the Committee on Merchant Marine and Fisheries unanimously reported the bill, H.R. 16498, to permit the sale of the passenger vessel *Atlantic* to a foreign purchaser.

The committee favors authorization to sell this passenger ship foreign because there is no prospect the *Atlantic* may be operated economically under the U.S. flag and there is no present, or expected, defense need for this passenger ship.

The SS *Atlantic* was constructed by the United States as a cargo vessel in 1953 during the Korean war. The ship was placed in the reserve fleet after this emergency was over. It was converted to a passenger ship by the American Banner Lines. Later, it was further altered by American Export Lines.

There were substantial construction and operating subsidies for the *Atlantic* to operate as a passenger ship in the trans-Atlantic/Mediterranean service, and in cruises from 1960 to 1967. Despite these subsidies, however, the company has consistently lost money operating the *Atlantic* in this service. For example, in the period between 1960 and 1967, the Government paid the present owners, American Export Isbrandtsen Lines, operating subsidy in the amount of $22,142,392. But, even after this subsidy, the company showed a loss of $6,556,804. Most of this loss can be attributed to the very sharp reduction in patronage of transatlantic passenger ships after jet airplanes entered the picture in this trade in about the year 1958.

We have also been advised by the Department of Defense they have no objection to the sale of this vessel to a foreign purchaser because experience in movement of personnel to Vietnam indicates they will move by air rather than by ship.

Other U.S. passenger ships are in the same predicament as the *Atlantic* since they cannot be economically operated in existing trades. However, the committee considers the *Atlantic* to be unique because it was built originally as a cargo vessel, with a powerplant to match, making it thereby a very slow ship compared to modern passenger vessels. Accordingly, action on the *Atlantic* is not intended to establish a set precedent for action on other U.S. passenger ships.

To be certain that all interested parties were informed about the proposed legislative action on the *Atlantic*, I wrote to the chiefs of the several unions involved, as well as to the owners of the vessel and the Maritime Administration, inviting them to appear during the hearings on this bill. Only the owners and the Maritime Administration asked to testify on this bill. Each group favored the bill. There were no adverse reports from any executive agency. Further, there was no opposition to the bill from anyone else during the executive session on the bill or in the period the committee reported the bill to the House.

Let me make absolutely clear the basis on which the committee acted to support the sale of the *Atlantic*. The vessel is unique among U.S. passenger ships because it was originally built as a cargo vessel and it never had, does not have now, and will not have, the ability to compete with other passenger ships either foreign or domestic because it is a slow ship. Also, on the question of precedent, the committee in its report on this bill stated clearly its intention with respect to other U.S.-flag passenger vessels. We said "each case should be considered on its own merits." That statement in the report reflects my opening comments when we first heard the bill. I said at that time:

I wanted to make it clear that we know other U.S. passenger ships are in the same or similar situation as the *Atlantic*.

I noted, therefore, the committee probably will wish to consider these related problems in the next Congress. I conclude:

For now, however, it seems preferable for the Committee to consider only the questions immediately associated with the proposed sale of the *Atlantic*.

Further, to be certain on overall policy on U.S.-flag passenger operations would be developed, we stated in our report that the committee would conduct "in the near future an overall review of the entire field of American-flag passenger vessels."

I think this legislative history to H.R. 16498 establishes the need to relieve the owners of the *Atlantic* from an impossible economic burden and that the committee expressly determined it was not setting policy with respect to other U.S.-flag passenger ships.

It was, therefore, the unanimous conclusion of the committee that the sale of the SS *Atlantic* to foreign registry is the only practical and realistic course open. To protect tne interests of the United States, sufficient safeguards have been built into the law to insure that all existing debts are satisfied before the ship is sold foreign and that the ship will be returned under U.S. registry in the event of a national emergency.

I urge the House to pass H.R. 16498.

Mr. MAILLIARD. Mr. Speaker, I join the distinguished chairman of the Committee on Merchant Marine and Fisheries in supporting passage of this legislation.

The Merchant Marine Act of 1936 quite properly requires that vessels constructed with Federal aid remain documented under the American flag for 25 years. This is the age at which ships generally have reached the limit of their economic life. Changing technology and consumer demand, however, have rendered the *Atlantic* obsolete long before reaching 25 years of age.

The *Atlantic* built as a freighter was converted into a relatively slow passenger ship in order to provide low cost tourist passage to Europe in the late 1950's. The jet age was just over the horizon, and in retrospect the conversion of this ship should never have been undertaken.

The companies associated with this ship have made, I believe, a sincere effort to operate her profitably. Her record has been dismal notwithstanding these efforts.

The future of passenger ship operations, regardless of what flag the ship may fly, lies in the cruise trades. Such ships must be floating hotels for their island-hopping guests. The *Atlantic* unfortunately is too small and austere, even for this type of operation.

The ship has been laid up for several years, and there is no prospect of her resuming operations under the American flag.

This legislation merely authorizes sale to foreign owners. Whether there will be any buyers remains to be seen. Undoubtedly, there are trades where she may be operated with some degree of success.

I am not optimistic over the future of American-flag passenger ships. They no longer fill a legitimate national defense role. We cannot bury our heads in the sand and pretend the jet age never occurred. At the same time, the foreign sale of the *Atlantic* does not set a precedent for other ships which were constructed as passenger ships. The larger question of the SS *United States*, the *Independence*, the *Constitution*, and others must be explored fully before any decisions are reached.

There is no legitimate reason to delay this bill, however. The facts in the case of the *Atlantic* are undisputed. Mr. Speaker, I urge my colleagues to support H.R. 16498.

The SPEAKER. The question is on the motion of the gentleman from Maryland (Mr. GARMATZ) that the House suspend the rules and pass the bill H.R. 16498, 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. GARMATZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS

Mr. CLARK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 212) to provide for the appointment, promotion, separation, and retirement of commissioned officers of the Environmental Science Services Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 212

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

SEC. 1. Definitions listed in section 101 of title 10, United Stats Code, apply to this Act, except as noted below:

(1) "active duty" means full-time duty in the active service of a uniformed service;

(2) "Administration" means the National Oceanic and Atmospheric Administration;

(3) "grade" means a step or degree, in a graduated scale of office or rank, that is established and designated as a grade by law or regulation;

(4) "officer" means a commissioned officer;

(5) "Secretary" means the Secretary of Commerce,

(6) "Secretary concerned" is defined in section 101 of title 37, United States Code;

(7) "uniformed services" is defined in section 101 of title 37, United States Code.

SEC. 2. Each officer retired pursuant to any provision of law shall be placed on the retired list with the highest grade satisfactorily held by him while on active duty including active duty pursuant to recall, under permanent or temporary appointment, and he shall receive retired pay based on such highest grade: Provided, That his performance of duty in such highest grade has been satisfactory, as determined by the Secretary of the department or departments under whose jurisdiction the officer served, and unless retired for disability, his length of service in such highest grade is no less than that required by the Secretary of officers retiring under permanent appointment in that grade.

SEC. 3. Active service of officers of the Administration shall be deemed to be active military service in the armed forces of the United States for the purposes of all rights, privileges, immunities, and benefits now or hereafter provided by—

(1) laws administered by the Veterans' Administration;

(2) laws administered by the Interstate Commerce Commission; and

(3) the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

In the administration of these laws and regulations, with respect to the National Oceanic and Atmospheric Administration, the authority vested in the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force and their respective departments shall be exercised by the Secretary of Commerce.

SEC. 4. (a) Commissioned officers, ships' officers, and members of crews of vessels of the Administration shall be permitted to purchase commissary and quartermaster supplies as far as available from the armed forces at the prices charged officers and enlisted men of those services.

(b) The Secretary may purchase ration supplies for messes, stores, uniforms, accouterments, and related equipment for sale aboard ship and shore stations of the Administration to members of the uniformed services and to personnel assigned to such ships or shore stations. Sales shall be in accordance with regulations prescribed by the Secretary, and proceeds therefrom shall, as far as is practicable, fully reimburse the appropriations charged without regard to fiscal year.

(c) Rights extended to members of the uniformed services in this section are extended to their widows and to such others as are designated by the Secretary concerned.

SEC. 5. (a) All statutes that applied to commissioned officers of the Coast and Geodetic Survey on July 12, 1965, shall apply to officers of the Environmental Science Services Administration on that date and subsequent thereto, unless amended or repealed, and service as a commissioned officer in the Coast and Geodetic Survey shall constitute service as a commissioned officer in the Environmental Science Services Administration.

(b) All statutes that applied to commissioned officers of the Coast and Geodetic Survey on July 12, 1965, and to commissioned officers of the Environmental Science Services Administration subsequent to that date shall apply to officers of the National Oceanic and Atmospheric Administration on October 3, 1970, and subsequent thereto, unless amended or repealed, and service as a commissioned officer in the Coast and Geodetic Survey or the Environmental Science Services Administration shall constitute service as a commissioned officer in the National Oceanic and Atmospheric Administration.

(c) The enactment of this Act does not increase or decrease the pay or allowances of any person.

(d) A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provisions enacted by this Act.

(e) An order, law, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provisions enacted by this Act until repealed, amended, or superseded.

(f) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline thereof.

(g) If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 6. (a) Title 38, United States Code, is amended as follows:

(1) Section 101(21)(C) of such title 38 is amended by inserting the words "the National Oceanic and Atmospheric Administration or its predecessor organization" after "officer of" in the first line;

(2) Section 101(25)(F) of such title 38 is amended by inserting "the National Oceanic and Atmospheric Administration or its predecessor organization" after "concerning"; and

(3) Section 3105 of such title 38 is amended by striking "Coast and Geodetic Survey" and substituting "National Oceanic and Atmospheric Administration".

(b) The effective date of an award by the Veterans' Administration of disability compensation or dependency and indemnity compensation arising from an injury or death occurring prior to enactment of this Act and based on a claim filed by an individual who first became eligible for veterans' benefits by reason of the amendments made by the foregoing subsections shall be the date following the date of his discharge or release, or the first day of the month in which death occurred: *Provided*, That application therefor is filed within six months after the effective date of this Act.

SEC. 7. (a) Section 216 of title II of the National Housing Act, as amended, is amended to read as follows:

"WAIVER OF OCCUPANCY REQUIREMENTS FOR SERVICEMEN

"SEC. 216. The Secretary is hereby authorized to insure any mortgage otherwise eligible for insurance under any of the provisions of this Act without regard to any requirement that the mortgagor be the occupant of the property at the time of insurance, where the Secretary is satisfied that the inability of the mortgagor to occupy the property is by reason of his entry on active duty in a uniformed service subsequent to the filing of an application for insurance and the mortgagor expresses an intent to occupy the property upon his release from active duty."

(b) Section 222 of title II of the National Housing Act, as amended, is amended to read as follows:

"MORTGAGE INSURANCE FOR SERVICEMEN

"SEC. 222. (a) The purpose of this section is to aid in the provision of housing accommodations for servicemen in the armed forces of the United States Coast Guard and their families, and servicemen in the United States National Oceanic and Atmospheric Administration and their families by supplementing the insurance of mortgages under section 203 of this title with a system of mortgage insurance specifically designed to assist the financing required for the construction or purchase of dwellings by those persons. As used in this section, a 'serviceman' means a person to whom the Secretary of Defense (or any officer or employee designated by him), the Secretary of Transportation (or any officer or employee designated by him), or the Secretary of Commerce (or any officer or employee designated by him), as the case may be, has issued a certificate hereunder indicating that such person requires housing, is serving on active duty in the Armed Forces of the United States, in the United States Coast Guard, or in the United States National Oceanic and Atmospheric Administration and has served on active duty for more than two years, but a certificate shall not be issued hereunder to any person ordered to

active duty for training purposes only. The Secretary of Defense, the Secretary of Transportation, and the Secretary of Commerce, respectively, are authorized to prescribe rules and regulations governing the issuance of such certificates and may withhold issuance of more than one such certificate to a serviceman whenever in his discretion issuance is not justified due to circumstances resulting from military assignment, or, in the case of the United States Coast Guard or the United States National Oceanic and Atmospheric Administration, other assignment.

"(b) To be eligible for insurance under this section a mortgage shall—

"(1) meet the requirements of section 203(b), 203(i), 221(d)(2), or 234(c), except as such requirements are modified by this section;

"(2) involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) in an amount not to exceed $33,000, except that in the case of a mortgage meeting the requirements of section 203(i) or section 221(d)(2) such principal obligation shall not exceed the maximum limits prescribed for such section;

"(3) have a principal obligation not in excess of the sum of (i) 97 per centum of $15,000 of the appraised value of the property as of the date the mortgage is accepted for insurance, (ii) 90 per centum of such value in excess of $15,000 but not in excess of $25,000, and (iii) 85 per centum of such value in excess of $25,000; and

"(4) be executed by a mortgagor who at the time of application for insurance is certified as a 'serviceman' and who at the time of insurance is the owner of the property and either occupies the property or certifies that his failure to do so is the result of his military assignment, or, in the case of the United States Coast Guard or the United States National Oceanic and Atmospheric Administration, other assignment.

"(c) The Secretary may prescribe the manner in which a mortgage may be accepted for insurance under this section. Premiums fixed by the Secretary under section 203 with respect to, or payable during, the period of ownership by a serviceman of the property involved shall not be payable by the mortgage but shall be paid not less frequently than once each year, upon request of the Secretary to the Secretary of Defense, the Secretary of Transportation, or the Secretary of Commerce, as the case may be, from the respective appropriations available for pay and allowances of persons eligible for mortgage insurance under this section. As used herein, 'the period of ownership by a serviceman' means the period, for which premiums are fixed, prior to the date that the Secretary of Defense (or any officer or employee or other person designated by him), the Secretary of Transportation (or any officer or employee or other person designated by him), or the Secretary of Commerce (or any officer or employee or other person designated by him), as the case may be, furnishes the Secretary with a certification that such ownership (as defined by the Secretary), has terminated.

"(d) Any mortgage under a mortgage insured under this section is entitled to the benefits of the insurance as provided in section 204(a) with respect to mortgages insured under section 203.

"(e) The provisions of subsection (b), (c), (d), (e), (f), (g), (h), (j), and (k) of section 204 shall apply to mortgages insured under this section, except that as applied to those mortgages (1) all references to the Fund, or Mutual Mortgage Insurance Fund, shall refer to the General Insurance Fund, and (2) all references to section 203 shall refer to this section.

"(f) The Secretary is authorized to transfer to this section the insurance on any mortgage covering a single-family dwelling or a one-family unit in a condominium project insured under this Act, if the mortgage indebtedness thereof has been assumed by a serviceman who at the time of assumption is the owner of the property and either occupies the property or certifies that his failure to do so is the result of his military assignment, or, in the case of the United States Coast Guard or the United States National Oceanic and Atmospheric Administration, other assignment.

"(g) Where a serviceman dies while on active duty in the Armed Forces of the United States or in the United States Coast Guard or in the United States National Oceanic and Atmospheric Administration, leaving a surviving widow as owner of the property, the period of ownership by the serviceman (within the meaning of subsection (c) of this section) shall extend for two years beyond the date of the serviceman's death or until the date the widow disposes of the property, whichever date occurs first. The Secretary of Defense or the Secretary of Transportation, or the Secretary of Commerce, as the case may be, shall notify such widow promptly following the serviceman's death of the additional costs to be borne by the mortgagor following termination of the two-year period."

SEC. 8. All provisions of law inconsistent with this Act are hereby repealed.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. GARMATZ. Mr. Speaker, H.R. 212 basically seeks to define the benefits of the commissioned officers of the National Oceanic and Atmospheric Administration—NOAA—and to provide these officers with certain privileges already provided to officers of the other uniformed services.

Prior to Reorganization Plan No. 4 of 1970, which resulted in the establishment of NOAA, these officers served with the Environmental Science Services Administration—ESSA. Reorganization Plan No. 4 abolished ESSA, the functions of which are now administered by NOAA, and the commissioned officers corps now serves NOAA.

Since the duties of these officers are not generally well known, I think it should be emphasized that they serve their country by performing duties which closely parallel those performed by commissioned officers of the other Armed Forces. Quite often, these duties include long and arduous service aboard oceangoing vessels, hazardous service in remote areas, and long-term separations from family and home.

In view of the facts I have just outlined, I think the NOAA officers are entitled to the privileges provided by H.R. 212, and I support enactment of this legislation.

Mr. CLARK. Mr. Speaker, the National Oceanic and Atmospheric Administration was created by Reorganization Plan No. 4 of 1970 which became effective on October 3 of this year. NOAA, as the Administration is commonly known, is now the Federal Government's leading agency in the fields of ocean and atmospheric science and technology. Reorganization Plan No. 4 brought together the Environmental Science Services Administration, and a number of smaller organizations concerned with the oceans which were scattered throughout the Federal Government.

The Environmental Science Services Administration was created in 1965 by Reorganization Plan No. 2 of that year, and brought together principally the Coast and Geodetic Survey and the Weather Bureau. Pursuant to Reorganization Plan No. 4 of 1970, the commissioned officer corps of ESSA became the commissioned officer corps of NOAA. Under Reorganization Plan No. 2 of 1965, the commissioned officer corps of the Coast and Geodetic Survey was transformed into the ESSA corps. The Coast and Geodetic Survey commissioned officer corps was created in 1917 to provide a highly trained career-oriented group within the Coast and Geodetic Survey to engage in activities on board ship and in remote corners of the world, which since 1807 had been performed by officers of the Army and Navy. The commissioned officer corps of the National Oceanic and Atmospheric Administration thus traces its history as a uniformed service to 1917.

Although the equipment has become more sophisticated and the airplane and helicopter are now utilized in addition to ships, the work is basically the same. The principal job of the NOAA officer corps is to provide the basic hydrographic and related data from which marine and aeronautical charts are prepared. Of course, this is an oversimplification of the scientific work which the commissioned officer corps is engaged in. The ships of the NOAA fleet commanded by the commissioned officers are engaged in a wide range of scientific investigations throughout the world.

With this brief background in mind, Mr. Speaker, I will now turn to the specific provisions of H.R. 212 as amended and reported by the Committee on Merchant Marine and Fisheries. H.R. 212 was introduced as a comprehensive revision of basic laws governing the establishment and operation of the commissioned officer corps of ESSA. It was also intended to correct a number of problems which developed following Reorganization Plan No. 2 of 1965. The principal issue which arose after the creation of ESSA in 1965 was the question of veterans' benefits for the commissioned officer corps. Under existing law, the commissioned officer corps of the Coast and Geodetic Survey is entitled to the benefit of all statutes administered by the Veterans' Administration.

The VA ruled, however, that officers initially commissioned in ESSA following Reorganization Plan No. 2 of 1965 were not entitled to veterans' benefits, and that only those officers who had secured their initial commission during the existence of the Coast and Geodetic Survey would be recognized by the VA as entitled to veterans' benefits. The result of this decision by the VA was to place the commissioned officer corps of ESSA and now NOAA in the unique position among Federal employees of being denied all types of disability, death and survivor benefits.

The commissioned officers are not recognized as civilian employees of the

United States entitled to the benefits of the civil service laws, nor under the ruling of the Veterans' Administration are they entitled to the benefits which normally accrue to uniformed personnel of the United States. H.R. 212 corrects this gross inequity by confirming statutorily what both Reorganization Plan No. 2 of 1965 and Reorganization Plan No. 4 of 1970 clearly intended: that the commissioned officers of ESSA and the commissioned officers of NOAA shall be entitled to veterans' benefits on an equal footing with those officers who were first commissioned in the Coast and Geodetic Survey.

H.R. 212 restores the continuity of service for the commissioned officer corps dating back to 1917, which was broken by an administrative ruling of the Veterans' Administration. In this connection, Mr. Speaker, I would like to point out that legislation identical to H.R. 212 was introduced in the 90th Congress, and that the extension of veterans' benefits to the commissioned officer corps had the full support of the previous administration. The Nixon administration, after reviewing this question, has likewise given strong support to the principle that the commissioned officer corps should be entitled to veterans' benefits on a par with the other uniformed services.

H.R. 212 also extends to the commissioned officer corps of NOAA certain benefits which the corps did not previously enjoy but which are accorded the other uniformed services. In many respects, the members of the commissioned officer corps serve under similar circumstances as personnel of the Army, Navy, Air Force, and Marine Corps. They are subject to frequent change of duty station, they spend extended periods of time at sea, and are separated from their families for many months at a time. The legislation, therefore, extends to these commissioned officers the benefits of the Soldier's and Sailor's Relief Act, and the inservice housing benefits accorded military personnel under the Federal Housing Act.

The broader question of the role of the commissioned officer corps in NOAA should be taken up after NOAA has had an opportunity to become fully operational. Your Committee on Merchant Marine and Fisheries, therefore, amended H.R. 212 to delete those provisions which deal with the establishment, responsibilities and duties of the corps. H.R. 212, as amended by your committee, is of vital importance to the commissioned officer corps of NOAA. Notwithstanding the lack of basic disability and survivor benefits since 1965, the officers of the corps have continued to perform their duties oftentimes under hazardous circumstances. Those officers who are married and have families have worked under a severe hardship of not knowing whether their families would be protected if injured or killed in the line of duty. Such a situation cannot help but have an impact upon the morale and upon the ability of the corps to attract the type of officer it must have to perform these vital missions. The legislation was unanimously reported by your Committee on Merchant Marine and Fisheries, and I urge my colleagues to support H.R. 212.

Mr. KEITH. Mr. Speaker, I rise to support H.R. 212 as reported by the Committee on Merchant Marine and Fisheries. The commissioned officer corps of the National Oceanic and Atmospheric Administration and the commissioned officers of its predecessor, the Environmental Science Services Administration, have been denied recognition by the Veterans' Administration. Although the Coast and Geodetic Survey Commissioned Officer Corps Act expressly conferred such benefits upon the members of the corps, and the reorganization plans of 1965 and 1970 mentioned by the distinguished chairman of the Coast Guard Subcommittee, Mr. CLARK, made it abundantly clear that these officers were to receive the same privileges and benefits in ESSA and NOAA as they were accorded in the Coast and Geodetic Survey, the Veterans' Administration ruled that only those officers who received their commission prior to the 1965 reorganization plan would be recognized in the future.

Officers initially commissioned in the ESSA corps, and now in the NOAA corps, are neither civilian nor military personnel from the standpoint of disability and survivor benefits. This is an intolerable situation which cannot be permitted to continue. The decision of the Veterans' Administration rested upon its own interpretation of Reorganization Plan No. 2 of 1965 and upon its philosophy of who should be accorded veterans' benefits. The Veterans' Administration is, of course, the final arbiter within the executive branch of the Government. Its decisions denying veterans' benefits are not appealable to the Federal courts. Accordingly, it is essential that legislation be enacted to remedy this matter. This is the principal provision of H.R. 212 as reported by your Committee on Merchant Marine and Fisheries.

Treating the commission officer corps of NOAA as a uniformed military service from the standpoint of veterans' benefits is consistent with the duties and responsibilities of the corps under existing law. During wartime, officers of the corps may be transferred to the Armed Forces, and during peacetime they spend the majority of their career at sea or ashore in remote parts of the world conducting a great variety of scientific investigations and surveys. In recognition of this military way of life, the bill also extends certain other benefits to the officers of the corps which the Armed Forces have enjoyed for many years.

The National Oceanic and Atmospheric Administration during the coming decade will hopefully lead the way for a great increase in knowledge and utilization of the oceans. Its work in the field of atmospheric science, meteorology, and the interplay between the oceans and the atmosphere should bring man much closer to a day when we can assert some influence over wheather conditions and the disastrous phenomena of weather such as hurricanes.

The commissioned officer corps of NOAA now numbers approximately 330 individuals in an agency whose overall employment numbers in excess of 13,000. Although few in relation to the overall size of NOAA, the officers of the corps perform work which is central to the success of NOAA's mission. The committee on Merchant Marine and Fisheries in the next Congress will be watching the development of NOAA very closely. We will be studying the role of the commissioned officer corps within the framework of this newly expanded agency. The many sections of H.R. 212 as introduced which have been, in effect, deleted by the committee's action, must be given careful consideration in light of the transformation which Reorganization Plan No. 4 of 1970 has brought about.

Mr. Speaker, your committee's action in amending H.R. 212 is a commonsense approach to a critical personnel problem which has been festering now for 5 years. We are rectifying denial of basic disability and survivor benefits to these dedicated men and their families, while at the same time reserving judgment on the broader question of the organization and mission of the commissioned officer corps within the National Oceanic and Atmospheric Administration. Mr. Speaker, this legislation has broad bipartisan support, and I urge its passage.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania (Mr. CLARK), that the House suspend the rules and pass the bill H.R. 212, 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.

The title was amended so as to read: "A bill to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

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

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

There was no objection.

HUNTING FROM AIRCRAFT

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15188), to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft, as amended.

The Clerk read as follows:

H.R. 15188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fish and Wildlife Act of 1956 is amended by adding at the end thereof the following new section:

"SEC. 12. (a) Any person who—

"(1) while airborne in an aircraft shoots or attempts to shoot for the purpose of capturing or killing any bird, fish, or other animal; or

"(2) uses an aircraft to harass any bird, fish, or other animal; or

"(3) knowingly participates in using an

aircraft for any purpose referred to in paragraph (1) or (2); shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"(b) This section shall not apply to any person in the discharge of his duties if such person is employed by, or is an authorized agent or operating under permit of, any State or the United States to administer and protect or aid in the administration and protection of land, water, or wildlife.

"(c) As used in this section, the term 'aircraft' means any contrivance used for flight in the air.".

SEC. 2. (a) Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) is amended by inserting "(a)" immediately after "SEC. 609." and by adding at the end thereof the following new subsection:

"Violation of Certain Laws

"(b) The Administrator, in his discretion, may issue an order amending, modifying, suspending, or revoking any airman certificate upon conviction of the holder of such certificate of any violation of subsection (a) of section 12 of the Fish and Wildlife Act of 1956, regarding the use or operation of an aircraft.".

(b)(1) Immediately after the section heading of such section 609, insert the following:

"PROCEDURE"

(2) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 609 Amendment, suspension, and revocation of certificates."

is amended by adding the following:

"(a) Procedure.

"(b) Violation of certain laws."

SEC. 3. The amendments made by the first section of this Act shall take effect as of the thirtieth day after the date of enactment of such section.

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, in November of 1969, the NBC television network showed a documentary film entitled "The Wolf Men." Several scenes from the film depicted the hunting of wolves from aircraft and presented an interesting account of the status of the North American wolf. The film generated more mail from concerned citizens in support of legislation to prohibit hunting from aircraft than any other conservation legislation considered by my Subcommittee on Fisheries and Wildlife Conservation during the past decade or more.

Mr. Speaker, it so happens that there are two species of wolves listed by the Department of the Interior as threatened with extinction. They are the eastern wolf and the Texas red wolf. To make matters worse, the red wolf has been thought to be more numerous over the years than it is because of its close resemblance to the coyote, a predator.

Because of this close resemblance and the increased use of aircraft for taking of wolves, the latest count of all species of wolves on the North American continent has declined to a low of about 5,400. Of this total, approximately 5,000 are found in Alaska, 300 in Minnesota, and 100 scattered throughout the other 48 States.

Mr. Speaker, many States have already tackled this problem and have enacted laws to regulate the use of hunting from aircraft. In fact, all States now prohibit the shooting of game animals from airplanes, and 34 of these States have extended this prohibition to include nongame animals as well. Needless to say, Mr. Speaker, it is most unsportsmanlike to hunt from aircraft and I am sure my colleagues will join me in putting an end to this abominable practice.

The bill we are considering today, H.R. 15188, would supplement State law in this regard and not only would it put an end to the hunting of wolves from aircraft, but it would also make it unlawful for those so-called sportsmen to hunt any species of bird, fish, or other animal from aircraft.

Mr. Speaker, briefly explained, section 1 of the bill would make it unlawful for anyone while airborne in an aircraft to shoot or attempt to shoot for the purpose of capturing or killing any bird, fish, or other animal or to use such aircraft to harass any bird, fish, or other animal. In addition, it would be unlawful for anyone to knowingly participate in using an aircraft for such purposes.

Violators would be subject to a fine of $5,000 or 1 year imprisonment, or both. However, the prohibition would be inapplicable to any person carrying out his duties to administer and protect, or aid in the administration and protection of land, water, or wildlife if such person is an employee, authorized agent, or operating under permit of any State or the United States.

The term "aircraft" as used in this section would include any contrivance used for flight in the air, including but not limited to airplanes and helicopters of any sort.

Section 2 subsection (a) of the bill is technical in nature. It would amend section 609 of the Federal Aviation Act of 1958 to designate the existing section 609 as subsection (a) and to add at the end thereof a new subsection (b).

The new subsection (b) of section 609 of the act would authorize the Administrator of the Federal Aviation Administration to issue an order amending, modifying, suspending, or revoking any airman certificate upon the conviction of the holder of such certificate of any violation enumerated in subsection (a) of section 1 of the reported bill, regarding the use or operation of an aircraft.

Section 3 of the bill would provide that the amendments to the Fish and Wildlife Act of 1956 made by section 1 of the bill would take effect 30 days after the enactment of the legislation.

Mr. Speaker, I sincerely feel that the best way to put an end to the unsportsmanlike conduct is to get at the pilot of the aircraft and the bill I urge for passage today, H.R. 15188, would, I think, best accomplish this purpose.

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

Mr. DINGELL. I am happy to yield to my good friend from Iowa.

Mr. GROSS. I note on page 14 of the report accompanying this bill a long dissertation on the creation of a fisheries loan fund, modification of loan contract, fishery vessels chartering. What relation does that have to hunting from an airplane?

Mr. DINGELL. The hearings at which this bill was considered involved a number of other pieces of legislation including the matters to which the gentleman alludes. The reports received at that time dealt not only with the matter now before us but with a number of other matters which are not included in the legislation before us.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. PELLY. Mr. Speaker, the use of airplanes in wildlife conservation and management is widespread. The airplane and more recently the helicopter have proven to be extremely useful tools particularly in remote areas.

The true sportsman does not, however, shoot animals for sport from an airplane any more than he would hunt from an auto or truck. This is not hunting or sportsmanship; it is mere slaughter.

H.R. 15188 as introduced prohibited hunting from aircraft only over federally owned or reserved lands. As such, the departmental reports and the testimony of departmental witnesses were opposed to its enactment.

As reported, however, H.R. 15188 prohibits hunting from aircraft anywhere within the jurisdiction of the United States or the several States. I believe, therefore, we have achieved the uniformity of law which was lacking in the original bill, and which prompted departmental opposition.

The distinguished chairman of the Subcommittee on Fish and Wildlife Conservation has fully explained the details of the legislation, and I shall only reiterate one point. This bill does not prohibit the use of airplanes when necessary for legitimate wildlife conservation activities by the States or by persons acting under permit from any State or the United States.

I trust that the States will exercise their authority to grant permits with great care. Should it appear that any State is abusing this discretion, I am certain that the Subcommittee on Fish and Wildlife Conservation will move promptly to curtail such abuse.

I congratulate my distinguished colleague from Pennsylvania (Mr. SAYLOR) for having introduced this legislation, and I urge its passage.

(Mr. SAYLOR, at the request of Mr. PELLY, was granted permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, 13 months ago, the National Broadcasting Co. presented nationwide, a television documentary entitled "The Wolf Men." In response to the horrible scenes in the film of human monsters "hunting" wolves from airplanes, the gentleman from Wisconsin (Mr. OBEY) and myself, introduced the pending bill. In brief, the bill would make it a crime to kill and/or harass wolves and other endangered species from aircraft.

As the Subcommittee on Fisheries and Wildlife Conservation so aptly pointed out:

> The film generated more mail from concerned citizens in support of legislation to prohibit hunting from aircraft than any other conservation legislation considered by the Subcommittee during the past decade or more.

As a sponsor of the legislation, my mail was probably representative of that received by other Members. At first, the public seemed outraged that such a despicable practice could actually be true. Later, the public asked that the Congress do something to end the practice of hunting wolves from airplanes. And still later, the public began to ask, "what happened," to all those fine promises about ending the slaughter of wolves by flying human predators. I have often asked myself the same question during the past 13 months.

According to testimony of expert witnesses, and documented in the subcommittee's report, there are only 5,400 of all species of wolves to be found on the North American continent. Of that number, 5,000 are to be found in the State of Alaska. The testimony also shows that in the past 4 years, approximately 1,000 wolves per year were killed in the State of Alaska alone, and in 1968, one-third of that number were killed by the airborne predators.

It does not take any great amount of statistical talent to project that in the 13 months since November 1969, at least another 1,000 wolves have been killed off by the kind of monsters which we saw in the nationally televised program. I would assume that the incidence of airborne slaughter slacked off due to the publicity given the television program and the introduction of the pending bill. Nevertheless, even if we were to be generous to a fault and say the slaughter was cut in half during the past 13 months, the toll would still be unacceptably high for the survival of an endangered species of wildlife in America.

In my mind, and in the minds of many individuals and groups throughout the country, H.R. 15188 is a simple legislative solution to a blatant crime against nature.

There is no humane reason for not passing this bill today. There has been too much delay already.

Our vanishing wildlife is at stake. The wolf will be protected under the provisions of this bill, but equally important, all endangered species will be protected from the human monster who would decimate the wildlife population with hardly a second thought. The Subcommittee on Fisheries and Wildlife Conservation and the Merchant Marine and Fisheries Committee are to be commended for expanding the scope of our original bill to protect all wildlife.

Even in this sophisticated age we come across incidents of inhumanity which stagger the imagination; those who have killed wolves from airplanes would fit such a category. The public conscience cries out for retribution. There can be no retribution; however, we can end the slaughter. I implore the Members of the 91st Congress to do just that with the passage of H.R. 15188.

Mr. GARMATZ. Mr. Speaker, I rise to urge prompt passage of H.R. 15188, as reported by my Committee on Merchant Marine and Fisheries.

Mr. Speaker, this piece of legislation would have the effect of putting an end to one of the most unsportsmanlike practices known to mankind—the hunting of fish and wildlife from aircraft.

I feel sure many of my colleagues saw the documentary film in November of 1969, shown by NBC television network entitled "The Wolf Men." Several scenes from the film depicted the hunting of wolves from aircraft. That film generated more mail from concerned citizens throughout the entire United States in support of legislation to prohibit what is known by some as the sport of hunting from aircraft than any other piece of conservation legislation considered by my committee during my tenure in Congress.

I am pleased to report that H.R. 15188 would not only make it unlawful to hunt wolves—which incidentally are listed as an endangered species with less than 5,400 in number in the United States—but it would also make it unlawful to hunt birds, fish, or any other kind of animal from an aircraft.

The bill makes adequate allowance for Federal or State employees, permittees, and agents authorized to use an aircraft in carrying out their regular duties in protecting land, water, and wildlife.

H.R. 15188 was overwhelmingly supported by the members of my committee and I urge its immediate passage.

Mr. OBEY. Mr. Speaker, I rise in support of the bill presently before us, a bill which would prohibit the shooting of animals from aircraft by all but authorized personnel. I would like also to express my thanks to the committee for its diligence in refining the original proposal into something which is far more effective and flexible than the original bill. This is a bill which is necessary to prevent the demise of one endangered specie and perhaps several others.

The legislation was introduced by Congressman SAYLOR and myself last year largely in response to a television program entitled "The Wolf Men" which showed wolves being hunted from aircraft. That program generated thousands of pieces of mail to public officials protesting the practice. Thousands more in support of this legislation have been received by the Committee on Merchant Marine and Fisheries and many such letters have been written to my office directly.

It is obvious, I think, that there are many people who sincerely question the "sport" of shooting any animal from an aircraft. Anyone interested in preserving wildlife, anyone with a sense of fairplay, will grant that killing animals from an airplane is hardly legitimate sport. The fact that predators are the prime targets of these "sportsmen" is no legitimate defense of this practice.

The wolf has been classified as an endangered specie by the U.S. Department of the Interior. There are today less than 6,000 wolves left in this country. According to our latest estimates about 5,000 are in Alaska, 700 or so live in Minnesota, 25 are on Isle Royale in Lake Superior and perhaps 100 live elsewhere throughout the country, including about 25 in my own State of Wisconsin.

Although shooting animals from aircraft is illegal in some States, including Wisconsin, unfortunately such is not the case in some States.

In one State over 1,000 wolves have been killed in each of the past 4 years: 1,008 in 1969; 1,714 in 1968; 1,679 in 1967, and 1,292 in 1966. In 1965 there were an additional 800 wolves killed in that State.

So, in the past 5 years, hunters in one State have killed more wolves than now exist in our entire country. And in the past year for which we have available statistics, 1968, of the 1,714 wolves killed in one State, 718 of them were killed by airborne bounty hunters.

Mr. Speaker, the substantive objections to this legislation have been met. It will not prohibit research by university or other personnel. It is flexible enough to allow either State or Federal authorities to issue permits which will exempt persons from the prohibitions provided for in the bill.

The objection to this measure has been raised in some quarters that the goals of this legislation could better be accomplished by the adoption of uniform State laws. That objection ignores the obvious fact that given the limited number of wolves left in this country, by the time any such legislation would be passed to protect endangered species of wolves, there will be no wolves left to protect. It has been estimated that before the age of civilization, species became extinct at a rate of one per thousand years. Today, the rate is one lost specie every year, for mammals alone.

We have an obligation in this country which we have not lived up to very well in the past to protect and preserve for future generations every species of animal which has inhabited this land.

I believe this legislation would be a most useful tool in doing just that and it will certainly prohibit what must be considered a most unsportsmanlike practice. I urge my colleagues to support it.

The SPEAKER. The question is on the motion of the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 15188, 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. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 15188, the bill just passed, and also on H.R. 17436, the next bill to be considered.

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

There was no objection.

NATIONAL ENVIRONMENTAL DATA SYSTEM

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R.

17436) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data Bank, as amended.

The Clerk read as follows:

H.R. 17436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Environmental Policy Act of 1969 (Public Law 91-190) is amended by adding at the end thereof the following new title:

"TITLE III

"NATIONAL ENVIRONMENTAL DATA SYSTEM

"SEC. 301. This title may be cited as the 'National Environmental Data System Act'.

"SEC. 302. For the purpose of this title—

"(1) The term 'Data System' means the National Environmental Data System established by this title. The system shall include an appropriate network of new and existing information processing or computer facilities both private and public in various areas of the United States, which, through a system of interconnections, are in communication with a central facility for input, access, and general management. It shall also include all of the ancillary software and support services usually required for effective information system operation.

"(2) The term 'Council' means the Council on Environmental Quality established in title II of this Act.

"(3) The term 'environmental quality indicators' means quantifiable descriptors of environmental characteristics which will measure the quality of the environment.

"(4) The term 'information, knowledge, and data' shall be interpreted as including those facts which are significant, accurate, reliable, appropriate, and useful in decisionmaking in environmental affairs.

"SEC. 303. (a) There is hereby established a National Environmental Data System.

"(b) The purpose of the Data System is to serve as the central national coordinating facility for the selection, storage, analysis, retrieval, and dissemination of information, knowledge, and data relating to the environment so as to provide information needed to support environmental decisions in a timely manner and in a usable form. Such information as shall be deemed appropriate and useful for the achievement of the purpose of the system shall be made available by all Federal agencies and shall be collected and received, where available, from all Federal agencies, private institutions, universities and colleges, State and local governments, individuals, and any other source of reliable information.

"(c) Information and data shall also be sought from international sources such as foreign governments, the United Nations, and other international institutions; and the President is encouraged to enter into such agreements as may be necessary to accomplish this purpose.

"SEC. 304. (a) The information, knowledge, and data in the Data System and the analysis thereof shall be made available on request without charge—

"(1) to the Congress and all the agencies of the legislative and executive branches of the Federal Government, and

"(2) to all States and political subdivisions thereof, except that, in any case where it is determined that the service requested is substantial, the payment of such fees and charges may be required as may be necessary to recover all, or any part, of the cost of providing such retrieval service.

"(b) The information, knowledge, and data in the Data System and the analysis thereof shall be made available to private persons and entities—

"(1) upon payment of reasonable fees and charges as may be established as necessary to recover the cost of providing such retrieval service; and

"(2) subject to such terms and conditions as is deemed necessary to protect the interests of the United States.

"(c) In all instances the Data System shall perform its functions so as to protect secret and national security information from unauthorized dissemination and application.

"SEC. 305. (a) There is hereby created the position of National Environmental Data System Director, who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The Director shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental data of all kinds and to appreciate its significance in the management of natural resources as required for the purpose of this Act. He shall serve full time and be compensated at the rate provided for level V of the Executive Schedule pay rates (5 U.S.C. 5313).

"(b) It shall be the function of the Director to—

"(1) administer and manager, under the guidance of the Council, the operations of the Data System in all of its ramifications,

"(2) institute a study to evaluate and monitor the estate of the art of information technology and utilize to best advantage new and improved techniques for accomplishing the purposes of this Act,

"(3) utilize knowledge developed during such study to develop criteria and guidelines to govern the selection of data as to scope, scientific validity, quantity, and quality, to be incorporated into the National Environmental Data System network, including the development of predictive ecological models,

"(4) develop and implements a plan to establish and maintain the environmental information network anticipated to accomplish the purposes of this Act,

"(5) develop, establish, and maintain, as necessary, general standards which will permit and facilitate the compatibility and integration of existing and new information systems bearing on the environment to make them consonant and cooperative with the central facility established by this Act, and

"(6) develop and publish from time to time environmental quality indicators for all regions of the United States, including its coastal and contiguous zones, and for internationally significant environments such as the atmosphere and the oceans.

"(c) In carrying out his functions under this Act, the Director shall, to the fullest extent possible, provide the Council with statistical data and other information necessary for the preparation of the annual report of the Council required under section 201 of this Act, and in the development of long-range programs for the enhancement of the environment.

"SEC. 306. (a) The Director may employ such other officers and employees as may be necessary (1) for the efficient administration, operation, and maintenance of the Data System, and (2) to carry out his functions under this title.

"(b) The Director is authorized to provide such lawful incentives as may be required to achieve the purposes of this Act. There incentives may include, but shall not be limited to, grants of money, exchanges of information, sharing of facilities, specialized advice, programs and formats, and other like incentives. The Director shall also be authorized to enter into contracts with universities, individuals, and State and local governments when needed, and to purchase information, data, and personal services as required to fulfill its purposes. He is also authorized to employ consultants as required.

"SEC. 307. (a) The head of each department, agency, or instrumentality in the executive branch of the United States Government shall make available to the Data System such information, knowledge, and data on the environment which such department, agency, or instrumentality may have as a result of its operations. Such information, knowledge, and data shall be made available for incorporation into the Data System, as the Director deems appropriate as soon as possible after it becomes known to such department, agency, or instrumentality.

"(b) In the administration of all Federal programs resulting in financial assistance to any cooperative international study or to any State, political subdivision, or other public or private entity, and in all contracts in which the United States is a party, the head of the department, agency, or instrumentality administering such program, on entering into such contract, shall take such action as may be necessary to insure that information, knowledge, and data on the environment which either directly or indirectly results from such Federal financial assistance or contract will be made available to the Data System as soon as possible after it becomes known. In respect to federally assisted environmental programs conducted by foreign nations, it shall be the policy of the United States Government to encourage, to the fullest extent possible the availability to the Data System of such information, knowledge, and data arising from these programs which is appropriate to the purposes of the system.

"(c) The head of each department, agency, and instrumentality in the executive branch of the United States Government shall, to the fullest extent possible, permit the Data System Director to use, on a mutually agreeable basis, including the payment of compensation, personnel, facilities, computers, data processing, and other equipment within such department, agency, or instrumentality in carrying out its functions under this title; and, to the fullest extent possible, such computers, data processing, and other equipment shall be made compatible with all others in, and available for use by, the Data System.

"SEC. 308. There is authorized to be appropriated to carry out the provisions of this Act the sum not to exceed $1,000,000 for fiscal year 1971, $3,000,000 for fiscal year 1972, and $5,000,000 for each fiscal year thereafter."

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, we are currently in the midst of an environmental crisis. The world in which we live is being severely altered by many of man's activities with little or no knowledge of the consequences. Government agencies at all levels, industrial and agricultural officials, and others whose decisions affect the environment are rightly expected by the public to manage the natural resources of this country for maximum productivity with minimum environmental degradation. But too often these decisionmakers do not have available to them adequate information and knowledge of consequences. At this time, as at no other time in history, there are numerous and diverse studies, programs, and projects generating data on the environment. A great store of information is already on record buried in file cabinets, in notebooks of individuals, in formal and informal reports and documents, and in computer systems available to very few. The potential for optimum environmental management will be greatly enhanced if a method is found

to improve the flow, analysis, and utilization of this enormous information base.

Mr. Speaker, the bill which we are considering today clearly expresses my conviction of the need for a National Environmental Data System which would make it possible for all legitimate claimants to obtain the information they need for a variety of objectives. The Federal Establishment is quite aware and concerned about the need for such a Data System. In fact, many of the Federal agencies have already developed data systems handling environmental data.

Outstanding systems now exist in the Departments of Agriculture, Commerce, Defense, Health, Education, and Welfare, and the National Aeronautics and Space Administration. In addition, two environmental data systems exist outside the Federal Government, one at the University of Illinois, which is concerned with an eight-county area surrounding Chicago, and the other in the State of Maine, which provides an automated information system for the effective management of its resources.

Mr. Speaker, these functioning State, local, and Federal programs have demonstrated the feasibility and value of instituting a broader environmental data system at the national level. Conversely, the evidence at the hearings held by my Subcommittee on Fisheries and Wildlife Conservation equally demonstrated the losses that the Nation would suffer if such a system is not established.

My subcommittee held 4 full days of hearings on the legislation receiving testimony from a wide range of witnesses including, among others, ecologists, scientists, conservationists, environmentalists, and representatives from State and Federal Governments. All of the witnesses testifying at the hearings strongly supported the concept and the objectives of the legislation. The only objections were voiced by governmental witnesses and they were directed to various portions and details of implementation of the bill.

Mr. Speaker, great care was taken by the Committee on Merchant Marine and Fisheries to make sure that all objections were thoroughly considered. The bill, as reported, is designed to meet those objections and include amendments suggested by the agencies except the ones which suggest that the legislation is premature and that sufficient authority to carry out the legislation already exists in the Council on Environmental Quality. Yet, the Council in its first annual report to the President in August of this year stressed the fact that insufficient environmental quality indicators or systems by which to monitor the environment with any degree of accuracy had caused its report to be incomplete and uneven in many respects. Similarly, in the introduction of the Council's report, the President stated that existing systems for measuring and monitoring environmental conditions and trends and for developing indicators of environmental quality are still inadequate.

Mr. Speaker, after giving careful consideration to the evidence presented at the hearings, the agency reports, and, in particular, the President's expression of the need for such a system—which incidentially was made subsequent to the time the various agencies filed their reports on the legislation—the Committee on Merchant Marine and Fisheries unanimously reported H.R. 17436, with amendments, to provide for the establishment of a National Environmental Data System.

Mr. Speaker, briefly explained, the bill would amend the National Environmental Policy Act of 1969 to add a new title III to the act to be called the National Environmental Data System.

Section 302 of the bill would define certain terms used throughout the bill, such as "Data System," "Council," "environmental quality indicators," and "information, knowledge, and data."

The term "Data System" shall be construed to include an appropriate network of new and existing information processing or computer facilities throughout he United States. The Data System would be developed and established and consist of a central facility capable of interconnecting and communicating with other systems and equipment now or hereafter used by Federal and State agencies, private institutions, local governments, industries, and individuals.

The term "environmental indicators" would be intended to parallel the function, structure, and utility of the economic indicators monitored and published by the Joint Economic Committee. They would serve as the basic information on which determinations could be made on whether the environment is changing for the better or the worse, the extent to which it is changing and at what rate. They also would indicate trends so that remedial action could be instituted in a timely fashion.

Section 303 would provide for the establishment of a National Environmental Data System. It would serve as the central national coordinating facility for the selection, storage, analysis, retrieval and dissemination of environmental data made available to it by Federal agencies, State and local governments, individuals, and private institutions. Such data would be analyzed, interpreted, collated, and disseminated as broadly as possible in order to provide information needed to support environmental decisions in a timely manner and in a usable form. It would encourage the seeking and inclusion in the Data System of information and data from foreign and international sources.

Section 304 would provide that the information, knowledge, and data in the Data System and the analysis thereof would be required to be made available without charge to the Congress and all the agencies of the legislative and executive branches of the Federal Government. Such information, knowledge, and data would also be made available without charge to all States and political subdivisions thereof except in those cases where the service requested is substantial, then such local and State political subdivisions would be required to pay a reasonable retrieval fee for providing such service. In addition, such information, knowledge, and data would be required to be made available to private persons and entities but only upon the payment of a reasonable fee to cover such retrieval service.

Section 305 would provide for the creation of the position of National Environmental Data System Director. The Director would be required to be a person well qualified to interpret and analyze environmental data of all kinds. He would be required to serve full time and would be compensated at the rate provided for level V of the executive schedule pay rates.

The duties of the Director would be to:

First, administer and manage the operations of the Data System under the guidance of the Council on Environmental Quality;

Second, institute a study to evaluate and monitor the state of the art of information technology and utilize new and improved techniques for accomplishing the purposes of the act;

Third, utilize knowledge developed during such study to develop criteria and guidelines to govern the selection of data, including the development of predictive ecological models;

Fourth, develop and implement a plan to establish and maintain an environmental information network;

Fifth, develop, establish, and maintain, as necessary, general standards which will permit and facilitate compatibility and integration of existing and new information systems;

Sixth, develop and publish from time to time environmental quality indicators.

Section 306 would authorize the Director employ such officers and employees as may be necessary to carry out the purposes of the act and would authorize the Director to provide such lawful incentives as may be required to achieve the purposes of the act, such as payment of grants, exchange of information, sharing of facilities, and other incentives.

Section 307 would require each department, agency, or instrumentality of the executive branch of the U.S. Government to make available to the Data System all information, knowledge, and data as soon as possible after it becomes known for possible incorporation into the Data System; it would require all Federal agencies providing financial assistance to take such steps as may be necessary to insure that environmental information, knowledge, or data resulting from such assistance will be made available to the Data System; it would also require each department, agency, or instrumentality of the executive branch of the U.S. Government, to the fullest extent possible, to permit the Director, on a mutually agreeable basis, including the payment of compensation, to use personnel, facilities, data processing and other equipment in carrying out his functions under the act, and further, to the fullest extent possible, such computers, data processing, and other equipment would be required to be made compatible with all others in, and available for use by, the Data System.

Section 308 would authorize to be appropriate to carry out the provisions of the act the sum not to exceed $1 million for fiscal year 1971, $3 million for fiscal year 1972, and $5 million for each fiscal year thereafter.

Mr. Speaker, I strongly urge the passage of H.R. 17436.

Mr. PELLY. Mr. Speaker, I rise to support H.R. 17436 for the establishment of a National Environmental Data System.

On March 5, 1970, Mr. Russell Train, the Chairman of the Council on Environmental Quality, made his first appearance as Chairman of the Council before a congressional committee. In his testimony before the Subcommittee on Fisheries and Wildlife Conservation, Mr. Train stated:

The identification and measurement of environmental trends would seem to require the establishment of data baselines in atmospheric, terrestrial, aquatic and marine environments, among others. Much of this fundamental data is not presently available at all, nor are the systems for its measurement. It will be necessary to develop systems, some of which will be international in nature as in the case of atmospheric data. Wherever possible, agencies with direct program responsibilities will be encouraged to undertake the necessary tasks. Finally, assuming that effective systems are established for procuring and measuring needed information, the Council will have the ultimate responsibility of synthesizing and interpreting this data so as to be useful in policy-making and decision-making.

President Nixon also has spoken of the need to establish an environmental early-warning system. Chairman Train has commented that we must undertake advance planning to meet critical problems which may still lie below the horizon of public awareness.

Mr. Speaker, the purpose of H.R. 17436 is to establish within the executive branch under the auspices of the Council on Environmental Quality, the basic framework for the future accomplishment of the environmental forecasting and monitoring program outlined by Chairman Train. I stress the word "future," Mr. Speaker, because we do not expect that this system can be created overnight. We are starting today from a position of relative ignorance in terms of monitoring the state of the environment and formulating baselines from which to measure the quality of our environment. We do not know precisely what data should be collected and preserved. Quite clearly, however, it is essential that a start be made toward the establishment of this environmental data system. The legislation now under consideration recognizes that we are only at the threshhold of devising an effective environmental prediction system.

As reported by your Committee on Merchant Marine and Fisheries, section 305(b) of the legislation provides that the Director of the Data System shall institute a study to evaluate and monitor the state of the art of information technology. He shall utilize the knowledge developed during this study to develop the criteria and guidelines necessary to govern the selection of basic environmental data for incorporation into the data system network.

Our national concern for preservation of the environment is in its infancy. Similarly, our knowledge is at a very primitive level. The national concern for the environment is not, I believe, a transitory phenomena soon to be eclipsed by another fad. Concern for the quality of our environment is firmly embedded in the declarations of policy of the National Environmental Policy Act of 1969, wherein it is stated:

The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

The enactment of H.R. 17436 will be a positive step toward the fulfillment of this national policy by starting in motion the development of an effective environmental data system. For these reasons, Mr. Speaker, I support this legislation and urge that it pass.

Mr. KEITH. Mr. Speaker, I rise in support of this legislation.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of H.R. 17436, a bill I have the privilege to cosponsor, which amends the Environmental Policy Act of 1969 to provide for the establishment of a National Environmental Data Bank.

As the Nation is placing more and more priority on the preservation of the quality of the environment, we in the Congress are acting to curb the pollution of our air, water, and land resources and to take the necessary steps to reclaim or improve the environmental quality of those areas which are severely degraded. We are finding, however, that the restoration of the environment is not a simple task. The problems and remedies are very complex and the fact that the information available to us is eclectically distributed throughout the agencies, institutions, laboratories, and libraries does not make it any easier to take responsible action.

H.R. 17436, if enacted, would create a central Environmental Data System which would provide for the efficient development and utilization of information needed to support the responsible management of the environment. The services would be available to Congress, all of the agencies of the Federal Government, and even the States and local communities which seek information for environmental management.

Again, I urge my colleagues to join with me in support of this excellent legislative measure to collect environmental information and make it available at one central point to decisionmakers and responsible citizens.

Mr. GARMATZ. Mr. Speaker, I rise in support of H.H. 17436, to provide for the creation of a National Environmental Data System. My distinguished and most able subcommittee chairman, the gentleman from Michigan (Mr. DINGELL), has already described the purpose and function of the legislation, however, I would like to make just a few comments on the need for an Environmental Data System.

The Subcommittee on Fisheries and Wildlife Conservation conducted extensive hearings on this bill and received testimony from more than 35 witnesses representing a broad spectrum of interests in environmental affairs. It is significant that not one witness, regardless of discipline, failed to applaud the purposes of this bill. Even those departmental representatives who expressed reservations concerning some of the details of implementation or who felt that this action might be premature endorsed the goals to be achieved by the environmental data system proposed by H.R. 17436. The first annual report of the Council on Environmental Quality discussed at length the need for an environmental data system and the President, in his introduction to this report, deplored the lack of information adequate for environmental decisions. This broad support for the purposes represents to me, as it did to my Committee on Merchant Marine and Fisheries, a most germane and cogent argument in favor of passage of H.R. 17436.

Mr. Speaker, I think it would be appropriate at this point to consider briefly both the benefits of having a National Environmental Data System and the consequences of not having such a system. Perhaps the most important single benefit to be derived from the National Environmental Data System is that people charged with making decisions which will affect the quality of the environment will have greatly improved access to substantially more information providing insight into the consequences of the various alternate decisions under consideration. In a recent article in the Wall Street Journal, I read that there are 81,000 Government structures in the United States. Only one of these is Federal and 50 are State. All the rest are municipal and county. Knowing as we do the problems that the Federal and State Governments have in getting adequate information by which to plan for the future and to make judgments, think of the impossible positions of these smaller governmental units in coping with their responsibilities. We all know that the resources and environmental expertise available to these smaller governments are limited, yet these peoples are daily confronted with an urgent need for information in a usable form. In addition there are many others in the private sector, industry and agriculture, construction and transportation, whose activities have an impact upon the environment and who must also act in the absence of best information. The purpose of this bill is simply to take the information already being developed by the various agencies and making it readily available to everyone who can use it to improve the quality of the world in which we live.

The alternative to not having such a system is very clear. We will continue the way we are going, with no real measure of the quality of our environment, no effective way of disseminating needed information to environmental decision makers, no management tool to identify undesirable trends, and to take remedial action in time. We will be forced to continue our undeclared policy of coping with environmental problems on a crisis-by-crisis basis and hoping for the best in between.

Few of us would accept this primitive level of management in our private affairs; how can we in good conscience fail to remedy the information lag in environmental decisionmaking.

Mr. Speaker, I urge prompt passage of H.R. 17436, a bill which was unanimously reported by my Committee on Merchant Marine and Fisheries.

The SPEAKER. The question is on the motion of the gentleman from Michigan

(Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 17436, 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.

The title was amended so as to read: "A bill to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System."

A motion to reconsider was laid on the table.

ESTABLISHING THE NATIONAL ADVISORY COMMITTEE ON THE OCEANS AND ATMOSPHERE

Mr. ROGERS of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19576) to establish the National Advisory Committee on the Oceans and Atmosphere, as amended.

The Clerk read as follows:

H.R. 19576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, There is hereby established a committee of twenty-one members to be known as the National Advisory Committee on the Oceans and Atmosphere (hereafter referred to in this Act as the "Advisory Committee").

SEC. 2. (a) The members of the Advisory Committee, who may not be full-time officers or employees of the United States, shall be appointed by the President and shall be drawn from State and local government, industry, science, and other appropriate areas.

(b) Except as provided in subsections (c) and (d), members shall be appointed for terms of three years.

(c) Of the members first appointed, as designated by the President at the time of appointment—

(1) seven shall be appointed for a term of one year,

(2) seven shall be appointed for a term of two years, and

(3) seven shall be appointed for a term of three years.

(d) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(e) The President shall designate one of the members of the Advisory Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

SEC. 3. Each department and agency of the Federal Government concerned with marine and atmospheric matters shall designate a senior policy official to participate as observer in the work of the Advisory Committee and to offer necessary assistance.

SEC. 4. The Advisory Committee shall (1) undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, and (2) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration. The Advisory Committee shall submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities and shall submit such other reports as may from time to time be requested by the President. Each such report shall be submitted to the Secretary of Commerce who shall, within 90 days after receipt thereof, transmit copies to the President and to the Congress, with his comments and recommendations.

SEC. 5. Members of the Advisory Committee shall, while serving on business of the Committee, be entitled to receive compensation at rates not to exceed $100 per diem, including traveltime, and while so serving away from ther homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in Government service employed intermittently.

SEC. 6. The Secretary of Commerce shall make available to the Advisory Committee such staff, information, personnel and administrative services and other expenses and assistance as it may reasonably require to carry out its activities.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, on October 3, 1970, the National Oceanic and Atmospheric Administration was established pursuant to Reorganization Plan No. 4 of 1970. NOAA brings together the principal civilian agencies of the Federal Government concerned with increasing our knowledge and utilization of the marine environment. Although NOAA came into being as a direct result of the President's Reorganization Plan, the principal thrust for the creation of such an agency came from the report of the Commission on Marine Science, Engineering, and Resources, "Our Nation and the Sea," which was submitted to Congress early last year. That report was the subject of extensive hearings by the Oceanography Subcommittee under the chairmanship of the distinguished gentleman from North Carolina (Mr. LENNON).

The two principal recommendations of the Commission report dealing with Federal Government structure to further our national efforts in the oceans involve the establishment of NOAA and the creation of an advisory committee to serve as the link between the Federal Government, on the one hand, and State and local governments, private industry, and the scientific and academic community, on the other hand.

The President recognized the importance of such an advisory group in his message to Congress recommending the establishment of NOAA. The President stated that, upon approval of Reorganization Plan No. 4, he would request the Secretary of Commerce to establish a National Advisory Committee on the Oceans and the Atmosphere. Those of us who have been intimately involved with the hearings in the Oceanography Subcommittee were extremely pleased with the administration's support of the advisory committee concept. At the same time, however, the committee members generally felt that the National Advisory Committee on the Oceans and Atmosphere should have a statutory foundation, and that the members of the committee should be appointed by the President in order to attract men of the highest caliber and professional qualifications to serve on this most important committee. The Oceanography Subcommittee, therefore, developed a draft bill to establish the National Advisory Committee on the Oceans and Atmosphere, which as reported by your Committee on Merchant Marine and Fisheries, has been endorsed by the administration. On December 4, 1970, following the action of the Committee on Merchant Marine and Fisheries in reporting this bill, the chairman of the committee, the gentleman from Maryland (Mr. GARMATZ) received a letter from Mr. James L. Lynn, General Counsel of the Department of Commerce, endorsing the legislation.

Mr. Speaker, turning to the bill itself, which I am privileged to cosponsor, section 1 establishes the 21-member Advisory Committee. The report of the Commission on Marine Science recommended a 15-member Committee; however, the Oceanography Subcommittee felt that the larger figure would insure adequate representation from all interested areas. Section 2 of the bill provides that members of the Advisory Committee may not be full-time employees of the Federal Government and shall be appointed by the President. It further provides that the members shall be drawn from State and local governments, industry, science, and other appropriate areas. In this connection, I would like to point out that it is essential that environmental quality considerations be taken into account in selecting the members of the Advisory Committee. Preservation of the marine ecology is as important as increasing our basic knowledge of the seas and the atmosphere, and all efforts to increase our utilization of the seas resources must be undertaken within a framework of environmental protection. Your Committee on Merchant Marine and Fisheries deleted the requirement of section 2 that appointments be made with the advice and consent of the other body. There is no precedent for confirmation of appointments to such an advisory committee and the very size of the committee weighs against such confirmation.

Section 3 of the bill provides for liaison between the Advisory Committee and other agencies of the Federal Government concerned with marine and atmospheric matters. NOAA does not, of course, encompass all Federal involvement in marine affairs. The Coast Guard, the Navy, and a number of other major agencies retain significant interest in oceanography and related fields. It is essential for our national oceanic program that there be as much communication and coordination as possible between NOAA and other interested agencies, and between the Federal Government generally and the private sector. The Advisory Committee can fulfill this important role.

Section 4 of the bill sets forth the basic responsibilities of the Advisory Committee to monitor our progress in furthering our oceanic and atmospheric programs, and to advise the Secretary of Commerce with respect to the progress of NOAA in carrying out its lead agency's functions. Section 4 also requires the Advisory Committee to submit a comprehensive annual report to the President and to

Congress, setting forth an overall assessment of the status of the Nation's marine and atmospheric activities. Your Committee on Merchant Marine and Fisheries amended this section to provide that the annual report shall first be submitted to the Secretary of Commerce, who will have 90 days within which to review and append to the report his own comments and recommendations.

Section 5 of the bill provides normal compensation and per diem for members of the Advisory Committee while serving on committee business.

Section 6 directs the Secretary of Commerce to furnish the Advisory Committee such staff, information, personnel, and administrative services as the Advisory Committee may reasonably require to carry out its activities. The Commission on Marine Science had recommended that the Advisory Committee have a small independent staff. While this recommendation had some merit, it also poses a number of drawbacks. On balance, it was felt that the Advisory Committee can best function in its proper capacity without involving itself in purely housekeeping matters. I am confident that the Secretary of Commerce and the Administrator of NOAA will insure that the Advisory Committee receives every assistance necessary.

Mr. Speaker, the Committee on Merchant Marine and Fisheries once before, in 1966, reported to this House legislation establishing a committee to advise the Government on marine science matters. The Marine Resources and Engineering Development Act of 1966 established the Commission which I have mentioned previously. That Commission, under the leadership of Dr. Julius Stratton, performed a monumental task. Each member of that Commission personally involved himself in its work. Its report is a blueprint for the future of marine and atmospheric science. We are confident that the National Advisory Committee on the Oceans and Atmosphere to be established by this legislation will prove to be equally effective and will continue the excellent work which the Stratton Commission began.

Mr. Speaker, I urge my colleagues to support H.R. 19576.

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

Mr. ROGERS of Florida. I will be delighted to yield to the gentleman.

Mr. GROSS. Is it really necessary to create an advisory committee with all of the trappings that usually go with a committee for this purpose?

Mr. ROGERS of Florida. May I say to the gentleman that the committee did consider this most carefully. It originates with the suggestion of a study group that did a 2-year study in 1966. This was a unanimous recommendation of the committee. As you know, the President just reorganized some of the civilian agencies into a new agency pursuant to Reorganization Plan No. 4, passed by the Congress. This is a committee that is to try to bring in private enterprise in an effort to develop resources in a new field. It is most important, and it will play a very vital role in our movement forward in developing our resources.

Mr. GROSS. Does the gentleman from Florida have any idea how many more supergrades will have to be hired to serve this Advisory Committee?

Mr. ROGERS of Florida. There will be none. It is to be housed in the Department of Commerce with the present personnel.

Mr. GROSS. This must mean that the Department of Commerce is perhaps overstaffed if they have the staff to provide for another advisory committee.

Mr. ROGERS of Florida. I think not. This is something that will not be meeting every day, but it will just be extra duty for some of these people at times.

Mr. GROSS. I do not have to tell the gentleman, I do not suppose, that this Federal employment situation is increasing by leaps and bounds. I think the Members of the House and the Members of the Congress ought to be cautious about adding more people to the payrolls at this time in view of the tremendous increase, particularly in the executive branch of the Government.

Mr. ROGERS of Florida. I thank the gentleman for his comments, and I agree with him.

Mr. MOSHER. Mr. Speaker, I wish to join my colleague of the Oceanography Subcommittee, the gentleman from Florida (Mr. ROGERS), in supporting H.R. 19576, to establish the National Advisory Committee for the Oceans and Atmosphere.

As a member of the Oceanography Subcommittee of the Committee on Merchant Marine and Fisheries, I have been vitally concerned for a number of years over this Nation's failure to recognize the importance of the oceans to our future economic development, and also our apathy toward the chaos which man has created in the coastal zone, that narrow belt of land bordering the seas where the majority of the world's population is concentrated.

In the early 1960's, our Subcommittee on Oceanography initiated hearings which culminated in the enactment of the Marine Resources and Engineering Development Act of 1966. This landmark legislation for the first time declared it to be the policy of the United States to develop, encourage, and maintain a coordinated, comprehensive, and long-range national program in marine science. This legislation established the National Council on Marine Resources, chaired by the Vice President and includes six Cabinet Secretaries. It directed the President to establish a Commission on Marine Science, Engineering, and Resources composed of 15 members drawn from Federal and State government, industry, universities, and other institutions engaged in marine scientific and technological pursuits.

That Commission was given a mandate to investigate all aspects of marine science in order to recommend an overall plan for an adequate national program. The Commission, under the chairmanship of Dr. Julius Stratton, submitted its findings to the President and the Congress on January 9, 1969. The report of the Commission, entitled "Our Nation and the Sea," together with its supporting appendixes, is a truly comprehensive analysis of our existing programs and shortcomings and points the way to the future. Upon reading "Our Nation and the Sea," one must conclude that we are, with respect to the oceans, at about the same stage of development as our space programs were when the Wright brothers first flew.

The Stratton Commission report contains many excellent recommendations for this Nation's future role in the oceans and the closely related field of atmospheric research. We have only just begun to analyze and implement these recommendations. The most widely heralded suggestion of the Stratton Commission was the establishment of a Government agency to spearhead these programs during the next decade with the advice and counsel of an advisory committee drawn from outside the Federal Government. These recommendations became the focal point of our subcommittee hearings during the past year and a half. This was a logical first step, since everyone concerned with the Federal Government's role recognized that it had become fragmented among many different agencies, and that the efforts of these agencies overlapped to a wasteful degree and lacked any fundamental coordination.

At the beginning of our hearings in 1969, I pointed out that it might be preferable for the President, through his powers under the Reorganization Act, to implement the basic structural changes called for by the Stratton Commission. Our subcommittee proceeded to consider legislation to establish NOAA and the advisory committee, recognizing however that a major realinement of existing agency responsibilities posed numerous difficulties. Consequently, the subcommittee maintained a dialog with the administration and the President's Commission on Executive Reorganization. I believe that this dialog contributed substantially to the President's submission of Reorganization Plan No. 4.

The distinguished chairman of the Oceanography Subcommittee (Mr. LENNON) and I testified before the Committee on Government Operations in support of Reorganization Plan No. 4. Our joint statement was given on behalf of almost the entire membership of the Committee on Merchant Marine and Fisheries.

At that time, we advised the Committee on Government Operations of our intention to introduce legislation establishing the National Advisory Committee for the Oceans and Atmosphere as an essential corollary to the reorganization plan. That legislation we promised is now represented by the bill before us today, H.R. 19576.

Our ensuing discussions with Secretary of Commerce Stans were most fruitful. This bill has been drafted in a spirit of cooperation to insure the enactment of legislation which will fulfill the excellent recommendation of the Stratton Commission.

Mr. Speaker, unlike our space programs, this Nation's involvement in the oceans is an operational partnership between many elements of Government and industry. Each is contributing substantially and has a significant role to play in the future.

The National Advisory Committee will provide the mechanism for interchange between the Federal organization and the broad national maritime community.

Periodic appointment of new members at 3-year intervals will insure that fresh insights and concepts are made available to the Secretary of Commerce and NOAA.

Mr. Speaker, the establishment of NOAA and the Advisory Committee is the first step toward a coordinated national program which promises to pay great dividends for man. I urge my colleagues to support H.R. 19576.

Mr. GARMATZ. Mr. Speaker, the speedy enactment of H.R. 19576 is a vital part of this Nation's effort to launch a national oceanographic effort, and I urge its support.

On January 9, 1969, a momentous report, entitled "Our Nation and the Sea," was transmitted to Congress. This report consisted of a review of existing and planned marine science activities of the United States, and was compiled by the President's Commission on Marine Science, Engineering and Resources. Members of that Commission, all of whom were nationally recognized scientists and authorities on the Nation's oceanographic needs, made many important recommendations in this voluminous report.

One of the primary concerns stressed in the report was the need for an effective, coordinated Federal program, and an organization to draw the Nation's fragmented marine science activities together, under the leadership of a single agency—which would be known as the National Oceanic and Atmospheric Administration—NOAA. Reorganization Plan No. 4 of 1970, which is now in effect, has established NOAA.

Another significant recommendation of the Commission has not yet been adopted, however. I am referring to the need for a National Advisory Committee on the Oceans, and I am happy to say that the bill we are considering today, H.R. 19576, is designed to establish that Committee.

Mr. Speaker, the Oceanography Subcommittee of the House Committee on Merchant Marine and Fisheries—under the distinguished chairmanship of my able colleague, Hon. ALTON LENNON—held 23 days of hearings on the many recommendations contained in the report entitled "Our Nation and the Sea." In addition to the need for NOAA, the vital and pressing need for establishment of the Advisory Committee proposed by H.R. 19576 was constantly emphasized by the host of expert witnesses that testified during those hearings.

The Advisory Committee this bill proposes to establish would be composed of 21 distinguished members, and they would represent the interests of State and local governments, private industry, science, and other allied fields. Such a committee is essential if we are to implement a truly national oceanographic effort, because the members of this Committee would facilitate strong State and local input into a national program, and it would assure the necessary coordination between government and industry.

Mr. Speaker, Congress has already approved the establishment of NOAA. It is, therefore, essential that it also enthusiastically approve H.R. 19576 so that a truly coordinated and meaningful program to effectively utilize and conserve our great marine resources is assured.

I hope that the Members of this House will share my opinion and unanimously pass H.R. 19576.

The SPEAKER. The question is on the motion of the gentleman from Florida (Mr. ROGERS) that the House suspend the rules and pass the bill, H.R. 19576, 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. ROGERS of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

AUTHORIZING ACCEPTANCE FOR NATIONAL STATUARY COLLECTION OF STATUE OF LATE SENATOR E. L. BARTLETT, PRESENTED BY STATE OF ALASKA

Mr. THOMPSON of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 2) authorizing acceptance for the National Statuary Collection of a statue of the late Senator E. L. Bartlett, presented by the State of Alaska.

The Clerk read as follows:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That the statue of the late Senator E. L. Bartlett, presented by the State of Alaska for the National Statuary Hall collection, is accepted in the name of the United States, and that the thanks of the Congress be tendered to the State for the contribution of the statue of one of its most eminent personages, illustrious for his distinguished civic services.

SEC. 2. The State of Alaska is hereby authorized to place temporarily in the rotunda of the Capitol the statue of the late Senator E. L. Bartlett referred to in section 1 of this concurrent resolution, and to hold ceremonies in the rotunda on said occasion. The Architect of the Capitol is hereby authorized to make the necessary arrangements therefor.

SEC. 3. (a) The proceedings in the rotunda of the Capitol at the presentation by the State of Alaska of the statue of the late Senator E. L. Bartlett for the National Statuary Hall collection, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such document shall be prepared under the direction of the Joint Committee on Printing.

(b) There shall be printed five thousand additional copies of such document which shall be bound in such style as the Joint Committee on Printing shall direct, of which one hundred and three copies shall be for the use of the Senate and three thousand copies shall be for the use of the Members of the Senate of the State of Alaska, and four hundred and thirty-nine copies shall be for the use of the House of Representatives, and one thousand four hundred and fifty-eight copies shall be for the use of the Member of the House of Representatives from the State of Alaska.

SEC. 4. A copy of this concurrent resolution, suitably engrossed and duly authenticated, shall be transmitted to the Governor of Alaska.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, Senate Concurrent Resolution 2 provides that the statue of the late Senator E. L. Bartlett, presented by the State of Alaska for the National Statuary Collection, be accepted. The resolution further provides that the statue be placed temporarily in the Rotunda of the Capitol and that the Architect of the Capitol be authorized to make the necessary arrangements to hold ceremonies when the statue is presented. A further provision of the resolution authorizes the printing of the proceedings held in the Rotunda at the time of the presentation. Copies of the proceedings would be distributed to Members of the Senate and the House of Representatives.

The statue has been properly authorized by the Legislature of the State of Alaska and there has been full concurrence by all concerned persons.

The late Senator E. L. "Bob" Bartlett served 24 years in the Congress, first for 14 years as Alaska's voteless Delegate and from 1959 as one of Alaska's first Senators. Probably his greatest dream came true with the admission of Alaska as a State.

Bob Bartlett's untiring efforts in the development and progress of Alaska is well recorded in the legislative history of the Congress. It is certainly befitting that his memory be honored and perpetuated by the placement of his statue in the National Statuary Hall Collection as one of Alaska's foremost citizens.

Mr. SCHWENGEL. Mr. Speaker, this resolution, Senate Concurrent Resolution 2, would authorize acceptance of a statue of a renowned American, the late Senator E. L. Bartlett of Alaska, for the National Statuary collection.

Many of us here today have had the pleasure of serving in the Congress with Bob Bartlett. He was Alaska's Delegate to Congress for seven terms beginning in 1945. In 1959 he became one of Alaska's first two Senators and served in that position until his death in 1968. He will be here when this bill is passed, in statue form, to be a constant reminder of excellent and adequate public service.

The Alaska State legislature has authorized the donation of the statue to the National Statuary collection.

Senate Concurrent Resolution 2 would authorize the statue of Senator Bartlett to be placed on display in the rotunda for a time. Ceremonies will be held on that occasion and the proceedings will be printed as a Senate document. At a later date the statue would be placed in a permanent location.

I urge House concurrence in Senate Concurrent Resolution 2, to accept the statue of the late Senator Bartlett into the National Statuary collection.

The SPEAKER. The question is on the motion of the gentleman from New Jersey (Mr. THOMPSON) that the House suspend the rules and concur in the Sen-

ate concurrent resolution (S. Con. Res. 2).

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the Senate concurrent resolution just passed.

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

There was no objection.

CONSUMER PROTECTION LEGISLATION

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

Mr. ECKHARDT. Mr. Speaker, on December 4 I directed an urgent letter to the President by messenger pointing out it lies in his hands whether any consumer protection will be advanced in this Congress or not. I also talked to congressional liaison in the White House pointing out the urgency of the matter. If so many as two Republicans on the Committee on Interstate and Foreign Commerce would permit the consumer class action bill to reach the floor—and they could do it in the form the administration wishes—there could be a clear choice of modes to obtain consumer protection through class action procedure.

I have not yet received a reply, and time is rapidly running out. Each morning I shall inform the House as to my progress in getting the attention of the President on this important matter. The text of my letter is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 4, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: I respectfully bring to your attention that a bill which contains a major part of your consumer protection program stands as the present order of business in the Interstate and Foreign Commerce Committee. It is the Consumer Class Action Bill, H.R. 18764. This is a clean bill identical to the Bill H.R. 14931 as it came out of the Subcommittee on Commerce and Finance.

The bill is a vehicle for the full committee to send out either the Administration Consumer Class Action Bill, by striking title III, or my bill, by striking title II. From observation of a test vote on Mr. Moss' substitute motion on last Tuesday, it is apparent that Mr. Springer, the ranking minority member, has the votes to take the former action and pass the Administration bill out of the full committee.

This is what I have urged him to do, and I will support, on the committee, reporting the bill in this way. I have every reason to believe that such move would be supported by the Democrats on the committee, because all of them (except a southern bloc) voted for the Moss motion for immediate consideration of the bill Tuesday.

Sir, I am aware of your views that a consumer class action bill should contain a triggering device, and I am sure you are aware of the theory of my bill that would merely make existing state substantive law, incorporated as federal law, enforceable through class actions in federal court. I do not yield my position, but I believe the House should have the right to choose between the two views or perhaps adopt the middle view of the Senate Commerce Committee.

But I am willing to cooperate in a procedure which will give the most favorable procedural advantage to your views (namely, that the bill H.R. 18764 would be reported with title III stricken) but that would afford an opportunity by record vote to the House to make the ultimate choice.

Mr. President, I suggest this as a practical way of putting into effect in this Congress some part of your consumer message which favored class actions. It is entirely feasible, even at this late date. I purposely made this procedure possible and invited it by the method of reporting the bill from subcommittee. This was done months ago.

But neither I, nor the Chairman of the Committee, Mr. Staggers, nor the overwhelming majority of the Democrats on the committee can bring this about against a solid block of Republicans and Southern Democrats. On the other hand the President's control of two Republican votes on the Interstate and Foreign Commerce Committee and one on the Rules Committee would pass this bill to the floor.

Therefore, based upon the assumption that the Administration will act to further the Administration program, it can be concluded that the passage through the House of the important consumer class action portion of a program advancing consumerism is feasible—indeed likely. Since this portion of the program is presently ready for floor action in the Senate, it is more than a possibility (I would say a probability) that it could be passed through the 91st Congress.

I respectfully submit that it lies in your hands whether consumer protection will be advanced in this Congress or not.

Respectfully yours,

BOB ECKHARDT.

WORLD AIRWAYS FIRST AGAIN

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

Mr. LEGGETT. Mr. Speaker, a short time ago the Department of Defense announced a new Vietnam leave policy which will enable military personnel to take a 14-day leave to the continental United States if they can show evidence of confirmed reservations via commercial carrier.

This leave is in addition to regular rest and relaxation and can be used anytime between the fourth and eighth month of their tour of duty.

We are all deeply aware of the loneliness a serviceman must feel when he is 10,000 miles from home. To envision 2 weeks at home in the middle of his tour, would up until now, have been considered the impossible dream—our men need dreams. They also need encouragement, and tangible assistance from people who care.

Ed Daly, chairman of the board and president of World Airways, the country's largest charter airlines, is a person who cares a great deal.

Daly recently announced that his company and the United Service Organization—USO—have filed a new charter tariff with the Civil Aeronautics Board which would enable military personnel to fly round trip from Vietnam to California for $350, including tax.

World Airways and the USO plan to undertake a joint program which would assist servicemen to make the trip home using the new economical fare.

Daly and Gen. Emmett O'Donnell, Jr., president of the USO explained that the low fare was possible through the charter concept of world flights, and the organizational setup of the USO, a charitable organization which operates solely in behalf of service men and women.

The new plan will include frequent flights from Vietnam to California; scheduled connections to all parts of the United States; a "fly now—pay later" financing arrangement so that all eligible military personnel will be able to take advantage of the new leave policy. USO will make its clubs available to provide the means by which arrangements for trips can be made.

In an unprecedented personal effort to aid the U.S. military command in Vietnam boost the morale of the serviceman, Mr. Daly announced that he is personally prepared to guarantee loans to servicemen who would otherwise be unable to pay for the trip or to borrow the necessary funds. These financial arrangements will be handled through the First Western Bank in Los Angeles, a subsidiary of World Airways with assets in excess of $1 billion.

I commend Ed Daly, World Airways, and the USO and join with them in expressing the hope that similar plans can be made available to military personnel serving in other overseas stations.

A press report on the new scheduled service follows:

There are two versions of our press release, one for the U.S. and one for the Orient. The Orient version simply has more details that are of interest to servicemen in that area, and should be used for military publications, etc. The U.S. version simply deletes some of the details having to do with our delivery of Stars and Stripes.

Following is the Orient version of the release, to be issued at 10:30 a.m., EST. 2 December.

[Part one of two parts—for immediate release]

"United Service Organization, Inc. (USO) and World Airways, the world's largest charter airline, today announced plans to undertake a joint program to enable servicemen given leave in Vietnam to fly to the United States, round trip for 350 dlrs, including taxes.

"In making the announcement, Edward J. Daly, chairman of the board and president of World, and Gen. Emmett O'Donnell, Jr., president of USO, said that under the joint operation the servicemen would be able to make the trip home using the most economical fare now being planned. They stressed that the low fare was possible through the charter concept of flights and the organizational set up of the USO, a charitable organization which operates solely in behalf of servicemen and women.

"First Western Bank and Trust Company, with 96 branches throughout the State of California, has indicated its readiness to provide loans to qualified personnel in Vietnam using the flight program.

"USO will make its clubs available to provide the means by which arrangements for trips can be made by servicemen in Vietnam.

"USO has indicated its willingness to work with any other air carrier qualified to participate in this program on the same terms

and conditions as agreed to with World Airways."

[Part two]

"Complete information pertaining to flight schedules, reservations, payments and applications for loans will be available from the World Airways representatives at the USO service groups in Saigon, Da Nang, Cam Ranh Bay and Can Tho, and at any sales office of World Airways in the United States.

"The first flight is scheduled for December 15 from Saigon to San Francisco, utilizing Oakland International Airport. World will use its full capability in the program and will fly as many flights as are needed to meet the demand.

"The program is in support of a new policy recently announced by General Creighton W. Abrams, Commanding General, Military Assistance Command—Vietnam that permits qualified personnel of the U.S. forces in Vietnam to take a two-week leave in the United States.

"The flights will be operated on Boeing 707 Intercontinental fan jets of World Airways. World has been operating charter flights for the Military Airlift Command (MAC) since 1956, primarily in the Far East, and last year 395,000 servicemen were World passengers. In addition, World delivers the newspaper, Stars and Stripes, on a daily basis to servicemen at bases in Vietnam, the Philippines, Okinawa, Thailand, Korea, and Taiwan utilizing its own aircraft.

"World also operates commercial charter service on a worldwide basis, including many flights to the Orient.

"Herewith for your information is World Airways/United Service Organization leave program schedule commencing first round trip flight Saigon to Oakland, December 15 returning December 27. United Service Organization price is $350. Any individual inquiring is to be directed to contact their relative or friend in Vietnam and advise him to contact anyone in the USO office at Saigon/Da Nang/Cam Ranh Bay/Can Tho or any World Airways office in the United States where reservations for flights can be made and processed."

Flight No.	Saigon departure dates	Flight No.	Oakland departure dates
90502	Dec. 15, 1970	90502R	Dec. 27, 1970
90520	Dec. 17, 1970	90520R	Dec. 29, 1970
90503	Dec. 21, 1970	90503R	Jan. 2, 1971
90521	Dec. 23, 1970	90521R	Jan. 4, 1971
90504	Dec. 28, 1970	90504R	Jan. 9, 1971
90522	Dec. 30, 1970	90522R	Jan. 11, 1971
90505	Jan. 3, 1971	90505R	Jan. 15, 1971
90523	Jan. 5, 1971	90523R	Jan. 17, 1971
90506	Jan. 10, 1971	90506R	Jan. 22, 1971
90524	Jan. 12, 1971	90524R	Jan. 24, 1971
90507	Jan. 16, 1971	90507R	Jan. 28, 1971
90525	Jan. 18, 1971	90525R	Jan. 30, 1971
90508	Jan. 23, 1971	90508R	Feb. 4, 1971

THE MULTINATIONAL CORPORATION IN A WORLD SOCIETY—SPEECH BY ELLISON L. HAZARD

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

Mr. GIBBONS. Mr. Speaker, oftentimes speeches come across our desks from prominent men. I want to call to the attention of all Members a speech by Mr. Ellison L. Hazard that I believe is truly great. While I am not personally acquainted with Mr. Hazard, he has an impressive background. He is chairman and president of the Continental Can Co. and recently spoke before the International Conference of Financial Executives Institute in San Francisco.

It is obvious from Mr. Hazard's speech that he has a keen insight into the economic and political problems that our world faces. He draws from his background and wide experience to give us some very profound reasons why we must work to provide a better business climate to raise the standard of living of all people in the world, and to promote peace and understanding. He says:

We need a world in which people are partners in creating progress rather than antagonists in continual conflict.

He reminds us of the great contributions business has made in elevating living standards, in fighting poverty and disease, and in providing the necessities for mankind, and that—

Peace can be best brought about not by nation-states balancing force with force, but by businessmen constructing interlocking channels of trade and finance throughout the world.

He states:

It would seem self-evident that as international trade grows, it promotes communication and thus understanding between people—an essential prelude for meaningful accommodation, without which peaceful relationships cannot be achieved.

These comments seem especially in keeping with our Nation's free-trade policies which are being jeopardized by the pending trade legislation.

Because Mr. Hazard's views are refreshing, and because he touches on some of the most involved economic problems we face, I think it would be worthwhile for all Members to have an opportunity to read his remarks. I am pleased to have them inserted in the RECORD:

THE MULTINATIONAL CORPORATION IN A WORLD SOCIETY

(By Ellison L. Hazard)

Acknowledgements.

When I was invited to speak to you, here in San Francisco, several thoughts crossed my mind. I have a very special affection for the Bay area. This is where I spent over 30 years of my life—where I attended grammar school, high school and college—where I met my wife, where we were married, where my children were born . . . and where I started work for Continental Can in the Depression year of 1934.

Not only has the San Francisco area played an important part in my life, but it has played a special part in bringing together the peoples of this fragmented world. Since the last century, "The City", as all loyal San Franciscans refer to it, has been a powerful economic link between the Western Hemisphere and the Orient.

Twenty-five years ago, representatives of all the important nations of the world met here in San Francisco—full of hope, and with great expectations—to sign the United Nations Charter.

Five years ago, an organization of which I am proud to serve as a trustee—the National Industrial Conference Board—held its third international conference here, with 500 businessmen from 60 nations in attendance. That meeting, more than any other previous gathering, highlighted a very important concept: the idea that peace can be best brought about, not by nation-states balancing force with force, but by businessmen constructing interlocking channels of trade and finance, throughout the world.

This very basic concept, and thoughts on how it can be implemented, comprise the thrust of my remarks this morning.

Among you are many who already have done a great deal to expand the horizons of business beyond political borders. Yet, we, as businessmen, do not ordinarily think of ourselves in that role. In the heat of doing business—creating, producing, selling, competing—it is, and has been, all too easy to forget that our actions have great historical significance . . . that indeed the advancement of mankind is not just a by-product of business, it *is* the business of business.

Over the long sweep of history, business *has* made great progress in elevating living standards, in fighting poverty and disease, in providing the necessities for mankind so that the development of the arts and sciences could, and would, be pursued. From the days of Marco Polo, business *has* been one of the most powerful, as well as one of the most persistent forces in the world. Edgar Watson Howe—one of America's most astute social commentators—even went so far as to state—and I quote—The advance in business has been the greatest pragmatic miracle the world has ever known—unquote.

Most people have thought of this miracle in economic terms, not fully recognizing that business also plays an important political role—that it can and should be a unifying force among the nations of the world.

It is true that at one time—and not too long ago at that—international business was often instrumental in creating hostility between peoples instead of bringing them together. It was considered to be a tool of colonialism, symbolized by the great companies of exploration and exploitation—the English East India Company, the Dutch New Guinea Company, the Hudson Bay Company, and other organizations of various national origins. Through the 19th century and well into our 20th century, international business objectives were achieved, for the most part, by building prosperity at home through exploitation elsewhere. People in some parts of the world remained hewers of wood and drawers of water—to use the Biblical phrase—while the resources of their homelands, and their labor, were used to build empires that blundered their way into the catastrophes of two World Wars and a Great Depression.

From these disastrous experiences, I believe we have learned some lessons. We have learned that the so-called civilized world, and its business organizations, cannot thrive as islands in a sea of world poverty. People can no longer be exploited once they have gained the right of self-determination, and the ballot. It has become clear to enlightened businessmen that technological advances must be exported and shared, and that markets must be developed on a worldwide basis, if a permanent base of prosperity is to be achieved *anywhere* in the world.

Obviously, the development of broad world markets through the expansion of the technology and productive capacity of all nations is fraught with many difficulties and complexities. These stem largely from the vast differences in ideologies, and in the existing levels of economic and social development around the globe. However, in this last third of the 20th century, the explosion of technology, coupled with new concepts and innovations in communications and transportation, make the attainment of a truly world marketplace not only possible, but—in my opinion—absolutely necessary.

Today, in most fields of business, technology and know-how are assets of the highest order. In profitably utilizing these assets in the world marketplace, company after company has found it desirable to export its knowledge and skills to a local base of operation, instead of shipping products over long distances.

As a result, we see emerging today, many companies of various national origins, with operations in a multiplicity of countries, who are contributing daily to the growth of world trade. These companies are unlike any of the great international companies of the past—companies that were by design and objective extractive and exploiting enterprises. The great multinational companies of today not only export products, but, in ever-increasing quantities, they are exporting

technology, technicians and know-how outside of their own national borders. To name a few—Goodyear and Unilever, Phillips, Sony and IBM, Singer, ICI and Honeywell—these all serve to illustrate today's "multinational" corporation.

While there is no commonly accepted definition of a multinational corporation, it seems obvious to me that such an enterprise must have the following characteristics:

First, a significant and growing portion of its operations and resources are located outside its country of incorporation.

Second, its management is truly multinational in character.

Third, and perhaps most important, it uses its skills and resources to promote the growth of the economies in all the areas in which it operates.

The rising importance of such corporations is rather well recognized, but let me cite a few interesting and pertinent statistics:

In 1950, United States investment abroad was 32 billion dollars. Now it is more than 155 billion dollars—a five-fold increase in 20 years. The products generated by these assets have a value of more than 200 million dollars annually, equal to 20 percent of the entire annual gross national product of the United States.

In the world as a whole there are 400 billion dollars' worth of sales derived from international investments. In fact, in the world economy, the business volume of multinational corporations far exceeds that of enterprises who are engaged in export sales alone. For example, the production of United States companies abroad is more than five times the current level of United States exports.

The accumulated financial benefit to the economy of the world derived from the transferring of management skills and techniques and the resulting more efficient, less costly production, has amounted to literally billions of dollars over the past two decades.

Currently, multinational corporations are expanding at a rate of more than 10 percent a year, or twice the growth rate for gross world product, and from the projections of knowledgeable international economists, if present trends continue then—in the year 2000—the economy of the world will be more than half internationalized through the further development and expansion of multinational corporations.

Up to this time, most of the contributions to world trade by such enterprises have been largely confined to the "free world." However, the recent growth of industrial agreements between Western European firms and Soviet satellite countries opens new opportunity areas, and augurs well for the future. You may be surprised to learn that West Germany's trade volume with East Germany is almost half as large as West Germany's trade with the United States. These two countries have found this commercial relationship to be mutually beneficial. Thus, while those engaged in political diplomacy have accomplished little if any progress in achieving political accommodations between East and West Germany, businessmen are successfully breaching the Berlin Wall and are perhaps establishing, through economic interdependency, the basis for eventual solution of the political problems involved.

While practically all of our Western allies have stepped up their trade relationships with the Russian-dominated nations, we have not. I believe that we can and should increase our commercial relationships with the Russian satellite countries. The benefits encompass not only the area of mutual self-interest, but give us the opportunity to demonstrate first-hand the advantages and strengths of our free enterprise concepts.

It would seem self-evident that as international trade grows, it promotes communication and thus understanding between people—an essential prelude for meaningful accommodation without which peaceful relationships cannot be achieved.

I happen to think that the United States' very substantial direct investments abroad may very well be the most effective form of foreign aid available to our country. In recent years our traditional economic aid programs—those managed by our government—have been distorted by the strategies of the Cold War. While they have no doubt helped in implementing our national policy the results have had but short-term benefit, and have not achieved the objective of stimulating and accelerating economic progress in the under-developed countries of the world

While real progress is being made in strengthening the economic ties between the industrialized Western countries through trade relationships, and progress is evident in increasing trade between the Soviet group and our Western friends, we must face up to the regrettable fact that not much real economic progress is being made in the lesser under-developed countries of the world.

From the beginning of written history until the Industrial Revolution, the average per capita income in the world ranged between the equivalent of fifty to two hundred dollars per year measured in today's dollars. Even today, only about 20 percent of the world's population has achieved an income above that level. The other 80 percent exists in a setting that has had a dreary familiarity over the centuries of recorded history. Today's typical Indonesian, Egyptian, or Pakistani, and the indigenous populations of many countries in Central and South America, have in their environment much that would be familiar to a Roman of Caesar's time or Chinese in the Han Dynasty.

Today, there are 3.6 billion people on earth. By the year 2000, there will probably be 6.4 billion. Most of this population growth—in fact, nearly 70 percent of it—will take place in the poorer countries of the world, where minimal progress is being made in raising standards of living.

The significance of these statistics underlines the absolute necessity of promoting industrialization in the under-developed countries of the world if we are to make headway in increasing the average standard of living of our world's population. For example, the gross national products of Latin American countries are currently increasing by about 3 percent, but this is being cancelled out by an annual population growth of 3 percent. In contrast, in the more developed countries gross national products are increasing at a rate more than double the rate of population growth.

This year the per capita product value in the industrialized world is 12 times that attained in the non-industrialized world. By the beginning of the next century, per capita income in the industrialized countries could easily climb by 50 percent to a point where it is 18 times that in non-industrialized countries.

All of this unfortunately adds up to a potentially wider gap—an even deeper chasm between rich and poor in our world society. The social, economic, and political implications of such a situation cannot be ignored—especially since wider communications through the media of radio and television continue to make the impoverished even more aware of the affluency that surrounds them. As Lester Pearson, the former prime minister of Canada and winner of the Nobel Award, put it—quote—We envision a world in which the deprived and disadvantaged will join the mainstream of technological and social progress. We can only ask those who do not share this vision to look ahead for 25 years and try to determine what the world will look like then, if the division into the rich and the poor, the developed and the stagnant societies continues and widens, as it will certainly do if we do not work together to prevent it. Then, think back to the measures we could have taken—and thereby have avoided—the tragic consequences that will *surely follow tomorrow our failure to act today*. The paramount long-term interest of all nations, rich and poor, is in creation of a world in which all the world's resources, human and physical, are put to the greatest possible use for the greatest possible number— unquote.

The multinational corporation can be the major force with which the world marshals its human and material resources for the good of all people. Not only do these organizations have the skills and resources, they bring people together, forging a bond of mutual interest, respect, and understanding, and they can put the have-nots onto the launching pad while they propel the haves toward new social, scientific and technological frontiers.

This cannot be achieved if the multinational corporation continues to largely concentrate its operations in the highly developed countries of the world. To illustrate the current concentration of the total goods produced by U.S. operations abroad, about one-third is produced in Canada, one-third in Europe, and one-third in *all* the rest of the world.

U.S.-based companies with subsidiaries in Europe have an unusual opportunity to utilize their European organizations to establish themselevs in underdeveloped countries. For the truth is, U.S. companies do not have a large enough supply of middle management to export this asset to the underdeveloped countries—not to mention the fact that Americans, to a greater degree than the nationals of other countries, are typically reluctant to move and to live in other countries with a lower standard of living than ours.

According to many observers, European companies are far better equipped than we are in the United States with middle management and technical personnel who have the desire as well as the capability of installing production facilities, training people and transporting the acquired know-how of U.S. corporations into the underdeveloped countries.

To summarize: the multinational corporation has an important role far beyond that of making money or of developing and exporting product and know-how. It has the incentive, the enlightened self-interest to expand the marketplaces of the world, in order to permit people everywhere to have an increasing share in the progress of mankind.

Wouldn't it be pleasant if I could end my talk this morning on that high note! But you and I know that there are difficult problems that *must* be solved if a multinational corporation can successfully pursue its objectives. Tax, tariff, and anti-trust laws are inconsistent and discriminatory among the trading areas and various countries of the world. Tax havens abound. Fraudulent organizations often operating with funds fleeced from trusting people enjoy far-reaching immunity by operating from countries which have no meaningful regulations or supervision to restrict illicit operations—all actions that bring disrepute upon private enterprise.

Another case in point—today there is no way for a company to legally become a corporate citizen of the world. The multinational company needs an international character in the legal sense, as well as in its mode of operation. Without it, it will continue to be suspect in the minds of many of the vocal nationalists in the host countries in which it operates. "American Go Home" or "Englishman Go Home" have too often been used as emotional slogans by politicians or competitors who place false national pride ahead of economic reason.

Even in the limited Common Market area the tax situation makes it impractical to

form a multinational company through the merger of existing companies located in two or more countries of the Common Market. Actually today, a Delaware corporate base offers advantages for such a merger not found in any of the European countries—a situation of which the Common Market people are painfully aware.

Still another case in point, the three-quarters of the earth covered by water is a jurisdictional "no-man's land". It is estimated that immense reserves lie under our oceans—reserves that will be needed to support the world economy for the next century, and the next, and the next. Already many of the technological problems are being solved that will soon permit the transmission of huge amounts of power to the ocean floor. Machinery is being built that will lift large rich payloads from the ocean depths. But, just how does one stake a claim to land under the high seas to permit operations outside of the 12-mile limit? Where does an American company make such an application?

Does it send a request to the President, to the State Department or to U. Thant? How will its legitimate interest be safeguarded if a competing enterprise from another nation takes over its sea base by force?

Problems of the nature of those I have outlined must be solved if we are to mitigate the problem and conflict areas that will otherwise retard the growth of multinational companies. The nations of the world must negotiate understandings and agreements on a wide spectrum of economic and legal questions if we are to accomplish world economic growth and with it world peace.

For there to be order there must be governing law, and for the development of international business there must be an adequate system of international law—in order to give the international businessman fair, modern and properly enforced rules to govern his actions and his transactions. Such a background of supra-national law must be established as quickly as possible. The world's economic problems are pressing, and will not wait.

Unfortunately, the leading nations of the world have proved themselves very woefully inept in the area of developing international agreements. Witness the complete failure of the League of Nations—the spectacle of the United Nations floundering in a chaos of bickering and inaction.

The only encouraging example I can think of in the negotiation of multi-lateral agreements between nations was the formation of the World Bank, an outgrowth of the Bretton Woods' Confreence of 1944. Here is an example where political problems were accommodated because economic necessities were paramount.

Perhaps from this example, and from a deeper analysis of history, we should conclude that it is folly to attempt to solve the political problems of the world before economic compatability has been achieved.

The United Nations, in spite of its obvious shortcomings, provides a sound and readily available instrument for the establishment of multinational agreements. Let us therefore encourage the United Nations to stop playing Cold War politics and start building a world peace, based on the economic realities of the last decades of this century.

It is my belief that real progress by the United Nations in this vital area will lead us down the road to peace faster than anything that has been accomplished in the twenty-five years that have elapsed since the U.N. Charter was signed here in San Francisco. To resolve the problems of world politics, and attain world peace, we must face economic realities. Politics should follow sound economics—not the reverse.

The questions before the world now are crucial and they must be answered before time runs out:

Can our statesmen untangle international law and eliminate many of the nationalistically oriented barriers to world trade, and create an atmosphere for the prosperity of international business?

Can international business expand rapidly enough, in all parts of the world, so that gross world product wins in its race with increased population? If not, the impoverished will inherit the earth by sheer weight of numbers.

Will a large segment of the professionals in American business—executives such as you—apply your vision, your experience, your wisdom in helping your business to grasp the significance and the opportunities that lie ahead for internationally oriented business?

Cannot we de-escalate the Cold War in a more enlightened fashion by enlarging trade with the Communist bloc? If not, we may miss a real opportunity to solve our problems of peaceful co-existence, and to bring the Communists face-to-face with the realities—the advantages—of free enterprise.

Can the people of the world throw off the shackles of narrow economic nationalism and enjoy the benefits of freer trade? If not, how can we avoid the continuation of a divided and fragmented world?

We need a world in which people are partners in creating progress rather than antagonists in continual conflict.

Given a healthy climate in which to operate, the multinational corporation can help build such a world, and help bring about genuine world peace—a peace based on economic realities, and strengthened by the enlightened self-interest of businessmen.

Thank you very much for inviting me here today.

PRESIDENT SHOULD SPEAK OUT ON DISASTROUS TRADE BILL

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

Mr. MEEDS. Mr. Speaker, comments favorable or unfavorable from the White House influence greatly the fate of legislation. A Presidential plea for "action now" can speed a bill through the Congress, while a negative request can slow or even sidetrack a piece of legislation.

President Nixon has not hesitated in his role as a legislator. Nearly every week we receive his views on measures before the Congress. Welfare, foreign aid, manpower, conservation, and national defense issues have all received Presidential attention and congressional action.

How astonishing it is, Mr. Speaker, that when the Congress is working on what may be the most disastrous economic legislation of the decade we hear nothing from Pennsylvania Avenue. H.R. 18970, the Trade Act of 1970, passed the House last month in bitter controversy amid absolute silence from President Nixon. Could it be that the political aspects of the measure were too delicate to merit Presidential comment?

Mr. Nixon has never been regarded as a protectionist. Surely he must realize the consequences of H.R. 18970. Surely he must hear the dire warnings now being sounded in Europe and Asia. Surely he knows the inflationary pressures inherent in the bill; surely he knows what the legislation can do to full employment.

The Nation's press has not let Mr. Nixon's silence go unnoticed. Mr. Speaker, I insert with my remarks the commentaries of Eric Sevareid, Milton Viorst, and Howard K. Smith:

CBS EVENING NEWS WITH WALTER CRONKITE

(By Eric Sevaried)

This lame duck session of Congress, the first in 20 years, got down to business quickly enough after the opening ritual of congratulations and commiserations for those elected and those defeated. It's the business itself, much of it, that is bizzare. Conceivably the President can find his veto of the bill for politcial spending on TV overridden; equally conceivably he can find himself confronting a political and economic nightmare in the form of an import quota bill. This, so a great many serious people fear, would not only set off a worldwide trade war in the disastrous style of the pre-World War II period, but would also fan the fires of the domestic inflation that the President must somehow dampen down.

The whole story on this is a comedy, or more appropriately, a tragedy of errors compounded. It all began with Mr. Nixon's promise to produce some foreign import relief for his Southern textile political supporters. This was to come through voluntary agreements with foreigners, chiefly the Japanese, but they balked. So a bill was put together in the House, intended only as a persuader, but it got out of hand. The gate had been opened, and, as one leader put it, Congress tore the whole fence down. Shoes were added to textiles, mandatory oil quotas to shoes, then scores of other products, when foreign imports reach a certain level.

And foreign countries, including the European Common Market, are preparing and announcing retaliations, chiefly against our farm exports, if this bill becomes law, and a Federal Reserve Board official estimates the extra cost to American consumers of clothing and shoes at nearly four billion dollars in the next five years.

Farm organizations are in a sweat, sensing what can happen to farm exports. The State Department, which has a premonition of history repeating itself, is in a sweat. Consumer groups are getting aroused, belatedly, and a last ditch effort at a voluntary deal with the Japanese is being made by the White House.

To complete the nightmare, the bill on the Senate side is tacked, along with the bill for a new welfare plan, onto the bill for raising Social Security payments, a prime specimen for connoisseurs of legislative abortions.

If that can be straightened out the President will have an easier time vetoing the trade bill itself, which he has warned he would do. He can always argue that he tried to help his textile industry friends, and as a matter of fact, he tried again this week. He nominated the chief Washington lobbyist for cotton textiles to membership on the Tariff Commission.

[From the Evening Star, Nov. 19, 1970]

NIXON'S DILEMMA ON THE TRADE BILL

(By Milton Viorst)

The most important piece of legislation to come up during the entire Nixon administration is currently before Congress. And, amazingly, we don't have a clue to whether the President approves of it or not.

This bill, which imposes a stringent new set of restrictions on imports, can damage our relations with every trading country in the world. It can profoundly impair the development of our national economy.

But because of its domestic political implications, the President has remained silent about it.

We know his opinions on street crime and student violence, on which he can take pious moral positions but which elude easy legislative solutions.

In contrast, he says nothing about the trade bill, where a moral position requires courage but whose disastrous consequences can be averted by a simple congressional majority.

Admittedly, the President is in a dilemma. He committed himself in 1968 to repay the Southern textile tycoons who made possible his election. He also has some major debts to the big spenders in the oil industry. He'll need both of these groups again in 1972. This legislation was originally written for them.

But he knows this bill is intrinsically inflationary. It will raise oil prices immediately and textile prices shortly. Over the long run, it could increase the price of every product that now has foreign competition. By 1972, the inflation in this bill could generate a lot of anti-Nixon votes.

The President also knows that, before long, the nation's exporters will begin to feel the backlash of economic reprisal. The European Common Market, our biggest customer, has warned explicitly that it will retaliate vigorously if this bill is passed.

Hardest hit will surely be agriculture, which last year had $6.6 billion in exports. Currently, American farmers export 50 percent of their soybean crop, 41 percent of wheat, 36 percent of tobacco, 58 percent of rice, 29 percent of cotton. Naturally, the farm lobbies are outraged by the bill.

As Denver's Rocky Mountain News put it: "Protection for a North Carolina textile plant will be at the expense of, say, an Indiana soybean grower (or) a Colorado wheat farmer."

There is no doubt, furthermore, that the bill will trigger the kind of action-reaction sequence (called a trade war) that can lead only to a grievous decline in international commerce, as the Smoot-Hawley protective tariff act did in 1939.

Paradoxically, the loser would necessarily be the United States. This year, despite all the complaining about unfair competition from abroad, we will have a $3 billion trade surplus. This surplus is vital to maintain our overseas commitments, our balance of payments and the stability of the dollar.

Mr. Nixon, perhaps, can still save the situation. He understands the importance of international trade. He is not, at heart, a protectionist. He can go on television to explain to the country exactly what is at stake.

He will have no problem showing that a congressman who votes for fatter profits for textiles and oil takes dollars out of the pockets of farmers, industrial workers and, ultimately, every American consumer.

Yet Mr. Nixon risks going down in history as the first protectionist president since Herbert Hoover, and the chief antagonist to the international trend toward freer trade.

By his acquiescing in the trade bill, he is asking the country to pay a heavy price for his personal political debts.

HOWARD K. SMITH COMMENTARY

Congress is on the edge of making what most economic experts consider the single biggest willful mistake of recent times. At the risk of saying things you already know, let me recount the elements.

In the Great Depression—which incidentally was worse than anything young people protest about today—nations sought to protect what industry was still working by raising already high tariff walls against one another's goods.

The result was—trade outlets for all narrowed, and the Depression got worse. Some think World War Two was the indirect result.

Well, President Roosevelt saw it and took the bold step of trying the opposite. He cut restrictions. Other nations cut theirs against us. Trade expanded . . . and the greatest period of world prosperity in history resulted.

Now, yesterday, the House voted to reverse 36 years of freer trade and restrict foreign goods again.

The excuse is, it will save a few jobs temporarily. The fact is, reduced foreign competition will raise our prices and deepen the recession. And, as Britain's trade spokesman said today, the world will retaliate and restrict our sales to them.

Since the U.S. sells more to other nations than we buy from them, *we* will suffer most from a trade war we are provoking.

In a time when we have so many problems due to omission and neglect, it seems the height of folly to create a bigger one by active commission in Congress.

The British trade spokesman called it "crazy"; and I can't think of a better description.

THE SST ISSUE

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

Mr. PELLY. Mr. Speaker, tomorrow, as I understand, the Department of Transportation appropriation bill will be sent to conference with the Senate. The gentleman from Illinois (Mr. YATES) has indicated that when the House considers this action he intends to make a motion to instruct the House conferees to support the Senate position on the SST and eliminate the $290 million from the bill.

Mr. Speaker, under that procedure there will be little opportunity for those of us who support the funding of the SST to restate our reasons. Therefore, let me remind my friends that President Nixon called the Senate's disapproval of the American SST a devastating mistake that could ruin the Nation's areospace industry, wiping out as he said, 150,000 jobs and costing the taxpayers millions of dollars in contract cancellation costs alone.

Mr. Speaker, the SST already exists in the Anglo-French Concorde and the Soviet TU–144. U.S. airlines have ordered some of the former.

U.S. airlines have put cash on the line for the U.S. SST because it will carry passengers at a lower cost than present jets. As to air pollution levels and climate, Mr. Speaker, there is no evidence that any reasonable number of U.S. SST's would significantly affect the atmosphere and as for noise no SST's will be permitted to fly supersonically over populated land masses.

Mr. Speaker, I hope the Members of this House will consider the devastating effect on our economy if there is no U.S. SST, because it would give up more than $22 billion in favorable foreign trade. Furthermore, the cost of cancellations and the settlement of other commitments caused by the abrupt discontinuance of the SST, according to the President, would be $278 million, as against $290 million in the bill. We already have $700 million invested.

Mr. Speaker, I urge that Members vote to table the Yates amendment, and indicate their confidence in the managers on the part of the House. These Members are well informed and could consider all points at issue, and make a determination based on their information. I do not think the House should take action tomorrow to kill the U.S. SST, at least until the House conferees have had an opportunity to study this problem. This is not an issue involving jobs in one particular area; after all the U.S. SST is being built in 46 States.

RECALL THE PEACE CORPS FROM CHILE

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

Mr. COLLIER. Mr. Speaker, as a result of the recent election in Chile, President Salvador Allende will head a popular-front government. As he received but a mere 36 percent of the vote, it became necessary for the Congreso Nacional, Chile's legislative body, to make the final decision that put him in office for the next 6 years.

The popular front consists of Dr. Allende's own Marxist Socialists and Communists and four non-Marxist leftist groups. All of these parties are dedicated to the overthrow of the capitalistic system.

During the election campaign that brought about his assumption of power, Allende issued a list of 167 businesses that he promised to confiscate if elected President; they involve $2 billion in U.S. investments. He declared that his first goal was nationalization of Chile's basic mineral resources, to be followed by nationalization of banks and other industries and monopolies.

Allende said:

> We are against control of our basic and strategic sources of wealth—copper, steel, power—by foreign capital. We think our development must be based on our own internal strength.

Actually the process of socialization in Chile antedates the arrival of Senor Allende. Since 1965, more than 2 million acres have been expropriated, with due compensation to the owners, for distribution among rural workers. Another agrarian reform program, designed to give 60,000 rural families land during a 3-year period, became law in 1967.

Also in 1967, the Government of Chile acquired 51 percent ownership of a large mine owned by an American copper company, and of two mines of another American copper company in 1969, the owners being compensated. About 85 percent of Chile's 6,700 miles of railroad are owned by the state.

Upon assuming office, President Allende appointed Jose Toha, editor of Santiago's Marxist publication, Las Noticias de Ultima Hora, Minister of Interior. In this position, Senor Toha will command the carbineros, the national police force. His Deputy, Daniel Vergara Bustos, is a Communist.

The carbineros do not take an oath to support the Constitution, but instead swear allegiance to the President. Communists have also been named to the labor, finance, public works, and foreign portfolios.

Six years in office will give the new President sufficient time in which to entrench himself. Nationalization of key industries and harassment of the communications media will combine to squelch political opposition. The process of nationalization will bring about the

elimination of advertising and the drying up of campaign contributions.

Mr. Speaker, this brief recital of the situation existing in Chile has been presented as a background before calling the attention of this great body to the fact that we have 65 men and 27 women stationed in Chile as representatives of the Peace Corps. The question arises, at least in my mind: Should these 92 members of the Peace Corps continue their work in Chile or should they return to the United States, possibly for reassignment to one or more non-Communist countries?

When the Peace Corps was established in 1961, it was for the purpose of promoting world peace and friendship by sending Americans abroad to help the peoples of other nations to meet their needs for trained personnel, help promote a better understanding of Americans by the peoples of other lands, and promote a better understanding of other peoples by Americans.

Just how will these 92 Peace Corps enrollees be able to promote world peace by serving in a country whose newly installed President has said:

Our purpose is to have relations with Cuba, North Korea, North Vietnam, China, and the German Democratic Republic?

Cuba is a Soviet base in the Caribbean Sea from which death and destruction can be rained upon the United States. North Korea is the nation that seized the U.S. Navy's intelligence ship *Pueblo* in 1968 and held its crew prisoners for 11 months. We have been fighting a war against North Vietnam since 1963, one of its chief suppliers of aid being Communist China. East Germany is a puppet of the Soviet Empire, our bitterest enemy.

Why should the Peace Corps keep even one of its members in a country that maintains friendly relations with the enemies of the United States, let alone 92 members?

One of the reasons that I voted, earlier this year, to provide almost $100 million for the Peace Corps was that I believed it constitutes a very effective means, not only for combating Communist propaganda and influence in other countries, but as a way to demonstrate the superiority of the free enterprise system that has enabled the United States to enjoy a maximum of political freedom along with unequaled and unprecedented material prosperity, while also sharing its God-given abundance with less fortunate peoples all over the world. I still believe in the Peace Corps, but I see no point in maintaining any of its personnel in Chile.

Instead of exposing our 92 Peace Corps representatives to the dangers that inevitably accompany a Communist takeover, we ought to withdraw them immediately and begin strengthening our defenses in Latin America. With one Communist regime in Cuba and another in Chile, the latter a nation with a coastline of 2,620 miles, both the Atlantic and Pacific sides of the Panama Canal are in danger.

Mr. Speaker, during the 1960's we provided over $1,300 million in loans and grants to Chile. One of the purposes of our many foreign aid programs has been to combat communism. So many times we have heard the question, asked by the proponents of foreign aid, "Do you want them to go Communist?"

It is obvious that once again we have failed to effectively combat communism, for Chile has gone Communist.

HOUSE GOP CURBS HOUSING MEASURE

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

Mr. BLACKBURN. Mr. Speaker, last Thursday, the House overwhelmingly adopted, on a voice vote, an amendment which I offered to the Housing and Urban Development Act requiring the Secretary of Housing and Urban Development to follow the dictates of Congress with regard to the establishment of criteria for funding waste and sewer grants.

It has been brought to my attention that a member of the House Banking and Currency Committee, the Honorable THOMAS L. ASHLEY, purportedly stated that he was confident that the conference committee on the housing bill would remove my amendment. It was obvious that the will of the House was behind my amendment because no vote was heard in opposition to its passage, with the chairman of the Housing Subcommittee, the Honorable WILLIAM A. BARRETT of Pennsylvania, voicing his support of my proposal, along with the ranking minority member of the Banking and Currency Committee, the Honorable WILLIAM B. WIDNALL of New Jersey, likewise voicing his support. The author of the substitute measure, the Honorable ROBERT G. STEPHENS, JR., of Georgia, voiced his support for my amendment and no opposition appeared openly. It is quite presumptuous for anyone to assume that the conference committee will delete an amendment that was adopted without visible opposition at the time of passage.

For the information of my colleagues, I am inserting the New York Times article into the RECORD:

HOUSE G.O.P. CURBS HOUSING MEASURE

(By John Herbers)

WASHINGTON, Dec. 3.—Republicans in the House of Representatives outmaneuvered the Democratic majority today and struck from a compromise housing bill a provision that would have established broad new authority for building new communities and revitalizing old ones.

The bill, which still contained some provisions opposed by the Administration, then was passed by a vote of 327 to 30.

It now goes to a conference committee, where Democratic and Republican sponsors will attempt to restore the new communities section, which is by far the most important part of the legislation.

Earlier this year the Senate passed a similar $4-billion bill containing the new communities provision.

By a teller vote of 91 to 84, the House struck the entire section broadening the Government's authority in helping establish new communities. Under a teller vote, members march up the center aisle and are tallied as being either for or against an amendment.

The vote came on an amendment by Lawrence G. Williams, Republican of Pennsylvania, who argued that establishing a corporation within the Department of Housing and Urban Development with powers to acquire land, guarantee loans and make grants for community facilities would place too much power in the Federal Government.

MINORITY OUT IN STRENGTH

The Republican minority was out in strength for the Williams amendment. Only a fraction of the Democrats were on the floor.

Ordinarily, a teller vote can be reversed in a roll-call after the members have been routed out of their offices and conference rooms. But this was impossible today because the Williams amendment was to another amendment and was not subject to a roll-call.

"We had the votes," said Representative Thomas L. Ashley, Democrat of Ohio, author of the bill. "We simply didn't have them on the floor."

Representative William B. Widnall, Republican of New Jersey, ranking minority member on the Banking and Currency Committee, who had helped work out the compromise bill, appealed for retention of the new communities section.

He said it was "responsible, constructive" legislation that followed the concept for urban growth policy and new communities set by the Administration and was needed not only to get new towns under way but also to rebuild residential sections of the central city.

The Ashley proposal would greatly expand the new communities section of the Housing Act of 1968, which has attracted little activity. It would do so by providing loan guarantees to both local governments and private developers, making grants for community projects and assembling the necessary land for development of large projects.

George Romney, Secretary of Housing and Urban Development, made a similar proposal earlier in the year, but it was rejected by the Budget Bureau as too costly for the time being.

After the Ashley bill came out of committee, Mr Romney asked Congress to wait until next year, when President Nixon is to make comprehensive housing and urban policy proposals.

The Administration offered a bill that simply would have continued existing housing proposals until comprehensive legislation is drafted next year. That measure was defeated last night.

Today, House Republican leaders had their members out to defeat the Ashley bill. On the new communities section they succeeded, but they were turned back on further substantive amendments.

What emerged was a bill that went considerably further than the Administration proposed. For example, it would expand existing housing programs by about $2.4-billion over the next three years.

Also it provides for the Government to underwrite crime insurance if rates in high-crime areas become unreasonable. This provision is designed to help small shopowners and others who are faced with heavy losses because of robberies and burglaries.

The House accepted by voice vote and without debate an amendment by Benjamin B. Blackburn, Republican of Georgia, to prevent H.U.D. from withholding water, sewer and other grants to suburban communities because they do not make provisions for low-income housing.

Mr. Ashley said this would clearly stand in the way of plans made in the housing agency to disperse central city poor to the suburbs where employment is more available.

The housing agency has been pursuing such a policy on a limited basis by giving priority to communities that do make provisions for low-income families. But agency plans for a stronger policy in this regard have been questioned by Attorney General John N. Mitchell and others in the Administration. This was the subject of a White House discussion yesterday by Mr. Mitchell, Mr. Romney and President Nixon.

Mr. Ashley said he was confident that the Blackburn amendment would be eliminated in conference, even though no one in the House spoke against it.

MILITARY RECORD OF HAWN FAMILY

(Mr. HUNT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUNT. Mr. Speaker, patriotism and duty to country are words to which more than lipservice is paid by the family of Mr. and Mrs. Richard W. Hawn, Sr., of Lindenwold, N.J.

It was certainly refreshing to read on the front page of Lindenwolds Record Breeze of November 26, 1970, that four of the Hawns' children and a daughter-in-law either have served honorably or are presently serving in the U.S. Marine Corps.

Mr. Speaker, on this the 7th day of December—Pearl Harbor Day—the military record of the Hawn family perpetuates the tradition of those who have courageously fought and died for the freedoms which we enjoy in these United States. It is a record, also, which stands in marked contrast to the scores of youth who have reneged on their responsibilities as Americans and have given up their country by seeking the relative comfort of refuge in Sweden and Canada.

Mr. and Mrs. Richard Hawn have a family they can certainly be proud of and I heartily commend them. The Record Breeze article follows:

MILITARY RECORD OF HAWN FAMILY

LINDENWOLD—To say the Hawn family is a military family would be making an understatement.

Two of the sons of Mr. and Mrs. Richard W. Hawn, Sr., John and Stephen, their fourth and sixth sons, and graduates of Overbrook Regional High School, recently completed their "boot" camp training at the Marine Corps Training Depot at Parris Island, S.C., and are now stationed at Camp Lejeune, N.C., for advanced training.

The two will be home for Christmas leave before departing for California and thence moving on to Okinawa.

The eldest of the Hawn brothers, Sgt. Richard W. Hawn, Jr., also a member of the Marine Corps, is now home, following his honorable discharge from the service in California.

A veteran of the Vietnam fighting, he is staying with his parents while awaiting his wife, Corporal Marsha Hawn, who will be transferred to Philadelphia, where she will finish her enlistment, also in the U.S. Marine Corps.

The Hawns have another son, James, who is stationed in Fort Jackson, S.C. He will return in November and serve with the reserves.

In all, Mr. and Mrs. Hawn have 10 children.

COMMENTS ON THE LATEST TURN IN VIETNAM POLICY

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

Mr. COHELAN. Mr. Speaker, it has been almost 3 weeks since the original announcement by the Department of Defense about renewed bombing in North Vietnam. During this time, we have been treated to a series of disclaimers followed by corrections followed again by additional briefings.

At this point, only one thing seems clear—the bombing marks a renewed escalation of the Vietnam war. Notwithstanding that Orwellian explanation that these raids were "protective reaction of limited duration" this was clearly a new and regretable offensive operation.

The raid on the Son Tay prison camp is, of course, another matter. While there is no doubt that the technical execution was brilliant, I have serious doubts as to the wisdom of attempting to free the prisoners in this way.

The raid does point up the serious contradictions in administration information policy, however. Were it not for persistent questioning we would not have been told that some of the airstrikes were connected to this adventure. This last revelation may, of course, be only another interim explanation.

What we have seen is but a continuation of the 7-year nonpolicy in Southeast Asia. A lack of candor by the administration, a lack of consultation with Congress, and contradictory statements of intent.

The public lacks trust in our Government. I do not see how it could be otherwise if we are further subjected to events similar to those of last week.

I include now a number of editorial comments on this latest turn in Vietnam policy:

THAT DUBIOUS RAID TO FREE THE HANOI PRISONERS

(By Clayton Fritchey)

The North Vietnam helicopter raid to rescue U.S. prisoners of war is described as a "failure" because the prisoners had previously been removed, but it may have been a failure the administration can thank its lucky stars for.

If, as the Pentagon believed, the prisoners had still been there, they would have been in the custody of heavily armed North Vietnamese guards. At the first sign of a U.S. raid, it must be assumed the guards would probably have executed the prisoners, and then turned their guns on the rescue party.

What the final outcome would have been, nobody can say. But even if the raiders had succeeded in evacuating some of the U.S. prisoners after killing some or all of the guards, it is not pleasant to contemplate what the retaliation would have been.

Hanoi might well have executed American prisoners held in other camps, or have subjected them to such treatment that they wished they were dead. There are at least 378 U.S. military prisoners in North Vietnam. Was it prudent to endanger their lives in a long-shot attempt to rescue a small number of prisoners at the abandoned camp, especially when they, too, might have been killed?

There is a smell of desperation about this adventure. It is not the considered action of a great power, for no matter how the raid turned out it could not advance the kind of agreement that must be reached in order to resolve satisfactorily the over-all prisoner-of-war situation. Only patient negotiation can do that.

There is also the dubious smell to the various official explanations offered for the simultaneous mass bombing attacks on North Vietnam below the 19th parallel. First, it is suggested that they were intended to spur the enemy toward peace negotiations in Paris. Then we are told they were to interdict Hanoi's supply line to Cambodia and South Vietnam.

These stories won't hold water. Since President Lyndon B. Johnson bombed North Vietnam daily for years in a vain effort to get Hanoi to the peace table, why would President Nixon's 48-hour "limited duration" bombing do the trick? It is the same with supplies. Since Johnson's continuous bombing of Hanoi's system of supplies and reinforcements, how could a mere two-day renewal of the bombing do the job?

Administration spokesmen say key leaders on Capitol Hill were informed in advance of the raids. It turns out, however, that none of the appropriate senators or congressmen were consulted. This includes Sen. J. William Fulbright, chairman of the Foreign Relations Committee; Sen. George Aiken, the ranking Republican member of the committee; Sen. John Stennis, chairman of the Armed Services Committee, and Rep. Thomas Morgan, chairman of the House Foreign Affairs Committee. It is also widely believed that neither the CIA nor the State Department was in on the raid.

By putting Vietnam on the front burner again, the President has revived congressional demands for withdrawing U.S. troops by a definite date. Previous resolutions to that effect were defeated by a President who said he, too, was dedicated to withdrawal, but needed "flexibility" in getting out.

It is becoming clearer what flexibility really means. It actually allows the administration to escalate the war whenever it sees fit and, in the discretion of the President, to abandon or slow down further disengagement from Vietnam.

Escalation has happened twice already, first in the invasion of Cambodia (unauthorized by Congress) and now in the new aerial attacks on North Vietnam, also ordered without congressional consultation. There is nothing, in fact, to stop the President from full scale renewal of the war if he so desires, and this may not be as remote a possibility as many Americans think.

SONTAY: MISSION INCREDIBLE

(By Frank Mankiewicz and Tom Braden)

The scene is a deserted shopping center parking lot, just after dawn. A friendly, bald man, looking remarkably like the Secretary of Defense, parks his car and walks up to a parking meter. He deposits a dime, and we see the meter begin to whir; it is, in fact, a tape recorder. It begins to speak.

"Good morning Mr. Laird. The man you are looking at (click) is Richard Nixon, President of the United States of America. Mr. Nixon will lose the next election to a radical-liberal unless he can convince the followers of this man, (click) George Wallace, that the Nixon administration is hard and tough about Vietnam even though withdrawing from the war.

"This general, (click) Vo Nguyen Giap, is keeping hundreds of American airmen prisoner in North Vietnam on the flimsy pretext that they bombed his country. Your job, Mel, should you accept this assignment, is to rescue some of the fliers, convince the followers of Wallace that President Nixon is hard and tough, and take world attention away from the fact that our country doesn't even take prisoners.

"As always, should you or your team fail in this assignment, the assistant secretaries will say it was a success, anyway. This parking meter will self-destruct in five seconds. Good luck, Mel."

It was indeed like Mission Impossible—the technology was perfect, even down to the locks blown off the empty cells—but as so often happens in real life, it failed. The question is, why was it attempted at all?

In the opinion of one of the few Americans who has been involved in making this kind of decision, the effort represented "complete stupidity" if it was more than a political gesture. He assigned three reasons:

First, we are "badly penetrated." That is to say, the South Vietnamese, at every level of government and the armed forces, are full

of Viet Cong agents—30,000, according to the CIA. It is thus virtually impossible to carry off a raid of this kind without their knowledge.

Second, our own intelligence in and about North Vietnam is "terrible." When Laird told the Senate Foreign Relations Committee, with heavy scorn, that we have no camera capable of taking pictures through a roof, he spoke more truly than he knew. Our knowledge of North Vietnam is in fact limited to what our cameras see—whenever we get an agent in there he is, in the language of the trade, quickly "rolled up."

Third, it was dangerous folly to think we could go into a real prison without some or all of the prisoners being killed. Since we were wrong about where the prisoners were, we must obviously have been wrong, too, about where the enemy was and what strength the enemy had. If there were indeed 200 to 300 U.S. prisoners at the camp, is there any reason to think it would not be defended, probably with machine guns or recoilless rifles?

As it was, one helicopter was lost, crippling the plan. Laird spoke of a "purposeful crash-landing," but this is absurd nonsense. Helicopters, by their very nature, either crash or land, but not both. Why crash-land, if you can land? The best theory is that film of the crashed helicopter was due momentarily from North Vietnam's propaganda people, which is the only reason we have heard about the raid at all.

Why, then, was it attempted? There are only two possible explanations. Sen. J. William Fulbright (D-Ark.) pointed to one, when he said the problem "isn't with the machinery or the technology; it's the brains and judgment that are lacking."

But there is another reason and it is expressed, if fancifully, at the beginning of this column. It is to make Mr. Nixon seem "tough" in Vietnam, thus protecting his right flank as he disengages. It may be smart politics, but it is dangerous business.

A MATTER OF CREDIBILITY

Secretary of Defense Laird says the Administration decided to publicize the commando raid on an empty prisoner-of-war camp near Hanoi because of "a certain problem of credibility in our society." But nearly everything connected with this brilliantly executed but nonetheless abortive mission—especially the official explanations and claims for it—is likely to widen that home-front credibility gap.

Mr. Laird does violence to credibility, for example, when he persists in asserting that intelligence for the raid was "excellent in all respects." It was excellent in all respects except the one for which the mission was undertaken: there were no American prisoners at Sontay. Even Vice President Agnew said the mission "obviously" was unsuccessful "because of faulty intelligence."

Nor can the well-deserved praise for the brave men who carried it out obscure the probability that the Sontay raid will mean even harsher treatment and stricter surveillance for all American prisoners in Indochina. Even if the raid had been a success, the rescue of 70 or more Americans believed to have been at Sontay would have had to be weighed against the likely consequences for an estimated 300 held in other prisons of North Vietnam.

The credibility problem goes well beyond the Sontay raid, however, to the related issue of the resumption of American bombing of North Vietnam and the over-all policy of Vietnamization and "winding down" the war. Mr. Laird says the decision to disclose the Sontay raid was made "to explain what we did in the North" and to refute North Vietnamese charges of heavy American bombing of the Hanoi-Haiphong area.

Hanoi doubtless exaggerated; yet Assistant Secretary of Defense Daniel Henkin has now admitted that in diversionary attacks during the helicopter raid on the prison, American planes bombed and strafed enemy installations in the Sontay area only 23 miles west of Hanoi. Mr. Laird had said nothing about air-to-ground attacks; he had mentioned only that American Navy planes had dropped diversionary flares along the coast.

This was hardly the way to refurbish the Administration's credibility at home or abroad. About all the world is likely to note is that the United States has again carried the air war close to North Vietnam's capital, as Hanoi had charged and as Washington in effect had denied. When coupled with the resumption of extensive American bombing of enemy installations and stockpiles south of the 19th parallel, the Sontay episode is bound to rekindle old doubts about Mr. Nixon's intentions.

Can the President's idea of Vietnamization include a stepped-up employment of American air power against the North to compensate for the withdrawal of ground troops? Can he still entertain the notion that another flexing of American military muscle will make Hanoi and the Vietcong more reasonable in negotiations about both peace and prisoners? These old questions have taken on fresh urgency. In the circumstances it is difficult to credit the assurances of Secretary of State Rogers that neither Sontay nor the resumption of the bombing will affect the Paris peace talks "one way or another."

[From the Washington Post, Nov. 29, 1970]

THE PRESIDENT'S WAR POLICY: A QUESTION OF TRUST

Senator FULBRIGHT. Is this an indication of a policy change—reversal of the basic policy and objective of the administration—or is it not? Perhaps I read more into it than ought to be read into it, but coupled with Cambodia and with the resumption of bombing, and now this additional action, does this indicate a change in attitude . . . ?

Senator DOLE. One cannot say there is a change in policy because of an effort to rescue American prisoners . . . The Senator from Kansas does not view this as an effort to enlarge the war. The Senator from Kansas does not view the bombing raids, which were directed at military targets, as any efforts to enlarge the war. President Nixon is committed to the Vietnamization program, yes, and hopefully to negotiations.—Congressional Record, Nov. 23, 1970.

This is what it all comes down to, in the ongoing debate over the question of what the Nixon administration is really doing in Vietnam, and the conclusions you draw depend in very large measure on where and how you begin—with what dark suspicions and how much trust. It isn't that the critics don't agree with the essence of President Nixon's approach as he has stated it so much as that they don't believe he means what he plainly says. For its part, the administration appears to be almost wholly insensitive, not to say needlessly defensive, as to why this might be so; it is as if the President and Secretary Laird and Dr. Kissinger and all the rest had been living hermetically sealed from reality these past years, as if they were unaware that senators and the press and the public have in fact been conned and manipulated and misled and lied to, pure and simple, since the beginning days of the increased American involvement in the war.

Partly, to be fair about it, this was in the nature of conducting for the first time a limited war, waged without full mobilization and censorship and all the rest, in an open society. In such a war, things are said and done for show and for temporary effect, as a means of communicating with, and influencing the state of mind of the enemy—acts not primarily intended for domestic consumption, but visible or audible nonetheless and therefore baffling or downright deceptive in their domestic impact. Thus the "graduated" bombing of the North, intended not as an inevitable move toward an open-ended wider war, but as a thumbscrew that would force an early collapse of the enemy's will to fight. Thus, also, the plunge into Cambodia or the latest bombing of the North or even the raid on the POW camp outside Hanoi—all designed in one way or another, not as a return to the thumbscrew but, if we are to put the most logical cast on it, as a way to buy time for an orderly withdrawal from the war, to give the enemy pause, as it were—something a great power feels all the greater compulsion to do when it is engaged in a strategic retreat.

However, what the senators and the rest of the critics are arguing is that deep down the President still intends to *win* the war, that Vietnamization is a fraud, that the administration isn't telling us the truth. Confronted with word of the Sontay raid, the most Senator Pell can think of to say is "My God," while Senator Fulbright and Senator McGovern and the others probe for sinister shifts in policy. In a letter on the page opposite, a trio of academics contends that the President's "clearly announced and demonstrated strategy entails not only prolonging but vastly expanding this immoral, illegal and unconstitutional war . . ." They add: "to fail to resist his policy, is to become an accomplice."

This is not merely hysterical; it is a gross misstatement of fact. The President has stated no such intention of "prolonging" and "vastly expanding" the war and his continual withdrawal of American troops, which is far and away the most important substance of his policy, argues just the opposite: American battle casualties *have been* sharply reduced; the South Vietnamese combat role *has been* greatly expanded and become more effective; these are facts. And before you can brush them aside, you have to believe, among other things, that there remains within this administration's war council a significant element which still thinks that air power alone can win a guerrilla war. And you have also to believe that Mr. Nixon has some reason to want American forces still caught up in a raging conflict in Vietnam on election day 1972. Leaving trust aside, common sense suggests to us that neither is the case.

Our own hunch is that we are on the way out of Vietnam, irreversibly; that events and circumstances will make the military retreat total because it will prove impossible to retain and protect even a "residual" force of 50,000 men or 100,000 men or whatever; that the process, in the nature of things, may unfold even faster than the President suspects; that Mr. Nixon, while not rejecting negotiation, is not eager enough for an agreement to put the name and prestige of the United States on a deal for the soggy settlement, involving some sort of "coalition" with the Communists, which would be the inevitable result of a realistic compromise; and that the essential contradiction between Vietnamization, which means a gradual weakening of our influence on the Saigon government, and negotiation, which would oblige us to exert heavy pressure on the government in Saigon, will increasingly diminish the prospect for a negotiated settlement in any case.

All this does not necessarily promise an end to the war, only to our involvement in it; still less does it promise that "just peace" the President has spoken of so often. And we wish the administration would stop pretending that it does. For there can be no absolute objectives in a limited war and the administration cannot expect to be believed when it explains away a massive raid on Communist supply centers in North Vietnam in terms of protecting our "unarmed" aerial reconnaissance, or when it seeks to turn a

bold but sharply limited and unsuccessful effort to rescue a relatively few American POW's into a dramatic feat of arms. We come back to the question of trust, and to the fact that it cuts both ways, which is really what Senator Aiken is saying in a speech pleading for bipartisan collaboration on the war, which is excerpted on this page.

Our course of action is going to remain very much subject to the response and the reaction of the enemy; it is that kind of war. And we are unlikely to find the best way out of it until the suspicions break down, until the risks and the responsibilities are shared in an atmosphere, not of hostility, but of mutual trust in the pursuit of a common cause.

REPRESENTATIVE PRYOR OR ARKANSAS TO INTRODUCE RESOLUTION IN 92D CONGRESS TO CREATE A SELECT COMMITTEE ON AGING

The SPEAKER pro tempore (Mr. SMITH of Iowa). Under a previous order of the House the gentleman from Arkansas (Mr. PRYOR) is recognized for 60 minutes.

(Mr. PRYOR of Arkansas asked and was given permission to revise and extend his remarks and to inlude extraneous matter.)

Mr. PRYOR of Arkansas. Mr. Speaker, I rise today to announce my intention of introducing at the beginning of the 92d Congress a resolution to create a Select Committee on Aging in the House of Representatives.

I am grateful to be joined today by 80 of my colleagues who have demonstrated their concern for the plight of the over 20 million Americans who will be directly and immediately affected by this committee.

Last February, following an extensive personal examination of nursing homes in the Washington, D.C. area, I addressed this House on the nature of the conditions existing in those homes. Some of those conditions I talked about that day were real and horrible. They were personal experiences observed while I had worked as a volunteer in those nursing homes. I spoke also that day of good nursing homes, of homes which were bright and cheerful and well managed. And I spoke that day of patients being charged $7 to have their toenails clipped; of patients sitting in wheelchairs unattended, in their own excrement; of a patient who had had, according to the proprietor, a slight heart attack, but was not given medical attention because the home did not make a practice of calling a doctor on Sunday.

At that time, February 24, I introduced House Resolution 850 to create a Select Committee To Investigate the Care of the Aged in the United States. Fourteen of our colleagues joined me at that time, and none of us expected that we would solve the problem overnight. But we wanted to make a beginning, to start bringing some hope to those who have given their lives to this Nation—and to afford to American senior citizens not an existence of constant and sure debilitation—but final years of pride, usefulness, and respectability. Now, after an eventful 9 months of waiting, there is still no select committee, there is still no forum in which a comprehensive approach to the problems of the aged can be discussed and planned, there is still no positive sign that the conditions which existed in February will either be adequately discussed, or more importantly, alleviated.

Mr. Speaker, these 9 months have been filled with both a sense of frustration and accomplishment. While we have been frustrated in waiting for the House to make a start in the massive effort needed to hear the voices of our older citizens, I have been deeply gratified by the response of those citizens to our efforts in their behalf.

More than anything else, that response, as evidenced by the more than 10,000 letters my office has received, is the reason why I have decided to expand my resolution to a Committee on Aging rather than solely to a Committee on Nursing Homes. For among those thousands of letters are not only personal accounts of the sometimes unbelievable conditions existing in nursing homes, but also the plaintive cries of elderly citizens who have been abandoned by society and want little more than a spokesman for their interests in Washington. This is precisely what I am proposing today.

I am proposing the establishment of a committee which will listen to those people, which will go to them and hear their problems and their suggestions for solutions to their dilemmas of growing old in America. I am proposing that a vehicle be created through which the voice of our elderly citizens can be raised and heard in the Nation's Capitol.

Mr. Speaker, there will be those in the House who will argue that we have too many committees already, that we do not have even the space for any additional committees—that other committees now exist which have jurisdiction over the issue of aging. But that is precisely the problem—we have too many committees dealing with minute segments of the problem of the aged and we have no single committee looking at the entire problem.

A majority of the 21 standing committees of the House have jurisdiction which in some way affects a substantial portion of the 20 million Americans aged 65 and over. If one looks at those issues which most directly affect the elderly American—employment, housing, health, welfare benefits, transportation, and nutrition—he finds at least five committees which have extensive jurisdiction over the subject area. While no Member of this House can doubt both the sincerity and diligency of the chairmen and members of those committees, one must wonder how it is possible not only to keep track of what his own committee is doing in regard to the elderly, but also what the other 10 committees are doing. More important, those committees which have jurisdiction over programs relating to the aged, also have the responsibility for programs affecting the entire population, and the workload is staggering. It is, in fact, a source of amazement, and yet at the same time, a source of pride, that we have done so well considering the limitations placed upon us.

But this Nation, Mr. Speaker, and this Congress can no longer afford to be satisfied with having "done well" considering the limitations. We must begin a concerted attack on the problems confronting the aged in our society. We cannot be satisfied with periodic investigations into tragedies which have already occurred. We must begin to avert those tragedies.

All of this can be accomplished, not by a frenzied outburst in response to a momentary concern, but by a consistent, full-time, and compassionate concern for those 20 million people. What we are talking about here are the daily lives of those elderly Americans, and they are entitled to no less than constant day-to-day concern by the House of Representatives.

Mr. Speaker, in the days ahead as we debate the question of whether this Congress will establish a Select Committee on Aging, many Members will ask many questions about the jurisdictional limits of the proposed select committee. Even though we are proposing a nonlegislative committee, many will ask whether we are stepping on the jurisdictional toes of existing committees. While I want to be certain to assure the members of those committees that we will not, in fact, be doing that, I would like to set the tone of that debate in another direction.

The committee we are proposing today will be a people's committee. It will listen to people in Washington and around the Nation. It will hear their problems, in their words and from their own hearts. Those people are not concerned with jurisdictions; they are not concerned with which committee has the legislative power to deal with their dilemmas. But they are concerned with the things which affect their own lives, with the price of a piece of beef which is packaged for two people instead of one, with the price of housing which has adequate facilities for a citizen who lacks full mobility, with the standards which have to be maintained in a nursing home, and with consumer frauds perpetrated upon the elderly.

These are acutely human concerns—concerns which must be dealt with in a very personal and compassionate manner—and all of the talk about jurisdiction is not going to get us one step closer to facing these problems in that personal manner.

Mr. Speaker, Members of Congress from all political persuasions and ideologies have joined me today. They have done so because they know that growing old is not a political issue, and that responsible treatment of the aged is not an ideological question.

Mr. Speaker, one-tenth of America, 20 million people who have served this Nation, now wait upon us to serve them. We cannot do it all. We cannot cure all of the ills, but we can begin. I urge all of my colleagues to join us in this effort to give this vital segment of the Nation a real voice, a continuing voice, a full-time voice, in the House of Representatives.

I include at this point a list of the cosponsors of the proposed legislation:

COSPONSORS OF PRYOR RESOLUTION TO CREATE SELECT COMMITTEE ON AGING AS OF DECEMBER 7, 1970

Alexander, Bill (D., Ark.), Anderson, Glenn M. (D., Calif.), Barrett, William A. (D., Pa.),

Bell, Alphonzo (R., Calif.), Biaggi, Mario (D., N.Y.), Blanton, Ray (D., Tenn.), Brasco, Frank J. (D., N.Y.), Brinkley, Jack (D., Ga.), Burke, James A. (D., Mass.), Burlison, Bill (D., Mo.).

Caffery, Patrick T., (D., La.), Chisholm, Shirley (D., N.Y.), Conte, Silvio O. (R., Mass.), Corman, James C. (D., Calif.), Coughlin, R. Lawrence (R., Pa.), Davis, John W. (D., Ga.), Diggs, Charles C., (D., Mich.), Donohue, Harold D. (D., Mass.), Dorn, Wm. J. B. (D., S.C.), Duncan, John J. (R., Tenn.).

Eckhardt, Bob (D., Tex.), Edwards, Bob (D., Calif.), Edwards, Edwin W. (D., La.), Eilberg, Joshua (D., Pa.), Ford, William D. (D., Mich.), Fraser, Donald M. (D., Minn.), Frey, Louis (R., Fla.), Fulton, James G. (R., Pa.), Galifianakis, Nick (D., N.C.), Giaimo, Robert N. (D., Conn.).

Gibbons, Sam (D., Fla.), Goldwater, Barry M., Jr. (R., Calif.), Gonzalez, Henry B. (D., Tex.), Gray, Kenneth J. (D., Ill.), Griffiths, Martha (D., Mich.), Hanley, James M. (D., N.Y.), Harrington, Michael (D., Mass.), Hawkins, Augustus (D., Calif.), Hamilton, Lee H. (D., Ind.), Hechler, Ken (D., W.Va.).

Heckler, Margaret M. (R., Mass.), Henderson, David N. (D., N.C.), Jacobs, Andrew (D., Ind.), Jones, Ed (D., Tenn.), Koch, Edward I. (D., N.Y.), Kyros, Peter N. (D., Maine), McCloskey, Paul N. (R., Calif.), McDade, Joseph M. (R., Pa.), McFall, John J. (D., Calif.), Meeds, Lloyd (D., Wash.).

Mikva, Abner J. (D., Ill.), Mink, Patsy T. (D., Hawaii), Mollohan, Robert H. (D., W.Va.), Moorhead, William S. (D., Pa.), Morse, F. Bradford (R., Mass.), Murphy, John M. (D., N.Y.), Nedzi, Lucien N. (D., Mich.), O'Neill, Thomas P. (D., Mass.), Pepper, Claude (D., Fla.), Preyer, Richardson, (D., N.C.).

Pucinski, Roman C. (D., Ill.), Rees, Thomas M. (D., Calif.), Riegle, Donald W. (R., Mich.), Rosenthal, Benjamin S. (D., N.Y.), Roybal, Edward R (D., Calif.), Ryan, William F. (D., N.Y.), Sandman, Charles W. (R., N.J.), Shipley, George E. (D., Ill.), Steiger, William A. (R., Wis.), Symington, James W. (D., Mo.)

Taylor, Roy A (D., N.C.), Teague, Charles M. (R., Calif.), Udall, Morris K. (D., Ariz.), Waldie, Jerome, R. (D., Calif.), Winn, Larry (R., Kansas), Wolff, Lester L., (D., N.Y.), Wyman, Louis C. (R., N.H.), Yatron, Gus (D., Pa.), Zablocki, Clement J., (D., Wis.).

I also include a proposed draft of the legislation which I have previously referred to:

PROPOSED DRAFT OF PRYOR RESOLUTION TO CREATE A SELECT COMMITTEE ON AGING

Whereas there are now more than 19 million persons in the United States age sixty-five and over—a group representing more than 9 percent of our total population and more than 16 percent of our adult population; and

Whereas this group of senior American citizens is expected to exceed 25 million by 1985—thus continuing it as the most rapidly growing segment of our entire adult population; and

Whereas this group is faced with serious and continuing problems, including employment, housing, medical care, education, pensions, and meaningful use of retirement years; and

Whereas these problems have produced and will continue to produce serious strains on the fabric of our national life making it incumbent upon us to discover what social and economic conditions will enable our senior citizens both to contribute to our national productivity and to lead satisfying, independent and productive lives; and

Whereas the problems of our senior citizens, while calling for action by various legislative committees, are themselves highly interrelated, requiring coordinated review and recommendations based on studies in depth of the total field—studies which of necessity must range beyond the jurisdictional boundaries of any existing committee; and

Whereas the problems confronting our senior citizens are of such vital national concern as to require the full-time attention of a select committee of the House of Representatives: Now, therefore, be it

Resolved, That there is hereby created a non-legislative select committee to be composed of 13 Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

The committee is authorized and directed to conduct a full and complete investigation and study of any and all matters pertaining to problems of older people, including, but not limited to, problems of maintaining health, of assuring adequate income, of finding employment, or engaging in productive and rewarding retirement activity, of securing proper housing, and, when necessary, of assuring adequate care or assistance.

No proposed legislation shall be referred to the committee, and the committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

For the purpose of carrying out this resolution the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any members of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Speaker, I would like once again to commend the gentleman from Arkansas for the leadership that he has exercised in bringing this problem to the attention of the Nation and of the House. I support his resolution, and I feel the gentleman from Arkansas has done a tremendous amount of research and on-the-scene investigations in connection with this subject.

I feel that he has brought the searchlight of national attention on a problem which the Congress must grapple with. I fully support his efforts and the recommendations contained in his resolution which I cosponsored.

Mr. PRYOR of Arkansas. I appreciate the gentleman's generous remarks, and I would like to commend him and express my gratitude also for his sponsorship of House Resolution 850 of the 91st Congress, and also welcome his cosponsorship of the resolution which will be introduced in the beginning of the 92d Congress.

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

Mr. PRYOR of Arkansas. I yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Speaker, I would just like to add my words to those of my friend, the gentleman from West Virginia, who is one of the most valued and distinguished Members of the House, and to participate in this discussion with two people who have done so very much for the aging people of this country as well as in those parts of the country that face these problems. It is something that is very thrilling, and I want to thank the gentleman in the well again for all that he has done and continues to do in this area.

Mr. PRYOR of Arkansas. I appreciate the remarks of my friend, the gentleman from New York, and thank him also for his cosponsorship of House Resolution 850. He has always been a man who has cared not only for the elderly population of this Nation, but for all segments of our society, and I thank the gentleman very much.

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

Mr. PRYOR of Arkansas. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I thank the distinguished gentleman very much for yielding to me.

Mr. Speaker, I rise primarily to commend the able gentleman now in the well for his taking the well-merited leadership in this worthy cause, and attempting to provide a select committee on the problems of the aging.

The other body has had a committee like this for some time. This House, I am sure, is deeply concerned about the well-being of some 20 million senior citizens, people above 65 years of age, in this country, and in many parts of the country who live in poverty and, I regret to say, partially in my district where there are senior citizens who do not get enough to eat, and who do not live in decent housing facilities, and who are deserving of the gratitude of this country.

When the Bible says "Honor thy father and thy mother," I think we can well follow that admonition by passing legislation which will show that a grateful country is concerned about our fathers and our mothers and our elderly, and that we are determined to make adequate provision for them so that they may realize, in the words of Browning, when he said:

> Come, grow old with me, the best is yet to be, the last for which the first was made.

I have associated myself with the able gentleman from Arkansas in this proposal. I shall certainly continue to do everything I possibly can to bring the matter to an early fruition.

Mr. PRYOR of Arkansas. I thank the very distinguished gentleman and good friend from Florida. I would also like to say to him that the resolution which will be introduced, and of which the gentleman is a cosponsor, was in many instances taken from the spirit and philosophy of the resolution which the gentleman from Florida himself introduced

into the House of Representatives in 1967. I thank the gentleman very much for his generous remarks and his contributions.

Mr. FRASER. Mr. Speaker, I rise in support of the resolution to establish a Select Committee on Aging offered by the gentleman from Arkansas (Mr. PRYOR).

There are now over 19 million elderly Americans in our society representing over 16 percent of our adult population. The programs on which these individuals are so heavily dependent are reviewed by seven committees of the House and administered by almost every department of the administration.

The need for an integrated approach to the problems facing elderly Americans is acute. The present ad hoc and piecemeal approach to these problems has resulted in an increase of those elderly individuals living below the poverty level from 4,632,000 in 1968 to 4,787,000 in 1969, in a deterioration of transportation services available to the elderly, and health care services available to the aged which in some cases are disastrous.

It is essential for improving the well-being of our elderly citizens that this committee be established in order to report to the Congress on the needs of those in this important segment of our society.

Mr. HANLEY. Mr. Speaker, I want to take this opportunity to thank our colleague, DAVE PRYOR, for his untiring efforts on behalf of America's older citizens. His dedicated activities in investigating nursing homes throughout the Nation, his constant publicizing of the plight of our senior citizens and now his call for a Select Committee on the Aging in the House serve to underscore the work which must be done.

I am pleased to note my cosponsorship of the proposal to establish the select committee, and I am pleased to participate in the special order to dramatize its need.

Modern medicine has performed great feats in lengthening our life spans. But we as legislators have a collateral responsibility to our older citizens, and that is to see that they enjoy their retirement years in a manner becoming a civilized society. This entails proper housing, decent medical care, recreational opportunities and a proper atmosphere of respect. I believe the select committee can perform an admirable service toward these ends.

I commend Congressman PRYOR, and pledge my support to these efforts.

Mr. GONZALEZ. Mr. Speaker, I am very glad to join in the special orders today with Congressman DAVID PRYOR in his efforts to relate the need for drawing special attention to the problems of aging, and the need for a House Select Committee on Aging.

In the next Congress, I will be cosponsoring legislation that would provide a vehicle not only to carefully study the problems of the aged, but to initiate some action by way of legislation to respond to these concerns.

The Senate Committee on Aging in its investigative capacity has conducted studies on various matters of direct importance to the 20 million Americans now past 65 and the many millions nearing that age. The Senate report issued in 1969 discussed the achievements in the field, but the pending problems listed require a sense of urgency. The report shows:

First, that inadequate income is still the major problem facing most older Americans, one-third of whom live in poverty.

Second, that, even with medicare and medicaid, rising health care costs are causing great concern, and some hardships.

Third, that grave shortages exist in housing, nursing homes, and other forms of shelter.

Fourth, that while there have been some advances and innovations in the delivery of social services to the elderly, gaping deficiencies exist.

Fifth, that chronic questions persist in terms of Federal organization of programs for the elderly. The role of the administration on aging, for example, is not yet clear cut, even after 3 years of existence.

Sixth, that many elderly members of minority groups, in particular, pay a heavy price because of unresolved questions or inadequate action taken to meet needs of the low-income aged.

Seventh, that, intensifying all other problems, there is a widespread mood of alienation among the millions of Americans who find that their status and hopes deteriorate when retirement begins. That sense of alienation was measured in a poll in 1968, and it was found that a large percentage of "older people tend to see themselves as left out of things and have the impression that few think they can contribute anything." [1]

The personal investigation of nursing homes by my colleague from Arkansas very vividly reaffirms the Senate report's call for a sense of urgency in leading with the problems of the aged. The deplorable conditions in which our elderly can find themselves when they must live in nursing homes should certainly awaken us into action, not just words and studies, but legislative action.

Health care is but one aspect of the overall problem, and I applaud Congressman PRYOR's reconsideration of a proposal that would have only encompassed the care of the aged.

I agree with you 100 percent that we need to look at "where we have been, where we are now and were we are going." I hope the majority of our colleagues will agree with us in our quest to help the older American.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I commend the gentleman for taking this time to discuss an issue that is of utmost importance for the Nation. I am happy to join the gentleman as a cosponsor of his bill to create a Select Committee on Aging for the 92d Congress.

The problems of our senior citizens are varied and complex. They concern the most pressing problems of the Nation: poverty, health care, and housing. Almost 40 years ago, legislation was enacted to provide for a system of social security—that is insurance for the wage earner who can no longer work or who should no longer have to work. The enormous poverty of the aged was somewhat alleviated by this program, but the dreams of an end to the poverty of the elderly were not fulfilled.

Today, in 1970, the great portion of the elderly of our Nation are insufficiently housed, cannot afford decent meals and do not have access to adequate health care either at home or in institutions. Indeed, it is a tragic irony that when one has the greatest need for health care, he is least able to afford it. I am sure everyone in this body has received many heart-rending letters from senior citizens and from people they have come into contact with concerning deprivation due to insufficient incomes and insufficient care. State governments in some instances have tried to supplement social security. However, with the tax base diminished, States are unable to provide adequate old-age benefits.

On May 21, this body passed a meager 5 percent increase for social security. It was woefully insufficient and almost cruel in its irony considering the increase in the cost of living. Regardless of how pitifully inadequate this increase was, however, the Senate still has not acted upon it and in a very cruel way is now making it part of a Christmas tree package instead of passing this bill on its merits, and indeed passing an increased amount. It disturbs me greatly when I hear that Social Security increases are inflationary or undeserved. The senior citizens of this Nation are the very ones that have built this country. For years they worked to create the industrial magnificence of this Nation and it is to them we owe our present comfort and wealth. It is not a handout they are asking for, but merely a part of what they so richly deserve. It is th's body's obligation to see the elderly enjoy the fruits of their labor and are able to spend their twilight years in the dignity that becomes them.

I commend my colleague from Arkansas for the fine work he has done and is continuing to do to meet the needs of the aged. I look forward to working with him in the future on programs to alleviate the sorrow of our senior citizens.

Mr. RYAN. Mr. Speaker, I want to commend our distinguished colleague from Arkansas (Mr. PRYOR) on the diligence and dedication he has demonstrated concerning the problems of our elderly citizens. As a cosponsor of his resolution to create a Select Committee on Nursing Homes and Homes for the Aged, I can attest to our colleague's active concern in this area.

The creation of a House Select Committee on Aging, which our colleague (Mr. PRYOR) proposes, is a long-past-due recognition of the need for a special committee to investigate and study the problems and circumstances of an enormous segment of our population which is consistently neglected. The relevance of such a committee is demonstrated by the excellent work that has been done by

[1] Report of the Special Committee on Aging, United States Senate, "Developments in Aging 1968", S. Rept. 91–119, April 3, 1969, pp. ix, x.

a comparable committee of the other body.

I want to briefly mention some of the bills which I have sponsored in the 91st Congress directly aimed at problems of the elderly. I believe just this bare list will demonstrate some of the manifold issues which a Select Committee on Aging could undertake to investigate. I should mention that this list does not include the numerous bills involving social security which I have introduced.

H.R. 654 provides for the establishment of an older Americans community service program.

H.R. 16881 establishes a senior citizens skill and talent utilization program.

H.R. 18307 amends the Older Americans Act to provide for the provision of low-cost meals.

H.R. 19216, the Elderly and Handicapped Americans Transportation Assistance Act, is concerned with remediating the special transportation problems of the elderly.

H.R. 19367 provides for the interchangeability of social security and civil service retirement plans.

Finally, House Resolution 900, of which our colleague from Arkansas (Mr. PRYOR) is the chief sponsor, creates a Select Committee on Nursing Houses and Homes for the Aged.

I am pleased to join the gentleman in cosponsoring legislation to create a House Select Committee on Aging. The need for such a committee and the benefits it can produce for our elderly citizens are significant.

I should like, at this time, to insert an article from the August 3, 1970, issue of Time magazine, entitled "The Old in the Country of the Young"—a thoughtful, intelligent depiction of the more than 20 million Americans in our Nation over the age of 65. The article follows:

THE OLD IN THE COUNTRY OF THE YOUNG

Edward Albee once wrote a play about a middle-aged couple who, before putting Grandma permanently in the sandbox with a toy shovel, gave her a nice place to live under the stove, with an Army blanket and her very own dish. The play contains more truth than allegory. One of the poignant trends of U.S. life is the gradual devaluation of older people, along with their spectacular growth in numbers. Twenty million Americans are 65 or over. They have also increased proportionately, from 2.5% of the nation's population in 1850 to 10% today.

While the subculture of youth has been examined, psychoanalyzed, photographed, deplored and envied, few have wanted even to admit the existence of a subculture of the aged, with its implications of segregation and alienation. Strangely enough, the aged have a lot in common with youth: they are largely unemployed, introspective and often depressed; their bodies and psyches are in the process of change, and they are heavy users of drugs. If they want to marry, their families tend to disapprove. Both groups are obsessed with time. Youth, though, figures its passage from birth; the aged calculate backward from their death day. They sometimes shorten the wait: the suicide rate among elderly men is far higher than that of any other age group.

The two subcultures seldom intersect, for the young largely ignore the old or treat them with what Novelist Saul Bellow calls "a kind of totalitarian cruelty, like Hitler's attitude toward Jews." It is as though the aged were an alien race to which the young will never belong. Indeed, there is a distinct discrimination against the old that has been called ageism. In its simplest form, says Psychiatrist Robert Butler of Washington D.C., age-ism is just "not wanting to have all these ugly old people around." Butler believes that in 25 or 30 years, age-ism will be a problem equal to racism.

We have time to grow old—the air is full of
our cries.

—*Samuel Beckett.*

It is not just cruelty and indifference that cause age-ism and underscore the obsolescence of the old. It is also the nature of modern Western culture. In some societies, explains Anthropologist Margaret Mead, "the past of the adults is the future of each new generation," and therefore is taught and respected. Thus, primitive families stay together and cherish their elders. But in the modern U.S., family units are small, the generations live apart, and social changes are so rapid that to learn about the past is considered irrelevant. In this situation, new in history, says Miss Mead, the aged are "a strangely isolated generation," the carriers of a dying culture. Ironically, millions of these shunted-aside old people are remarkably able: medicine has kept them young at the same time that technology has made them obsolete.

Many are glad to end their working days. For people with money, good health, careful plans and lively interests, retirement can be a welcome time to do the things they always dreamed of doing. But for too many others, the harvest of "the golden years" is neglect, isolation, anomic and despair. One of every four Americans 65 or over lives at or below "the poverty line." Some of these 5,000,000 old people were poor to begin with, but most are bewildered and bitter nouveaux pauvres, their savings and fixed incomes devoured by spiraling property taxes and other forms of inflation. More than 2,000,000 of them subsist on Social Security alone.

Job discrimination against the aged, and increasingly against the middle-aged, is already a fact of U.S. life. While nearly 40% of the long-term unemployed are over 45, only 10% of federal retraining programs are devoted to men of that age. It is often difficult for older people to get bank loans, home mortgages or automobile insurance. When the car of a 68-year-old Brooklyn grocer was stolen last winter, he was unable to rent a substitute. Though his driving record was faultless and he needed a car for work, he was told falsely by two companies that to rent him one was "against the law."

Youth is everywhere in place
Age, like woman requires fit surroundings.

—*Ralph Waldo Emerson.*

Treated like outsiders, the aged have increasingly clustered together for mutual support or simply to enjoy themselves. A now familiar but still amazing phenomenon has sprung up in the past decade; dozens of good-sized new towns that exclude people under 65. Built on cheap, outlying land, such communities offer two-bedroom houses starting at $18,000, plus a refuge from urban violence, the black problem (and in fact blacks), as well as generational pressures. "I'm glad to see my children come and I'm glad to see the back of their heads," is a commonly expressed sentiment. Says Dr. James Birren of the University of Southern California: "The older you get the more you want to live with people like yourself. You want, to put it bluntly, to die with your own."

Most important, friendships are easy to make. One relative newcomer to Laguna Hills Leisure World, Calif., received more than 200 get-well cards from her new neighbors when she went to a hospital in Los Angeles. There is an emphasis on good times: dancing, shuffleboard, outings on oversized tricycles and bowling (the Keen Agers v. the Hits and Mrs.). Clubs abound, including Bell Ringing, Stitch and Knit, Lapidary and "tepees" of the International Order of Old Bastards. The I.O.O.B. motto: "Anything for fun." There is, in a sense, a chance for a new start. "It doesn't matter what you used to be; all that counts is what you do here," said a resident of Sun City, Ariz.

To some residents the communities seem too homogeneous and confining. A 74-year-old Californian found that life was flavorless at his retirement village; he was just waiting for "the little black wagon." Having begun to paint seascapes and landscapes at 68, he moved near an artists' colony, where he now sells his landscapes and lives happily with a lady friend of 77.

In silent synods, they play chess or cribbage.

—*W. H. Auden.*

In fact, less than 1% of the elderly leave their own states. The highest proportion of the aged outside Florida is in Arkansas, Iowa, Maine, Missouri, Nebraska and South Dakota—on farms and in communities from which youth has fled. In small towns, the able elderly turn abandoned buildings into "senior centers" for cards, pool, slide shows, lectures and pie socials. In Hebron, N. Dak. (pop. 1,137), grandmothers use the balcony of the former J. C. Penney store for their quilting. But there is little socializing among the rural aged, who often subsist on pittances of $60 a month, and become even more isolated as public buses disappear from the highways, cutting off their lifelines to clinics, stores and friends.

A third of the nation's aged live in the deteriorating cores of the big cities. Or Manhattan's Upper West Side, thousands of penniless widows in dingy single-room-occupancy hotels, bar their doors against the alcoholics and dope addicts with whom they share the bathroom, the padlocked refrigerator and the telephone down the hall. "Nine out of ten around here, there's something wrong with them," says a 72-year-old ex-housekeeper living on welfare in a hotel on West 94th Street. "I get disgusted and just sleep every afternoon. Everybody dying around you makes you kind of nervous." Terrified of muggings and speeding cars, the disabled and disoriented do not leave their blocks for years on end, tipping anyone they can find to get groceries for them when their welfare checks arrive.

Close to a million old people live in nursing homes or convalescent facilities provided by Medicare. A new growth industry, nursing homes now provide more beds than hospitals. They are badly needed. But in many of the "homes," the food and care are atrocious. Patients have even been confined to their beds merely because bed care entitles the owners to $2 or $3 more a day. Mrs. Ruby Elliott, 74, recalls her year in a California nursing home with fear and bitterness: "It's pitiful, but people are just out for the money. That whole time I was among the living dead."

Fewer than half of the country's 25,000 nursing homes actually offer skilled nursing. Arkansas Congressman David Pryor recently visited twelve nursing homes near Washington, D.C. "I found two where I would be willing to put my mother," he said. "But I don't think I could afford either one on my $42,500 congressional salary." Pryor is trying to set up a congressional committee to investigate long-term care for the aged.

How terribly strange
To be seventy.

—*Simon and Garfunkle.*

Almost everyone hates to think about aging. Doctors and social scientists are no exception. "They think one shouldn't look at it too closely, as though it were the head of Medusa. It is considered a morbid preoccupation," says one anthropologist. But the acute problems and swelling ranks of the American aged have lately stimulated a

number of new behavioral studies that are more scientific than any ever done before. They show, among other things, that people age at very different speeds and that many changes formerly attributed to age are actually caused by other factors. The cliché that a man is as old as his arteries, for example, has been found to be misleading. It is probably more accurate to say that a man is as sick as his arteries, and that such sickness is caused by diet and stress rather than by age.

The ability of elderly people to memorize and recall new information has been exhaustively tested at the Duke University Center for the Study of Aging and Human Development. They can do it, but they need more time than younger people. Their responses are apparently slowed down by anxiety; an older person's goal is less to achieve success than to avoid failure. Changes in the blood of elderly pupils showed that they were undergoing the physiological equivalent of anxiety without being aware of it. Drugs that changed this physiological happening helped them, and their performances improved, Dr. Carl Eisdorfer, who conducted the experiments, suggests that what initially slowed down his subjects was not so much their age as their attitude toward their age.

Old people may be ridiculed when they try to act young, but according to San Francisco Psychologist Frances Carp, it is better to fight age than to accept it. In America today, "acceptance of old age holds out few if any rewards," she says. Those who surrender often become debilitated by a devastating "elderly mystique"—and victims of self-fulfilling prophecies. For example, doctors at the University of Illinois studied 900 old people living at home and found many so sick that they could not walk to the door. They had lived for months without medical attention because they felt that they were old and therefore were supposed to be sick.

Actually, the overwhelming majority of the aged can fend very well for themselves. Only 5% of aged Americans live in institutions; perhaps another 5% remain bedridden at home. True, four out of five older people have a chronic condition. "But chronic diseases must be redefined," says Duke's Dr. Eisdorfer. "I've seen too many depressed people leaving their doctor's office saying, 'My God, I've got an incurable disease.' Chronic illness gets confused with fatal illness. Life itself is fatal, of course, but as far as most chronic illnesses go, we simply don't know what they do to advance death. The role of the doctor has to change. Now that infectious diseases are on their way out, the doctor must stop thinking about cures and start teaching people how to live with what they have."

New findings show that hypochondria, or "high body concern," one of the most common neuroses of the elderly, can often be cured. According to Dr. Ewald Busse, director of the Duke study center, if a man's family "keeps criticizing him unjustly, makes him feel uncomfortable, unwanted, he may retreat into an imaginary illness as a way of saying, 'Don't make things harder for me. I'm sick and you should respect me and take care of me.' It is clear from our studies that if the older hypochondriac's environment changes for the better, he will too. He will again become a reasonable, normal person. This is quite different from the reaction of the younger hypochondriac, who is much sicker psychologically and much less likely to respond to a favorable change in environment."

Recent studies bear out Sex Researchers Masters and Johnson's findings that men who enjoyed sex earlier in life can, if all else goes well, continue to enjoy it. Questionnaires over a ten-year period at Duke showed that the same men's interest in sex changed little from age 67 to 77, although there was a slight drop in activity. Result: a gradual widening in what the researchers coolly call the "interest-activity gap." A much lower proportion of women continued to be interested in sex after 67, but they managed to keep their interest-activity graph lines close together. "It depends on the individual," an elderly San Franciscan points out. "All ages have sexy people."

People expect old men to die,
They . . . look
At them with eyes that wonder when.
—*Ogden Nash.*

A common and unfortunate diagnosis of many aged people is that they are senile, a catchword for a number of conditions. There may be organic brain damage—for example, the brain may run short of oxygen because of impaired blood flow. But many of the "senile" actually have psychological problems. One 70-year-old retired financier, who insisted on calling his successor at the company all the time and had all sorts of paranoid suspicions, was diagnosed as having organic brain disease. A combination of psychotherapy and a new job as treasurer of a charitable organization helped the man to recover completely. Other "senile" patients actually suffer from malnutrition, or have simply broken down out of loneliness, perhaps caused by a temporary overload. As one old man put it: "There is no one still alive who can call me John." Explains Harvard Psychoanalyst Martin Berezin: "The one thing which neither grows old nor diminishes is the need for love and affection. These drives, these wishes never change."

Actually, senile traits are not peculiar to the aged. A group of college students and a group of the elderly were recently rated according to the characteristics of senility, and the students were found to be the more neurotic, negative, dissatisfied, socially inept and unrealistic. The students, in sum, were more senile than their elders. Other studies have shown that the percentage of psychiatric impairment of old persons is no greater than for younger groups.

But younger people are usually treated if their psychological problems are severe. Says New York Psychologist Muriel Oberleder: "If we encounter unusual nervousness, irritability, depression, unaccountable anger, personality change, apathy or withdrawal in a young person, we make sure that he is seen by a physician. But when those symptoms appear in elderly people, they are considered par for the course of old age. We rarely consider the possibility that elderly people who have had a breakdown can recover." Dr. Berezin successfully treated a 70-year-old woman who had a severe breakdown, her first. She had been picked up for drinking, setting fire to her home and other bizarre behavior, including chalking off a section of the sidewalk and claiming it as her own. In therapy, she revealed that she had yearned all her life for marriage and children. Eventually, she mastered her grief and regrets, settled down and began to enjoy the people around her.

Psychotherapy has never been easily available to the aged. Since it demands so much time and effort, it is considered better to expend it on those who have a long life ahead. There is also the still-powerful influence of Freud. If one's behavior is believed to be programmed in the first years of life, one cannot hope to change that program substantially during old age. (Freud, who contributed to age-ism, was also its victim. At 81, discussing "the many free hours with which my dwindling analytical practice has presented me," he added: "It is understandable that patients don't surge toward an analyst of such an unreliable age.")

. . . I reach my center,
my algebra and my key,
my mirror.
Soon I shall know who I am
—*Jorge Luis Borges.*

Most psychologists have simply ignored the process of aging. Says Harvard's Erik Erikson: "It is astonishing to behold how (until quite recently and with a few notable exceptions) Western psychology has avoided looking at the whole of life. As our world image is a one-way street to never-ending progress, interrupted only by small and big catastrophes, our lives are to be one-way streets to success—and sudden oblivion." But lately Erikson and other psychiatrists have become interested in all stages of man's development, and the "aging" that goes on at every stage.

One practitioner of "life-cycle psychiatry," Washington's 43-year-old Dr. Butler, believes that the possibilities for psychic change may be greater in old age than at any other period of life. "Little attention has been paid to the wish to change identity, to preserve and exercise the sense of possibility and incompleteness against a sense of closure and completeness." When a person's identity is maintained throughout old age, "I find it an ominous sign rather than the other way around. If the terms needs to be used at all, I suggest that a continuing, life-long identity crisis is a sign of good health."

Though many believe that age accentuates personality characteristics, Dr. Butler notes that "certain personality features mellow or entirely disappear. Others prove insulating and protective, although they might formerly have been impairing, such as a schizoid disposition." Some doctors suggest that neuroses and some psychoses burn themselves out with age, and note that the rate of mental disorders declines after the age of 70.

Carl Jung, who lived with great vigor until the age of 85, saw aging as a process of continuous inward development ("individuation"), with important psychic changes occurring right up to the time of death. "Anyone who fails to go along with life remains suspended, stiff and rigid in mid-air," Jung wrote. "That is why so many people get wooden in old age; they look back and cling to the past with a secret fear of death in their hearts. From the middle of life onward, only he remains vitally alive who is ready to die with life, for in the secret hour of life's midday the parabola is reversed, death is born. We grant goal and purpose to the ascent of life, why not to the descent?" Erik Erikson agrees: "Any span of the cycle lived without vigorous meaning, at the beginning, in the middle, or at the end, endangers the sense of life and the meaning of death in all whose life stages are intertwined."

Better to go down dignified
With boughten friendship at your side
Than none at all, Provide, provide!
—*Robert Frost.*

The problems of the aged are not their concern alone. Since reaching the age of 70 or 80 is becoming the norm rather than the exception, more and more of the middle-aged—even when they retire—have elderly parents and other relatives to care for. For the "command generation" there are two generation gaps, and the decisions to be made about their parents are often more difficult than those concerning their children. Various community agencies sometimes help, and in Manhattan a private referral service is kept busy helping distraught people find the right place for parents who can no longer live at home. One 81-year-old woman was persuaded to go to a nursing home when her daughter, with whom she had always lived, married late in life. To her own surprise, she is happier than she was before, taking great pride in reading to and helping her older roommate. A difficult decision of the middle-aged is how to allot their resources between children and parents and still provide for their own years of retirement, which may well extend for two decades.

The next generation of the aged may be healthier, certainly better educated and perhaps more politically aware. Those over 65 are now a rather silent minority, but in number they are almost exactly equal to the nation's blacks. Since none are below voting age, the aged control a high percentage of the vote—15%. More and more are banding together. The American Association of Retired Persons, for example, helps its nearly 2,000,000 members get automobile insurance, cheaper drugs and cut-rate travel. A more politically oriented group, the 2,500,000-member National Council of Senior Citizens, played a major role in pushing through Medicare. Now the group is lobbying to improve Medicare, which helps the sick but does not provide checkups, by including some sort of Preventicare.

Aside from health, money is the most pervasive worry of the aged; income maintenance is a major need. Private pension plans need attention too. According to one informed estimate, only 10% of the people who work under pension plans actually receive any benefits, usually because they do not stay long enough to qualify. As presently arranged, pensions also tend to lock older workers into their jobs and, if they become unemployed, to lock them out. They are then denied jobs because it is too expensive to let them join a pension plan.

Come, my friends,
'Tis not too late to seek a newer world.
—*Tennyson.*

Will able 70-year-olds have more opportunities to work in the future? Probably not. Instead of raising the age of mandatory retirement, business and labor may lower it, perhaps to 50 or below—making workers eligible even earlier for social insecurity. Aside from those fortunate few in the professions—law, medicine dentistry, architecture—most of the people over 65 who are still at work today are farmers, craftsmen and self-employed tradesmen, all categories whose numbers are shrinking. Of course, people cannot work hard forever. Each man ages according to his own clock, but at long last he is likely to lose much of his strength, his drive and adaptability. Witness the gerontocracy that slows down Congress and the businesses that have failed because of rigid leadership. But there are still many areas where the aged can serve and should, for aside from humane consideration, they can provide skill and wisdom that otherwise would be wasted.

New plans to recruit, train and deploy older workers to provide much needed help in hospitals, special schools and elsewhere will be discussed at the White House Conference on Aging scheduled for November 1971. Meanwhile, a few small-scale programs point the way. One is Operation Green Thumb, which hires retired farmers for landscaping and gardening. Another is the International Executive Service Corps, which arranges for retired executives to lend their management skills to developing countries. Hastings College of Law in San Francisco is staffed by law professors who have retired from other schools. A federally financed program called Foster Grandparents pays 4,000 low-income "grandparents" to care for 8,000 underprivileged youngsters. Although they have numbered only in the hundreds, most elderly volunteers in Vista and the Peace Corps have been great assets. "We know about outhouses and can remember when there weren't any refrigerators," says Nora Hodges, 71, who spent two years in Tunisia and is now associate Peace Corps director in the Ivory Coast. "People in underdeveloped countries rate age very highly. When we meet with this appreciative attitude, we outdo ourselves."

Begin the preparation for your death
And from the fortieth winter by that thought
Test every work of intellect or faith.
—*W. B. Yeats.*

Life would be richer, students of aging agree, if a wider repertory of activities were encouraged throughout life. Almost everyone now marches together in a sort of lockstep. They spend years in school, years at work and years in retirement. Youth might well work more, the middle-aged play more, and the older person go back to school. Former HEW Secretary John Gardner wants to see "mid-career clinics to which men and women can go to re-examine the goals of their working lives and consider changes of direction. I would like to see people visit such clinics with as little self-consciousness as they visit their dentist." As Psychiatrist Robert Butler puts it: "Perhaps the greatest danger in life is being frozen into a role that limits one's self-expression and development. We need Middle Starts and Late Starts as well as Head Starts."

To get a late start does not necessarily require a federal program. Many an enterprising individual has done it on his own. Mrs. Florida Scott-Maxwell, who at the age of 50 began training to become a psychotherapist, recently wrote down her reflections about aging in *The Measure of My Days*. "My seventies were interesting and fairly serene," she noted, "but my eighties are passionate. I am so disturbed by the outer world, and by human quality in general, that I want to put things right as though I still owed a debt to life. I must calm down."

Old age should burn and rave at close of day. —*Dylan Thomas.*

How socially involved older people should be is a question in hot dispute among students of aging. Some believe in the "theory of disengagement," which holds that aging is accompanied by an inner process that makes the loosening of social ties a natural process, and a desirable one. Others disagree. Says Harvard Sociologist Chad Gordon: "Disengagement theory is a rationale for the fact that old people haven't a damn thing to do and nothing to do it with."

After analyzing lengthy interviews with 600 aged San Franciscans, Anthropologist Margaret Clark found that engagement with life, rather than disengagement, contributed most to their psychological well-being. But not when that engagement included acquisitiveness, aggressiveness or a drive to achievement, super-competence and control. To cling to these stereotypical traits of the successful American seems to invite trouble, even geriatric psychiatry. The healthiest and happiest of the aged people in the survey were interested in conserving and enjoying rather than acquiring and exploiting, in concern for others rather than control of others, in "just being" rather than doing. They embraced, Dr. Clark points out, many of the values of today's saner hippies. Similiarly, religion often teaches the aged, in spite of their physical diminishment, to accept each day as a gift.

The ranker injustices of age-ism can be alleviated by governmental action and familial concern, but the basic problem can be solved only by a fundamental and unlikely reordering of the values of society. Social obsolescence will probably be the chronic condition of the aged, like the other deficits and disabilities they learn to live with. But even in a society that has no role for them, aging individuals can try to carve out their own various inches. The noblest role, of course, is an affirmative one—quite simply to demonstrate how to live and how to die. If the aged have any responsibility, it is to show the next generation how to face the ultimate concerns. As Octogenarian Scott-Maxwell puts it: "Age is an intense and varied experience, almost beyond our capacity at times, but something to be carried high. If it is a long defeat, it is also a victory, meaningful for the initiates of time, if not for those who have come less far."

Mr. CORMAN. Mr. Speaker, I am pleased to join with my colleague from Arkansas, the Honorable DAVID PRYOR, in urging strong and immediate support for the creation of a Select Committee on Aging. I wish to commend the distinguished gentleman for requesting the special order so that we may call the Nation's attention to the neglect being afforded our elderly.

America has become a society geared to youth. The number of young people under 30 is approximately 108 million or more than one-half of the Nation's population. The young people of today are better educated and more informed than were their predecessors of 20 or 30 years ago. Young people are continually playing a larger and more dramatic role in shaping our educational system, managing our corporations and participating in the affairs of our governments.

There is no question that the future greatness of our country lies in the hands of the Nation's youth. But despite our emphasis on youth it is vital that we not lose sight of the needs of the rest of our population.

As well as a growing number of young people, there have been corresponding increases in the number of elderly due to medical advances which have lengthened the average life span. At the present time one in every 10 Americans has reached or passed his 65th birthday. There are currently more than 20 million older people in our population of more than 200 million and the number is growing at a net rate of 900 a day or 330,000 a year.

These older citizens were the very foundation of our achievements in agriculture, medicine, mass production and the space race in the years past. But with their retirement they have in the past been a forgotten segment of our population left alone to contend, the best they could, with the problems of old age.

The statistics reveal, sadly enough, that almost one fourth of our elderly are poor and that the majority of our older citizens must struggle, often in isolation, against multiplying problems in health, housing, transportation, employment, and retirement.

A decade ago the first White House Conference on Aging stimulated a new national awareness of the needs and circumstances of older people. The very next year the U.S. Senate established a Special Committee on Aging to serve as an investigative and study group concentrating on the problems of the elderly. In its early years, the committee was instrumental in working for the adoption of medicare and has since turned its attention to the problems of the elderly in the areas of housing, consumer interests, long term care and the economics of the aging.

The Senate committee has been most successful in representing the needs of our elderly and in pointing out the cynical exploitations and commercial indignities to which our elderly are subjected. It has contributed immeasurably to the creation and passage of legislation designed to aid senior citizens.

There are numerous reasons why I feel a similar committee should be created in the House. A House committee, I believe would be instrumental in further exposing and correcting the abuses of the elderly as well as centralizing the efforts of the House in behalf of our citizens aged 65 and over. It could work in conjunction with the Senate Committee and with the Second White House Conference on Aging so that the 18 million middle-aged Americans who are now 55 to 64 will not have to face the same problems upon their retirement.

I urge my colleagues to join in supporting the creation of this special House committee which has the potential of easing the conflict caused by the lengthening of life and the shortening of work careers.

Mr. GIAIMO. Mr. Speaker, I wish to commend the distinguished gentleman from Arkansas (Mr. PRYOR) for his singularly outstanding accomplishments in behalf of elderly Americans. His role in exposing the deplorable conditions in nursing homes and homes for the aged already has won him the deep respect of his colleagues and the sincere gratitude of senior citizens throughout the Nation. I am proud to join with him today to begin this vital legislative effort.

There are many tragic ironies to be found in America, Mr. Speaker, poverty in a land of plenty, ignorance in a land of unexcelled intellectual achievement, discrimination in a land where all men are created equal. Perhaps the most tragic of all, however, is the fact that many elderly Americans who toiled so long to provide security and comfort for all of us are now deprived of security and comfort in the twilight of their lives. Many of those who worked so hard to make this country prosperous are being deprived of the fruits of their labors while louder, more aggressive groups fight over the products of our prosperity.

There are more than 20 million Americans who are 65 or older; 10 percent of all U.S. citizens are elderly Americans. Yet, amid the clamor of conflicting pressure groups and interests, they are a silent minority. All too often their voices are not heard, their pleas not heeded and their needs not met. To whom can they turn for help?

Much has been said in this Chamber about inflation; much has been said about its effect on working Americans. Yet, no one in this Nation suffers more from inflation than senior citizens who must subsist on fixed incomes. These men and women cannot negotiate new contracts. They cannot earn raises. They cannot find higher paying jobs. They must depend on the compassion and foresight of Government for their very existence. Today, many of them cannot afford adequate food, clothing, shelter, or medical care. Their limited incomes cannot keep pace with the steady increase in the cost of living. To whom can they turn for help?

Even more deplorable than these economic conditions are the frauds perpetrated by those who would turn the desperate needs of our senior citizens to their own advantage. We have heard for too long the tragic stories of lonely hearts clubs, cure-all medicines, "inexpensive" land development schemes, and a host of other deceptions designed to rob these men and women of their life savings and self-respect. We know that the elderly American all too often falls easy prey to the greedy and deceitful tradesman in the marketplace. No one is more in need of consumer protection than our senior citizens. To whom can they turn for help?

Most tragic of all, however, are those unfortunates who are consigned to a hell-on-earth existence in certain nursing homes and homes for the aged. The gentleman from Arkansas (Mr. PRYOR) has aptly described the disgraceful conditions that prevail in certain of these institutions where the dollar takes precedence over human life. The humane and desirable effort to provide comfort and care for our elderly has become, in far too many cases, a lucrative "business" in which owners reap windfall profits while patients suffer from neglect and improper treatment. A business executive reportedly said recently that "in the nursing home business—there is no way to lose." He should have said "there is no way to lose—unless you are a patient."

I would like to quote some passages from the remarks made by the gentleman from Arkansas in this Chamber on June 10:

She found the patient lying in a urine-soaked bed, dried vomit on her gown and pillow, food particles in the bed. She called an aide, who did nothing but change the top sheet.

She watched an old patient choke to death on a piece of meat.

Most of the patients have constant diarrhea. The food is atrocious, some of it not edible.

I cannot imagine how bedridden patients would be evacuated down a normal outside fire escape.

She found him lying in a wet bed. She realized he was dying and rang the buzzer for help. No one came. After 15 long and desperate minutes, another patient went for the nurse.

Patients received only 700-800 calories per day, cooked from supplies that included hatchery reject eggs with maggots in the cases, bacon held so long it was molded black, very poorly home canned foods. . . . When inspectors were in the lobby, the words "code blue" came over the intercom and the kitchen immediately prepared dinners of frozen pork and chicken.

To these tragic statements, I would like to add the observations of an associate of mine who brought an aging relative to a Maryland nursing home in 1968:

We brought her to the home in the early afternoon. She had been a vegetable for one year and totally incapacitated. The next morning, we found her lying on her side in bed, completely exposed, with a bed burn the size of a grapefruit on her back.

There were other patients in that room. One was a blind woman who was very senile. The attendant would bring her food and leave it there for her to eat with her hands. They would tie this woman to a wooden wheelchair in the morning and leave her there all day.

The second woman would lie in bed all day. Whenever an attendant came in, the woman would begin to cry. They would leave food for her, but she would never eat it. They refused to feed her, and they would always come back and take away the untouched tray. This woman's son would come in on his lunch hour and feed her. That was her only nourishment.

Over near the water fountain, I noticed some dried urine on the floor. In all the time I spent in that room, the floor was never cleaned.

Thank goodness we were able to move my grandmother to another nursing home after seven days.

Why are these conditions tolerated, Mr. Speaker? Why is the treatment better for so-called private patients than for those on medicare and welfare? Why do certain institutions charge more for medicine and services for Government patients? These unfortunate patients and their relatives and friends have the right to know the answers to these questions. To whom can they turn for help?

All of us, in one way or another, are to blame for allowing many elderly Americans to live out their last years without security, without comfort, without care, without hope.

The Congress is to blame for not putting human needs first. How can we justify providing such ridiculously low social security benefits while we spend billions for an unproven ABM system and subsidies for wealthy farmers? How can we place strict limitations on allowable earnings when we know that such limitations are forcing the elderly into poverty? How can we turn our backs on these men and women who made this Nation what it is today? These people gave us everything; we are giving them next to nothing.

The Federal Government and State governments are to blame for their failure to strictly enforce regulations concerning nursing homes and homes for the aged. Conditions at many of these institutions are nothing short of a national disgrace, yet, these conditions are all too often ignored by inspectors and administrators alike. With situations such as I described earlier becoming more and more commonplace, we can no longer tolerate an inadequate, business-as-usual approach to nursing home regulation. Neither can we accept the fact that these governments are more than willing to support the profit-motive nursing homes and homes for the elderly—institutions where conditions are the worst—while virtually ignoring the non-profit institutions which provide, on the whole, much better, more humane service.

Certain nursing home operators are to blame. These selfish individuals run their institutions for the sole purpose of making a profit. They cut costs on food, salaries, sanitation, safety, and other vital areas without regard to the consequences. They perpetuate horrible conditions for the sake of a few extra dollars. What is worse, these operators have formed a powerful pressure group which prevents meaningful action by the States and the Federal Government to alleviate this national disgrace.

Finally, the American people are to blame for their indifference to this deplorable situation. In primitive societies, the old and helpless were cast out of their villages and left to die. We are supposedly more compassionate and more humane than primitive societies; yet, we allow many of our senior citizens to fall into poverty, to be cheated in the marketplace, to be treated as vegetables in certain institutions and to live as socio-economic outcasts. Apathy when dealing

with issues is unfortunate; apathy when dealing with human life is intolerable.

To whom can these men and women turn for help, Mr. Speaker? That is the question we are attempting to answer here today. I submit that the problems of elderly Americans are unique and deserve our immediate and undivided attention. At the present time, our standing committees have too much other work to undertake an in-depth investigation of the conditions in which our senior citizens must live. It would be impossible for the Ways and Means Committee to devote its full-time attention to social security, for the Banking and Currency Committee to undertake a long-range study of senior citizen housing, for the Education and Labor Committee to spend all its time dealing with the conditions in nursing homes and homes for the aged, for the Judiciary Committee to put aside all other business to investigate the defrauding of the elderly American. Because of this, the time has come for this House to create a Select Committee on Aging.

The gentleman from Arkansas (Mr. PRYOR) has brought to the attention of the American people examples of the disgraceful conditions in nursing homes. Although he has done an outstanding job, the fact remains that neither he nor any other Member of Congress can individually bring to light all the irregularities or all the abuses and mistreatment which occur in certain institutions for the elderly. He cannot by himself investigate the conditions of poverty brought about by low social security benefits and the high cost of living. He cannot begin to scratch the surface when it comes to the investigation of consumer fraud against senior citizens. He cannot determine alone the needs of elderly Americans for better housing and medical care.

Let us follow the example of our colleagues in the other body by creating a committee that can devote full time to investigating the plight of the elderly. Let us create a committee that can begin the task of putting real security into social security, providing needed protection for the elderly consumer, and insuring that all senior citizens will be treated with compassion and understanding. Let us create a committee that will provide a forum for the more than 20 million elderly Americans who have done so much for this Nation.

The theme of this year's convention of the National League of Senior Citizens was "do more, live more, be more." This must be the goal of all elderly Americans, and it can be reached with our assistance. By creating a Select Committee on Aging, we will let them know that they can turn to us for help.

Mr. BARRETT. Mr. Speaker, many of my colleagues probably read with interest a recent news article about a Rand Corp. study which concluded that America's older citizens would likely be abandoned if we should suffer a nuclear attack. Surely this report is mere think-tank garbage and could never become the basis for any public policy. But perhaps it has some value if it shocks us into the realization that we perhaps need no nuclear attack to abandon our aged citizens.

My colleague from Arkansas, Mr. PRYOR, has recently focused national attention upon the plight of too many of our elderly citizens who have been abandoned by society and barely subsist in poorly run, inadequately regulated nursing homes.

His inquiry into these squalid conditions has prompted the resolution for the creation of a Select House Committee on Aging.

In lending my full support to this resolution, I do not mean to imply that this body has abandoned the elderly. But surely we need such a committee to explore on a continuing basis the conditions faced by this growing segment of our population and to develop effective proposals to meet their legitimate needs and aspirations.

Such a committee would help resolve the immediate crisis which has so meaningfuly captured the interest of Mr. PRYOR. It would also provide for this body a constant catalyst to insure that we remain sensitive not only to the basic needs of our elderly, but also to their unlimited potential for continued contributions to our society.

The age profile in our Nation changing dramatically, with nearly 900 persons entering the 65 and over age bracket daily. Our working years are diminishing, with people retiring earlier. We need a unit in the House to deal creatively with this situation—a unit that views these facts as an opportunity, not a problem. We must develop creative channels of involvement for our older citizens, most of whom want to remain active in community and national affairs. Their wisdom and experience are truly our greatest national resource. And it must not be abandoned.

The proposed Select Committee on Aging can help our Nation recognize their "gift of age." I urge approval of this resolution.

Mr. BELL of California. Mr. Speaker, my colleague, Mr. PRYOR, has already done a great service for thousands of our older citizens by mobilizing public opinion in support of improved conditions in nursing homes. But now his leadership in sponsoring creation of a Select Committee on Aging in the House of Representatives portends an even greater contribution to all older Americans.

Such a committee is needed in this body to help insure maximum benefit from investments already made by the Congress in experimental programs designed to aid our older citizens. Pilot programs such as the Foster Grandparents program, Project Late Start, Project Work, Project Mainstream, and so forth, were designed to test the validity of various approaches in meeting the needs of segments of our older population. We need the mechanism this resolution would create to evaluate these programs and develop legislation to expand those that have proven worthwhile.

With the growing numbers of Americans daily entering the 65 and over age group, we can no longer afford to leave to the executive branch, alone, the responsibility for initiatives in program development for this vast segment of our population.

I commend Mr. PRYOR for his leadership in this important matter and urge support of this resolution.

Mr. EILBERG. Mr. Speaker, I would like to address myself to the establishment of a Select Committee on Aging within the House of Representatives. Every Member, sensitive to his constituency, realizes the immense value of such a committee. Its use can never be underestimated. Right here, in our great legislative body many committees deal with legislation directly involving the aged. The problems of the elderly are of major importance, for example, to committees as Banking and Currency, Agriculture, Education and Labor, and Ways and Means. And it is not unreasonable to say that most committees in one way or another have to consider some of the problems of older Americans while evaluating the legislation before them.

Now it is time to recognize that a select committee is necessary to help members of specific committees in analyzing the direction we are taking in the enactment of needed legislation. A permanent select committee would have the special privilege of studying existing problems and issues by a staff having an expertise in the field of aging. It would also call upon professionals and laymen across the country to inform us of their unique experiences with the elderly and advise us on certain matters of particular interest. The legislative committees dealing with elderly persons would have detailed, pertinent facts and information that are readily accessible and that are relevant to their needs.

As you know, our Nation's concern for the 19 million older Americans during the decade of the sixties was unprecedented. Many persons compassionate to the needs of the elderly spent difficult years in developing programs and opportunities so that retirement could be a time of comfort and not a time of distress. Thus, we witnessed the creation of the Administration on Aging in the executive branch which now acts as a coordinator of government programs for the elderly as well as examines pressing situations that must be remedied.

We have also witnessed such major legislation as medicaid, medicare and the Housing Act of 1968 which are specifically designed for the best interest of senior citizens. Social security benefits, although still grossly inadequate, had been increased and are continuing to be increased. A few elderly are enjoying the benefits of federally financed recreation, legal services, part-time employment, and nutritional meals as a result of programs initiated in recent years.

But with all these good intentions, many conditions affecting the aged are currently unresolved. We have not yet created an atmosphere which is suitable for decent living. Most older persons are living a lonely existence, trying to escape the shadows of poverty by surviving on the barest, minimum essentials. It has been apparent for a long time that the problems of economic maintenance, housing, medical care and personal adjustment must receive more attention. It is quite evident that we are not maximizing our efforts to the extent that senior citizens can acquire the ultimate results of our actions.

The situations affecting the elderly are not simple. They are a result of multifaceted, intertwining problems that can best be met by studying them comprehensively in a committee established in the House solely for this purpose.

We have already proven that the creation of such a committee would be most instrumental in providing a thorough systematic, and complete study of the problems relating to the elderly. This was clearly indicated during the inquiry of nursing homes conducted by our distinguished colleague last winter. The many positive responses which he received demonstrates both the need for such an investigating committee and the keen interest on the parts of numerous people throughout this country.

The increasingly rapid growth of nursing homes in this country and the kind of care provided by them is of special interest to me. This problem, I feel must be checked further and this can best be done by a select committee in the House which represents our own interests. Time does not permit me to elaborate the many conditions encompassing the nursing home industry. But I would like to discuss a few of them in hope that these details will emphasize one small, yet extremely important function of a Select Committee on the Aging.

Since 1966 the number of nursing homes in the country has almost doubled, and according to the American Nursing Home Association, the period of greatest growth may be before 1975. The nursing home industry is turning into big business probably due to the fact that Federal money has become available for this purpose. Nearly 2 out of 3 dollars that go to nursing homes are from the public treasury and the greatest share comes from the medicaid and medicare program. Many times medicare and medicaid have been accused of being both the cause and the victim of inflated medical costs. Elegant nursing homes are being built across the country but sometimes at the expense of providing quality care. It is not uncommon to hear about people shut away in homes where they receive mere custodial care accompanied with improper diets and insufficient clothing. Conflicts of interest have often emerged because some administrators sit on reviewing committees of nursing homes when they have a vested financial interest in the particular homes. The reputability of a few physicians has been questioned when it appears they visit many patients in one nursing home for too short a time and charge each patient a substantial sum.

Many times druggists and other hospital suppliers have taken advantage of Federal programs by overcharging. Nursing home administrators feel Federal guidelines are unjust and many times refuse to take in medicare or medicaid patients. Too many homes are understaffed. They need more professionals to perform the tasks that unskilled workers are presently doing.

Patients and relatives feel that quality care is often inadequate even though the cost is high. This particular problem cuts across every economic level striking rich and poor alike. It is not unusual for a wealthy elderly person to liquidate his entire estate so that he can afford a decent nursing home.

In respect to nursing homes the Select Committee on Aging could help us develop an understanding of the atypical circumstances which have arisen in this industry. It would be their role to help us work out some kind of balance so we have homes that provide quality care at a reasonable cost to the patient as well as a reasonable level of profit to the provider of health care services. We owe this to the hard working individuals in our country who contribute tax dollars to our Treasury as well as to the thousands of individuals who depend on nursing homes for required care.

I could continue describing all the conditions which arise from complex ongoing Federal programs and point out numerous unmet desires of the elderly. But now it is time to stop talking and to further investigate these situations through a specialized committee that would be dedicated to senior citizens and to the 4,000 persons who enter this group each day, and to the many millions of people in their middle years who are now planning for their retirement. We must explore the field, and suggest bold and imaginative alternatives to existing inadequacies. For too long we have paid too little attention to the needs of older Americans. The time has clearly come when we must concentrate our efforts on those who have dedicated their lives to building this Nation. We in the House can support and must support the establishment of a Select Committee on the Aging.

Mr. MIKVA. Mr. Speaker, there are relatively few problems in this country that at one time or another directly touch and seriously affect the lives of all Americans. There is the awesome environmental problem confronting us, and there is the seemingly ever-present issue of war and peace. The individual burden of poverty, poor education, poor housing, poor transportation—though affecting millions—does not reach every American. What does is the specter of old age that all of us must eventually face. To many the specter is a more haunting one than it is for others, more haunting than need be.

The elderly, usually living on fixed incomes, still must meet the rising costs of the 1970's—whether it be for food, housing, clothing, medical care, or even the bus rides they must take to shop. Today, 10 percent of the population of the United States—20 million people—are over 65 years old, and within the next 20 years it is estimated that between 45 and 50 million Americans will be at least 65, therefore comprising an even greater percentage of the population than at present. Obviously, this constantly growing group must be helped and a conscious and organized effort must begin. The other body has had the foresight to establish a Select Committee on Aging and has made recommendations pertaining to social security reform, such as increasing overall benefits, and raising the minimum allowable yearly income for recipients. Also, the Senate committee has released findings showing that generally the elderly are paying more in taxes than required by law due to the difficulty of understanding tax laws or simply not being aware of certain legitimate deductions. Errors such as these cannot be afforded when living on a fixed income.

It is a must, I believe, that we here in the House also form such a committee that would seek out and recommend for action those reform measures presented by our colleagues in Congress in the area of aid for the elderly. Reform must not only be made in the area of taxes, but also in providing full social security benefits for women over 62 years of age. We must pass legislation that will take unemployed senior citizens 55 years and older, and place them in talent utilization programs to foster opportunities for community service activities by the public and private sectors, and pass legislation to provide grants to the States to establish, operate, and expand low-cost meal programs so that none of our senior citizens will go hungry or exist on nutritionally unbalanced meals.

Finally, there is a deep and urgent need for a national health insurance program. It is estimated that today persons over 65 account for as much as two-thirds of all the money expended yearly in the United States for health care. Yet, with all the medical technological expertise we possess, with all the excellent medical facilities and well-trained physicians at our disposal, the fact cannot be ignored that this country does not possess an efficient program for health care for the elderly. The United States is the only major industrial nation in the world that does not have a national health service or program of national health insurance. This literally has become the high cost of living. We must alleviate this situation.

Mr. Speaker, I cite these injustices to point to just a few of the reasons why a Select Committee on Aging is urgently needed in the House. To merely show our concern here today or to express our platitudes during a campaign is obviously not enough. Indeed it gives us a false face. The elderly who built this country deserve more than empty words and campaign speeches. They deserve the best.

GENERAL LEAVE TO EXTEND

Mr. PRYOR of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order, and to include extraneous material.

The SPEAKER pro tempore (Mr. SMITH of Iowa). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

THE PRESIDENT'S SPEECH TO THE NATIONAL ASSOCIATION OF MANUFACTURERS IN NEW YORK ON DECEMBER 4

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, on Friday evening, December 4, President Nixon gave a most important

and welcome address before the meeting of the National Association of Manufacturers in New York. The purpose of his address was to announce that an important transition point in the administration's economic "game plan" has now been reached. We have substantially completed, the President reported, the first stage of fiscal and monetary restriction that was necessitated by the irresponsible economic management policies of the last Democratic administration. As a result, excess demand has been abated and the bubble of inflationary psychology punctured. This has begun to show up in both the consumer price index, which has shown a substantially decreased rate of increase in the last two quarters and in the wholesale price index, which actually registered a decline during the month of October.

Mr. Speaker, the President was candid about the cost of this partial success in the battle against inflation. He acknowledged that the rate of employment, the corporate profit squeeze, and the general slack in the economy are somewhat greater than was expected or desired. Referring to unemployment, he said:

> I believe we can and must do better . . . These are not small problems and people are not statistics.

I am greatly encouraged by these words. They indicate the kind of sensitivity and balanced perspective that are essential if success is to be achieved in the complex, baffling task of attaining both stability and growth in a trillion-dollar economy.

The President then went on to outline phase two of his economic policy. The dual objectives of this phase will be in his words, "to help move the economy up to its full potential of growth and employment while continuing to reduce inflation." The former aim is to be pursued, first, by the adoption of the full-employment budget concept for fiscal year 1972. This means that the budget would be balanced by the revenue that would accrue from a full employment economy, but will actually show a deficit because of current revenue shortfalls resulting from a slack economy. Second, monetary policy will be more expansionary as a result of commitment by the Federal Reserve to allow the money supply to grow at a 6-percent annual rate; this should be compared to the 1-percent growth rate that was allowed during the initial restrictive phase of the administration's program.

I believe that his combination of monetary and fiscal stimulation will do much to get our economy moving back toward full employment. But unless this new expansion is accompanied by policies to cope with remaining inflationary forces in the economy, whatever gains are made will likely be soon dissipated by a renewed spiral of inflation. The administration is also very concerned with this problem, and I am pleased to note that the President announced two very important initial steps in the fashioning of the specialized anti-inflation tools needed to accompany an expansionary aggregate policy.

The first step, was the announcement that the Interior Deartment would resume supervision of production in offshore oil wells and that holders of unused overseas crude oil allocations would be directed to use them for the purchase of Canadian oil. Both of these measures will tend to increase the supply of crude oil available to the American market and thereby counteract the recent inflationary price increases in this industry.

The second, specialized anti-inflationary tool was the suggestion that the Construction Industry Collective Bargaining Commission would be working out means of consolidating the bargining units in the construction industry and thereby equalizing somewhat the present unbalanced bargaining relationships in the industry that have lead to excessive wage settlements in the past year.

I want to enthusiastically commend the President for both of these steps and express the hope that further specialized anti-inflation tools will be brought forward to accompany the aggregate expansion that is absolutely essential to the health of the American economy and the well-being of workers, consumers, and investors alike. If we can now get the same kind of sensitivity, balance, and seriousness of purpose from this end of the avenue that the President admirably displayed in his speech last Friday evening, I am confident that the economic difficulties that now concern will be amenable to constructive solution.

A BRIGHTER PROMISE FOR UNITED STATES-LATIN AMERICA RELATIONS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, an example of congressional initiative in the field of foreign affairs affecting U.S. relations with Latin America is illustrated by the unanimous approval by the House of House Resolution 1116 on June 25, 1970. It was my honor and privilege to initiate that resolution, joined by the distinguished gentleman from California (Mr. HANNA). Cosponsors were our beloved Speaker, Mr. MCCORMACK and other distinguished leaders of the House, Mr. ALBERT, Mr. FORD, and Mr. BOGGS.

The resolution extends the deepest sympathy of the House of Representatives to the President and people of Peru on the devastation and disaster caused by the earthquake of May 31, and it calls upon the executive branch of our Government to assist the universities and other organizations of Peru in rebuilding their country and in equipping themselves for continued economic and social development of their country.

An embossed copy of this resolution was furnished to the First Lady, Mrs. Nixon, and specially framed on the very day of its passage, at her request, to enable her to take it on her trip to Peru for presentation there.

Mr. Speaker, it is my hope that the House of Representatives, which is traditionally close to the needs of people, has set in motion what well may become a major new phase of inter-American cooperation. In the case of Peru, the effects of the resolution already are being felt through its favorable impact on United States-Peruvian relations. By its wording the resolution also recognizes the value of the Peruvian University programs which many consider to be pilot projects for Latin America's future. For it is a program concerned with youth, a nation's greatest resource. At a time when United States-Peruvian relations need a boost, this recognition of the university programs comes at an opportune moment in history, for it has been accepted in Peru as a spontaneous reaction from our hearts and encouragement to the youth of Peru.

To implement the objectives of the resolution and to encourage further improvement of United States-Peruvian relations, I have requested the assistance of an outstanding international lawyer and Latin American affairs expert, Sheldon Z. Kaplan, of Washington. Many Members of the House remember him with high regard and affection for the contribution he made to the work of the House Committee on Foreign Affairs as staff consultant for a number of years. Mr. Kaplan is one of the few practicing lawyers in the United States listed in the "National Directory of Latin Americanists" published by the Library of Congress, and he is recognized as an expert on Latin American affairs. Mr. Kaplan has just returned from a mission to Peru as a guest of the Inca Garcilaso de la Vega University of Lima. That university, because of its emphasis on practical technological studies, is uniquely equipped to assist in rehabilitation, relief, and reconstruction work. It has been doing an outstanding job in the earthquake areas.

During Mr. Kaplan's visit to Peru he was asked by the Alcalde—mayor—of the Municipality of Pueblo Libre of Lima, Dr. Artemio Moscol, in a special ceremony at the town hall on November 17, to deliver to me a diploma of gratitude on behalf of the people of Peru for having sponsored House Resolution 1116. This municipality comprises the most historic area of Lima. Facing the town hall, across the square, remain standing the houses where the great Latin American patriots, San Martin and Simon Bolivar, lived.

I have been informed that this marks the first time in Pueblo Libre's long history that an American has been so honored. I am, therefore, proud to be the recipient of this award and I am touched by the warmth and friendship of Mayor Moscol's remarks during the ceremony.

Several approaches are being studied for the implementation of House Resolution 1116. One method would be through cooperative programs to encourage the growth and capability of Latin universities, coincident with improvement in our own university system. Today there are thousands of students who are denied admission to universities in Peru and elsewhere because of limited physical facilities. A hemispheric approach to the problem could offer greater hope for the future throughout this important part of the world. It may well be that the people-to-people programs could seek greater encouragement through loans through private channels. These would become more attractive with guarantees and other inducements on the part of both Peru and the United

States. Many of the universities particularly need laboratory equipment, technical aids, books, supplies, and other educational material. With proper encouragement, much of this can be obtained through private sources. However, grant assistance may well be warranted through the various mutual aid programs. It is a subject which deserves more consideration and support. I have asked Mr. Kaplan to give me a report on this matter at the earliest opportunity so that the necessary coordination and implementation might be undertaken during the first session of the 92d Congress.

Finally, Mr. Speaker, I wish to pay a tribute to Peru's outstanding ambassador and warm friend of the United States, Fernando Berckemeyer, who has taken a deep and active interest in Peruvian university assistance and who, over a period of many years, has endeavored to encourage, develop, and strengthen friendly relations between our two countries; to the Inca Garcilaso de la Vega University, its students, faculty, and administration, for their leadership in technological education for a better Peru; to the other great universities of Peru, like Universidad Nacional Federico Villarreal, whose main impulse is dedication to community; to Alcalde Moscol, the distinguished mayor of historic Pueblo Libre; to Dr. M. Guillermo Ramirez y Berrios, distinguished jurist of Peru, long a friend of the United States, beginning with his student days here, who has been very active in the Peruvian university assistance program; and to the leadership of this House for its statesmanlike action in securing speedy and unanimous approval of a resolution, which may well mark the beginning of a new era in people-to-people programs in the hemisphere.

FLORIDA MUST NOT BE SHORTCHANGED ON RAIL SERVICE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Florida delegation in Congress is highly concerned over the proposal by Secretary Volpe of the Department of Transportation for the consolidation of rail service with its prospective elimination of passenger stops to north, central, and western Florida. In this, the second-fastest growing State in the Nation, and one which has been prominently in the forefront in rate of growth for three decades, it is unthinkable to eliminate so many of our principal cities from future rail service. Jacksonville is the northern gateway to Florida. Its shipping, manufacturing, defense, and industrial activities require rail service. Orlando is one of the most important of Florida's developing areas. The new Disneyworld which is nearing completion there will attract millions of people for relaxation and entertainment. The omission of Tallahassee, the capital city, and the Tampa-St. Petersburg metropolitan complex on the west coast, is equally nonsensical. The Volpe plan does not deserve serious consideration and it is unthinkable that it would ever receive the support and the endorsement of Congress.

I submit for reprinting in the RECORD an editorial from the Tampa Tribune which spells out in more detail the dangers inherent in the proposal for rail consolidation:

A SINGLE VOICE FOR RAIL SERVICE

The national rail network which shrinks passenger service to 16 major routes has some good points, but also some disturbing factors, including possible elimination of passenger trains to the Florida West Coast.

Time is short for this area to build a case to prevent exclusion from the two main rail routes proposed for Florida, or even to save our present passenger train services. Transportation Secetary John Volpe designated Monday the Florida routes as New York to Miami and Chicago to Miami.

Although Volpe's basic alignment unquestionably will be revised, his preliminary plans designate Miami to be the only Florida stop on these routes. On the Chicago-Miami run Volpe proposed as intermediate stops: Cincinnati, Atlanta, Louisville, Evanston, Ill., Fulton, Mo., Memphis and Birmingham. Columbia and Charleston, S.C., were suggested as intermediate stops on the New York-Miami run.

The Volpe rail consolidation concept reduces the number of passenger trains from 366 to 150. The national passenger service will be operated by the National Railway Corp., or Railpax.

Volpe said Railpax, which is to function in much the same manner that Comsat operates the communication satellites, hopefully will stabilize passenger service, produce passenger travel profits for railroads and stimulate demands for train travel through major improvements.

Railroads agreeing to participate in the passenger network will turn over their major passenger equipment to Railpax in return for stock in the corporation or, alternatively, tax writeoffs. Railroads joining Railpax may abandon all their passenger lines by May 1 when the new system becomes effective, but railroads not joining must continue operation of all their passenger trains until 1975.

Seaboard Coast Line officials said they do not know how SCL will fit into the national rail picture. They did say, however, they were surprised that the Florida West Coast was left out of Volpe's proposal. Neither does SCL know whether it would continue to operate passenger trains to this area if it joins Railpax.

The Railpax announcement contains two pertinent points for this area to consider:

The Volpe plan is to be circulated for comment among railroads, state regulatory agencies (in Florida's case, the Public Service Commission), railroad unions and the Interstate Commerce Commission. If protests are to registered from this area they must be directed to the Public Service Commission, the Seaboard Coast Line and Interstate Commerce Commission.

There are only 30 days for reaction to reach the ears of these groups. Then Secretary Volpe has another 30 days to rework his original plan and on Jan. 28 he will announce a final designation of the passenger system. Thereafter, Railpax can rework the system as it wishes.

Although rail passenger service into this area of Florida has fallen off as it has elsewhere, there still are thousands of visitors who use trains. The Seaboard Coast Line's Champion from Tampa-St. Petersburg to New York is one of the few passenger trains operating at a profit.

There are obvious questions which need quick answers: Does the Volpe plan mean this area forever will be cut off from passenger rail service? If Tampa is not designated an intermediate stop on a main route to Florida, what linkup means will travelers have for getting onto the main line? It appears there will be insufficient highways to handle ground travel to Disney World. So how will millions of visitors to Disney World be handled without some tie-in with railroads?

The entire Florida West Coast must speak as one strong voice to preserve our passenger rail links with the rest of the country. There's little time to waste in making this voice heard in Tallahassee and Washington.

ACTION NEEDED ON REVENUE-SHARING PROPOSAL

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, on August 8, 1969, President Nixon proposed a plan to share Federal revenue with the States in an amount that would eventually reach $5 billion a year. In explaining the plan, the President said:

Under our current budget structure, Federal revenues are likely to increase faster than the national economy. At the local level, the reverse is true. State and local revenues, based heavily on sales and property taxes, do not keep pace with economic growth, while expenditures at the local level tend to exceed such growth. The result is a "fiscal mismatch," with potential Federal surpluses and local deficits.

I joined with 87 colleagues in sponsoring this measure out of the conviction that ending this fiscal mismatch is a necessary requisite to restoring the integrity and vitality of local and State governments.

In the intervening 15 months the fiscal plight of State governments has worsened. In the Washington Post of December 6, David Broder reported that a survey of the Nation's nine largest States indicated all of them face the prospect of large budget deficits in either the current fiscal year or the next. Both California and New York may incur deficits of $500 million next year and Pennsylvania may face one that large this year if new taxes are not imposed. Strained budgets in Michigan, Illinois, Texas, Florida, and New Jersey also promise either large deficits, new taxes, or service cuts—or all three.

I urge that all of my colleagues read this illuminating article and include it in its entirety at this point in the RECORD:

SEVEN OF NINE BIGGEST STATES FACE MONEY CRISES

(By David S. Broder)

When Gov. Nelson A. Rockefeller of New York was at the White House two weeks ago, pressing his plea for $10 billion in federal revenue-sharing with the states and cities, a reporter asked him if it was not the same plea he had made two years earlier.

"It is," the fourth-term Republican executive said. "But the fiscal crisis I was warning about then has arrived today."

A survey by The Washington Post of budget prospects in the nine largest states firms Rockefeller's description.

Except for Illinois, which imposed an income tax for the first time last year, and possibly California, all of the Big Nine states are facing major revenue-raising needs next year.

Two of them—Pennsylvania and Texas—may have to raise taxes twice, once immediately to meet a budget deficit in the current fiscal year and then later to meet bigger deficits looming for fiscal 1972.

All nine have imposed tight controls or cutbacks on spending in vital areas of need in order to keep their budgets from being further out of line.

The picture varies slightly from state to state, but two problems predominate: welfare and Medicaid costs have increased far beyond budgetary projections and revenues have been dragged down by the economic slump below the anticipated figures.

In addition, many of the states are facing urgent demands for more aid from their cities, which are caught in a crisis of their own for many of the same reasons.

Whether the states can meet the crunch from their own revenue sources is a matter of debate. Ohio, which has kept its overall tax rates deliberately low for the past eight years, and other states like New Jersey and Pennsylvania, which have yet to impose income taxes on their citizens, probably have substantial untapped revenue sources.

But the survey showed that the crisis is not confined to those states. It is every bit as severe in others of the Big Nine which have imposed relatively stiff taxes on their citizens.

Rockefeller's answer to the problem is to seek an immediate $10-billion-a-year program of federal revenue-sharing. A more modest proposal along the same lines, advanced by the Nixon administration last year, failed even to receive a hearing from Congress.

Whether prospects are any brighter next year is in doubt, but there is no question the demands for federal help will increase.

On Friday, legislative leaders from 49 states called on Congress to summon a constitutional convention to adopt a revenue-sharing amendment. Today, leaders of a number of state and local government groups are meeting in Atlanta to organize a common plea for such aid.

The financial problems that underlie this appeal are indicated in the following state-by-state report, based on dispatches from special correspondents of The Post:

California—Newly re-elected Gov. Ronald Reagan (R) has imposed two emergency measures in the past week in an effort to meet a $150-million deficit in his administration's record current year $6.6 billion without resort to higher taxes. Even larger deficits may loom for the year ahead.

In a meeting with department heads, Reagan said the current-year deficit stemmed from two factors: A $60-million shortfall in expected revenues below the June estimates, caused by the sluggish economy, and $90-million increase in costs of welfare and Medi-Cal (a state program of medical services for the needy.)

To meet the deficit, Reagan first ordered a freeze on hiring for state jobs, capital construction projects, purchase of equipment and out-of-state travel.

Two days later, he took a second step, ordering a $140-million cut in the Medi-Cal program, by reducing fees to doctors, dentists, druggists and nursing homes and postponing provision of non-emergency services.

PROTESTS STIRRED

Both actions have stirred vigorous protests. State employee organizations have denounced the threat of lay-offs and the California Nursing Home Association has voted to withdraw from the Medi-Cal program if Reagan's rate cuts go through.

Meantime, many observers are predicting that a half-billion-dollar deficit will face the governor in the next fiscal year and that Reagan, despite his statement last week that he was "unalterably opposed" to raising taxes, would have to do so to meet the constitutional requirement of a balanced budget.

Florida—The state dipped into reserves for $64 million to balance its budget in the current fiscal year and projections are that the "revenue gap" for the year beginning next July 1 may be closer to $200 million than to $100 million.

State fiscal officials said that revenues in the first four months of the current fiscal year were only 1 per cent below estimate ($4 million) but expressed concern that a prolonged slump in the national economy could force higher tax rates.

In his campaign, Gov.-elect Reubin Askew (D) made tax reform a central issue and said he would seek a corporate income tax as the major new revenue source.

Illinois—Having secured the first corporate and personal income tax in Illinois history last year, Gov. Richard B. Ogilvie (R) is anxious to avoid new taxes next year.

John W. McCarter, Jr., director of the Illinois Budget Bureau, said rapidly rising welfare costs would wipe out the current $100-million surplus in the state general revenue fund and require serious curtailment of other budget items to maintain a balanced budget for fiscal 1972.

State Medi-Caid costs rose from $210 million to $268 million last year and are expected to rise perhaps another 30 per cent next year. Welfare payments, which total $876 million in the current budget, may go about the $1-billion mark next year, according to Public Aid Director Harold O. Swank.

State revenues in the current fiscal year are $20 million below estimates, but McCarter said that, barring a further sump, new taxes could probably be avoided next year.

Michigan—Originally anticipating a budget surplus of some $12 million in fiscal 1971, Gov. William Milliken (R) last week was forced to ask the legislature to pass a package of emergency measures designated to eliminate a 62-million budget deficit.

The causes of the deficit were twofold. The long General Motors strike cost an estimated $25 million in lost revenues and added $25 million to welfare costs. The general economic recession has cost the state $20 million in reduced revenues so far.

Milliken's emergency measures included a temporary freeze on hiring, travel and equipment purchases, a 2 per cent reduction in budgets for all departments, a 1 per cent cutback in college and university appropriations and a variety of stopgap fiscal measures.

NO NEW TAXES

The package approved by the legislature included no new taxes, but next year's budget almost certainly will require higher revenues. Legislators are guessing that the flat-rate income tax will be raised from the present 2.6 per cent to 4 or 4.5 per cent.

New Jersey—As in Michigan, the picture has shifted suddenly from anticipation of a budget surplus to the prospect of a deficit.

Until a few days ago, Gov. William T. Cahill (R) had been hoping to accomplish something no governor had done in 27 years—proposing a slightly reduced state budget for the next fiscal year.

But then he was presented with a projection showing medicaid costs up $25 million and other welfare costs up another $75 million—a prospect he said left him "literally in a state of shock."

Cahill said the prospective $100-million deficit "may require new taxes," but adoption of an income tax is expected to await the report of a special commission after next November's legislative election.

Currently, the state relies on the sales tax as its main source of revenue, and officials are concerned that the economic slump may knock down receipts by as much as $35 million in the current fiscal year.

Cahill's immediate response has been to appoint a commission to seek ways of cutting welfare costs.

New York—Emphasizing his plea for additional federal help, Rockefeller has declined to give specific figures on New York's revenue needs for next year or the kind of taxes he would recommend to meet them.

State Controller Arthur Levitt, a Democrat, estimated last week that the state "will be at least a half-billion dollars short from the existing revenue structure, if it is to meet its program obligations next year."

CHANGE OF POLICY

Costs are rising in all the major categories of state spending. Revenues—which the state budget estimated would rise $549 million this year—were actually up only $25 million in the first seven months of the fiscal year.

Ohio—A change in party control of the governorship presages a basic change in fiscal policy for Ohio.

Outgoing Gov. James A. Rhodes (R) is leaving a $10 to $15-million surplus in the treasury and a compelling need for his Democratic successor, John J. Gilligan, to raise taxes.

In his eight years in office, Rhodes made heavy use of bond issues for construction projects, but kept taxes so low that Ohio ranks 49th among the states in per capita state and local tax burden. It ranks almost as low in state financing for mental health, education, hospitals, penal institutions and other public facilities.

Gilligan, who based his campaign on an improvement in those state services, said he would turn first to a corporate income tax for new revenue and would recommend a personal income tax if more funds were needed. Since the election he has appointed a blue ribbon task force to recommend an overall program of tax reform.

Pennsylvania—Gov.-elect. Milton J. Shapp (D) faces an immediate fiscal crisis. A prolonged dispute between outgoing Gov. Raymond P. Shafer (R) and the legislature ended with adoption of a stopgap budget covering spending only until April 1.

MUST ADD $450 MILLION

Shapp will have to recommend measures to raise an additional $450 million for the current fiscal year. Perhaps twice that much additional will have to be provided for fiscal 1972, which means that in one year the legislature will have to impose about $1.2 billion in new taxes—a 50 per cent increase.

Pennsylvania, too, has experienced an increase in welfare costs—which are running an estimated $27 million over the budget—but this seems like a small sum, in comparison to the overall revenue needs.

Shafer had recommended imposition of a state income tax and most observers think that will now be required. Shapp said in the campaign he would recommend such a tax only as part of an overall tax reform plan. Like Gilligan, he has a pair of blue ribbon task forces at work drafting recommendations for taxes.

Texas—Lt. Gov. Ben Barnes (D) said last week that "Texas is finding itself in the same financial crisis other states have been in for a decade."

A leap last spring in welfare costs forced Gov. Preston Smith (D) to borrow almost $60 million from other state funds, and the Texas legislative budget board last week said that despite a $350-million tax increase passed last year, the current fiscal budget will be $51 million in deficit.

Beyond that, it estimated that—without providing for new programs—state spending would exceed revenues in the 1972–73 biennium by $643.5 million.

Barnes said that barring help from Washington, "the legislature will have to pass one tax bill in January and another in May."

TRADE BILL CAUSING FARMER INCOME DECLINE

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, farmers in the 30 major soybean-producing States have a big stake in the outcome of the current consideration of the Trade Act of 1970 in the Senate. Because it appears nearly certain that soybeans will be one of the first commodities against which overseas nations will retaliate by reducing purchases, I have written each of the 60 Senators from those major soybean-producing States setting forth the loss of income their farmers suffered in 1 recent day's decline in soybean futures prices.

Soybean futures prices declined 10 cents a bushel on November 24. This drop was caused primarily by grain handlers who feared loss of overseas markets for their soybean stocks and began a heavy selling campaign.

A 10-cent-per-bushel reduction in soybean prices this year means a loss of more than $100 million to the farmers who grow soybeans in the 30 major soybean States. Farmers in my own State of Illinois suffered losses of nearly $18.6 million because of the 1-day price decline which grain trade personnel say was caused, for the most part, by the fear of overseas retaliation against U.S. soybean exports.

I call this to the attention of my colleagues in the House in order that those of you who also represent portions of these 30 States can gain a better understanding of the stake farmers who produce products for export have in the Trade Act of 1970. The decline in soybean prices in 1 day clearly indicates that the threat of retaliation against purchases of U.S. farm products is already having its effect on our farmers' income and should provide unmistakable evidence of things to come if the Trade Act of 1970 becomes law.

A copy of my letter to the Senators representing the 30 States, along with a listing of each State's farmer losses due to the soybean price decline is included with these remarks:

Farmers who produce soybeans in your state face a loss of (amount) because of the sharp decline in the soybean futures market on the Chicago Board of Trade. Several warnings have been issued about retaliation against U.S. exports if the Trade Act of 1970 becomes law, but this decline in prices is the most graphic to date. Board of Trade spokesmen place major blame for the November 24 price decline on the legislative progress of the Trade Act of 1970.

Grain trade officials on the Chicago Board of Trade said that soybean handlers were faced with the loss of overseas markets for their produce which caused the heavy liquidation of soybean stocks, driving the price down. The result of the one-day price decline was a $100 million loss of income to our nation's farmers.

Attached is a list of 30 states in which soybeans are produced in sizeable volume. Your state is included. The dollar figure represents the loss of income farmers who produce soybeans face because of the one-day price decline.

This alone constitutes a powerful argument for defeating the Trade Act.

Sincerely yours,

PAUL FINDLEY,
Member of Congress.

Major soybean-producing States estimated farmer losses due to price decline, Nov. 24, 1970*

	Amount
Alabama	$1,370,250
Arkansas	8,942,220
Delaware	306,180
Florida	463,680
Georgia	1,008,720
Illinois	18,586,980
Indiana	9,345,600
Iowa	16,317,180
Kansas	1,185,300
Kentucky	1,295,280
Louisiana	3,461,040
Maryland	464,400
Michigan	1,251,900
Minnesota	7,403,040
Mississippi	5,256,000
Missouri	8,180,640
Nebraska	1,784,340
New Jersey	107,640
New York	10,800
North Carolina	1,930,500
North Dakota	244,440
Ohio	6,472,890
Oklahoma	279,360
Pennsylvania	70,560
South Carolina	1,898,820
South Dakota	367,200
Tennessee	2,494,350
Texas	667,800
Virginia	593,370
Wisconsin	313,200

*Estimated soybean harvest (USDA Statistical Reporting Service Cr Pr 2-2 (11-70) multiplied times $0.10 a bushel, reduced by marketing prior to November 24, estimated at 10 percent of crop.

CHARLES B. SHUMAN RETIRES

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, Charles B. Shuman, Sullivan, Ill., a great leader in American agriculture for the past 27 years, announced his retirement this morning in his annual president's report to the members of the American Farm Bureau Federation meeting in Houston, Tex.

Mr. Shuman served the past 16 years as president of the mammoth Farm Bureau and his annual report contained a fitting tribute to his sincere, determined efforts on behalf of American agriculture when he reported a 1970 Farm Bureau membership gain of 77,327 families. Prior to his election as American Farm Bureau president he served 9 years as president of the Illinois Agricultural Association, the largest of the State Farm Bureaus. During his leadership of the IAA he witnessed that organization's growth to more than 200,000 members.

As he announced his retirement from the top post of Farm Bureau today he did so to "accept an offer I could not refuse any longer—returning to the farm in Illinois to join my 13-year-old son, George, in a partnership to grow hogs."

Charles Shuman is proud to be a farmer and exemplified the independent and productive spirit of the American farmer. In his foreword to my book, "The Federal Farm Fable," which was published in 1968, Mr. Shuman perhaps spoke his true feelings about Federal Government farm programs when he referred to them as, "a complicated monstrosity," and said they resulted in American agriculture becoming trapped in a "bureaucratic quagmire."

In his final report to the organization he led and loved, he issued some suggestions to those who will now assume the leadership of Farm Bureau.

Referring to the recently passed Agricultural Act of 1970, Mr. Shuman said:

I believe that Farm Bureau should accept the decision of Congress and cooperate in converting the farm program to a rural welfare plan, including further reductions in payment limits. A few simple amendments to the Nixon bill are needed to further adapt this legislation to the needs of the low income people of rural America. Simple justice demands that income supplements should be available to all farmers on a basis of need regardless of whether or not they produce certain crops or are in compliance with crop allotments—it is an unwarranted hardship to require small farmers to cut their already inadequate acreage. The Nixon bill should be amended to eliminate the requirement for farm program compliance as a condition of eligibility for income payments.

In addition to producing hogs, Mr. Shuman indicated today, he plans to do some writing about agriculture and its future. I wish him well in both ventures and look forward to reading the thoughts of a man, who for more than a quarter of a century, has been a respected leader in American agriculture fighting for the right of farmers to make more of their own farming decisions and reducing the direction they receive from Washington—a position many of us in the Congress support.

Charles Shuman is a powerful, effective voice for freedom and progress. May he enjoy many more years of good health and service.

BOB POAGE LAND TECHNOLOGY CENTER TO BE CONSTRUCTED ON TEXAS STATE TECHNICAL INSTITUTE CAMPUS IN WACO

(Mr. CABELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CABELL. Mr. Speaker, today, December 7, is Congressman BOB POAGE Day in Waco, Tex. His friends are honoring him by announcing the Bob Poage Land Technology Center to be constructed on the Texas State Technical Institute campus in Waco. The theme for the day is: "They shall beat swords into plow shares" for today is Pearl Harbor Day and Texas State Technical Institute campus is the former home of a tactical air command air base.

Texas State Technical Institute is now training 3,000 men and women who want to earn a good life through a technical education rather than being hampered by the welfare way of life.

This recognition being given our great colleague from Texas and the able chairman of our Committee on Agriculture, is well deserved.

I am sure that all Members join me in congratulating chairman "BOB" on this occasion.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States in 1968 produced 42 percent of the world production of caustic soda. The 1968 U.S. production was 7,783,000 metric tons compared to 1,525,000 metric tons by the Soviet Union, the second ranked producer.

SOVIET INTELLIGENCE ROLE IN LATIN AMERICA RISES

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the growing influence of the Communists in Central and South America is a matter of gravest concern for our Congress and country. Increasing evidence appears that the Soviets are using a base in Cuba proximate to the United States for servicing their nuclear submarines. These facilities reduce enormously the time which it has previously taken Soviet submarines to go back to Russia for servicing after their patrolling in the western Atlantic. The effect of this submarine-servicing facility, therefore, is not only to bring the United States within close range of nuclear weapons upon these submarines but to increase very largely the number of nuclear weapons in the area of the United States, in the Caribbean, or in the western Atlantic.

It is hard to understand what the position of our national administration is. They purported recently to say that they would not tolerate a Soviet nuclear submarine base in Cuba and they indicated that they made a deal with the Soviet Union that we would not invade Cuba while Castro was there if they would not build a complete submarine base. Yet, the whole matter is very hazy and obscure and it seems for all practical purposes the Russians have done that, as so often happens, they promised not to do.

I submit that the national administration owes it to our people to give our people the facts about this ominous extension of Soviet power within 90 miles of our shores, and to see to it that such an establishment does not jeopardize the security of our country.

The installation of these nuclear facilities in Cuba is simply a part of the whole aggression of the Soviet Union in Latin America. They have penetrated far beyond what they have ever achieved in the history of our country. They are now making it possible for communism to be exported and infiltrated into many critical areas in Latin America from Cuba as a base. The President said on one occasion he did not propose to be the first President to lose a war in which the United States was engaged. I am sure the President would not wish to be remembered as the American President in whose administration the Russians established a nuclear base in Cuba and thoroughly and dangerously infiltrated communism and Communist power—power aggressive to the United States—into Latin America.

In support of the general knowledge now that Soviet activity has vastly increased in Latin America, Mr. Speaker, I insert in the body of the RECORD, immediately following my remarks, an article from the New York Times of December 7, 1970, entitled "Soviet Intelligence Role in Latin America Rises," a subheadline of which is "Soviet Activity Among Latins Grows":

SOVIET INTELLIGENCE ROLE IN LATIN AMERICA RISES

(By Benjamin Welles)

WASHINGTON, December 6.—United States intelligence specialists are disturbed by what they regard as a steady increase in the number and quality of Soviet agents in Latin America.

These specialists say that the Soviet Union has reorganized and modernized its intelligence network in the Western Hemisphere in the last decade toward the goal of diminishing, and possibly replacing, United States influence.

To do this, the American specialists say, the Soviet Union is moving on a variety of fronts to capitalize on Latin-American discontent with protectionist United States trade policies and with what many Latin Americans believe to be Washington's neglect of their problems. A major part of the Soviet campaign, the specialists feel, is intelligence operations conducted by "a new breed" of agents.

"In 1960, about 85 per cent of the Russian intelligence agents in the hemisphere were over the age 40," one United States intelligence specialist said recently. "Now most are under 40. Some have even studied as exchange students in Ivy League colleges." The specialist described a typical Soviet agent today as personable, gregarious, cosmopolitan and fluent in Spanish and often in English.

Even the tailoring has improved, the specialist said. Ten years ago, he explained, a Soviet agent was easily identified by his baggy pants, a style favored by Eastern Europe's tailors. Now the typical agent is reported to be, among his other attributes, well dressed.

American analysts believe that approximately two-thirds of all Russian agents in Latin America work for the K.G.B., the Soviet intelligence agency, and the rest of the G.R.U., Soviet Army intelligence. About half the Soviet personnel accredited to Latin countries are intelligence operatives, the analysts report, saying that the proportion fluctuates from a high of 85 per cent in Mexico to a low of 25 per cent in Uruguay.

INCREASE IN RELATIONS

The steady increase in intelligence personnel and activities throughout the hemisphere is said to parallel the steady expansion of Soviet diplomatic relations with Latin-American states. The Soviet Union, the analysts say, regards secret intelligence as an arm of foreign policy, along with traditional diplomacy, force, the threat of force and propaganda.

Before World War II, the Soviet Union had diplomatic ties with three Latin-American countries: Mexico, Uruguay and Colombia. Now Moscow has embassies in 11 Latin-American countries—Cuba, Mexico, Colombia, Venezuela, Brazil, Uruguay, Argentina, Chile, Bolivia, Peru and Ecuador—is about to open an embassy in Costa Rica and is negotiating for an embassy in Guyana.

The growth of relations, specialists in Washington say, has been accompanied by a change in policy. "Soviet policy in Latin America began changing, after Khrushchev's fall in 1964, from hard-line to a soft, smiling approach," said one analyst. "The Russians had seen the bad Latin reaction to Castro's attempt to export revolution. They didn't quarrel with Castro; they just went their own way and Castro went his. Their tactics differ—but not their strategy."

A GOAL OF PERSUASION

Soviet policy is said now to be aimed at convincing Latin Americans that its diplomatic personnel are personable, professional, responsible people—always correct, as one informant put it.

"The Soviet is taking advantage of every local situation to increase influence at the expense of the United States, but it's not blowing trumpets," he added.

On the clandestine side, the sources added, the Soviet Union is seeking to recruit adherents among the Latin-American diplomats stationed in Moscow and is trying to build an organization of young Latin leftists to serve as Soviet advocates.

"The average Latin leader thinks he can handle the Russians in his country," one source said. "Sometimes this satisfies his vanity if he's inherently anti-United States, sometimes it pleases his leftist backers. Whatever the reasons, the Soviet Union is making political headway throughout Latin America."

KEY GOAL OF STRATEGY

One primary aim of Soviet strategy is said to be to counter the long-standing collaboration of United States and Latin-American intelligence agencies. This collaboration began during World War II, increased with the start of the cold war in the late nineteen-forties and accelerated in the early nineteen-sixties when the Cuban Government of Premier Fidel Castro began exporting revolution.

The collaboration now appears to be threatened, informants say, as Soviet intelligence seeks to extend its influence—at high levels in Latin governments and in police and security services—as a step toward eliminating the United States' influence.

The number of Soviet male officials accredited to Latin countries is still relatively small, analysts say—in 1960 it was about 150, today it is about 300—but it is growing. It includes embassy personnel from ambassadors to chauffeurs as well as men in trade missions, press and cultural offices and commercial enterprises such as shipping lines.

SPY'S RULE OF THUMB

By the rule of thumb that about half a country's accredited personnel are intelligence operatives, this would indicate a Soviet intelligence force of 150 in the hemisphere. However, specialists say this number is effectively doubled by the presence of wives. Additionally, significant numbers of unmarried Soviet women who are attached to overseas missions as secretaries or code clerks are believed to perform other tasks, including espionage.

One of these women—Raisa Kiselnikova, a 30-year-old translator, defected from the Soviet Embassy in Mexico City last March after 18 months' duty. She reportedly told the Mexican authorities that eight of the nine officials of the Soviet trade mission were intelligence agents.

A MOSAIC IS ASSEMBLED

The testimony of Soviet defectors and the use of surveillance techniques have helped the United States intelligence network and its Latin collaborators assemble a mosaic of clandestine Soviet activities in the Western Hemisphere. Some workings are said to be these:

Soviet intelligence activities are normally directed by a K.G.B. representative posted as an embassy official—a political or economic counselor, a trade or cultural aide—even as a chauffeur. Intelligence officers—of both the K.G.B. and the G.R.U.—have been identified while traveling in Latin America as diplo-

matic couriers or as correspondents of such Soviet press agencies as Tass and Novosti.

Intelligence personnel report directly to Moscow through their own codes and communications systems. They bypass the ambassador unless he belongs to the 125-member Central Committee of the Soviet Communist party.

Since the early nineteen fifties, Soviet intelligence operations in the Caribbean, in Central America and in the northern half of South America have been directed from Mexico City; those in the southern half of Latin America have been directed from Montevideo. The Soviet Embassy staff in Mexico City numbers 62 men, plus as many wives. At least 40 of the men are said to be intelligence officials. In Uruguay, the male embassy staff has 32 men, plus as many wives. Eight of the men are reportedly intelligence personnel.

CUBA THE OVERALL BASE

The main base for all Soviet activities in the hemisphere is still Cuba, the experts here say. Approximately 400 intelligence officers are said to have been assigned to Cuba since 1961.

Between 1961 and 1969, the experts add, approximately 2,500 Latin Americans have been trained in Cuban schools for political subversion. About 10 per cent have been Communists but the overwhelming majority reportedly have been young men and women of leftist—but not necessarily Communist—ideology. Several hundred are believed to have gone on to Moscow for further training.

Cuban personnel, trained by the Soviet experts, have been assigned to teach and direct subversion in other Latin countries, informants report.

"Che Guevara's failure to start a rural guerrilla movement in Bolivia and his death there in 1967 delayed but didn't really stop Castro's plans to export revolution," one analyst here said.

"Castro pondered long and hard about switching to urban warfare techniques," he continued. "It wasn't until last April, for instance, that he finally announced that he would back urban revolutionaries in the kidnapping of foreign diplomats, assassination and so forth—but only if they proved effective."

TIME AND PLACE VITAL

United States specialists believe that the Soviet Union will quietly back both rural and urban revolutionary movements in Latin America, depending on the time and place.

Soviet and Cuban influence is reported by rising in Chile, which has installed an elected leftist Government headed by Dr. Salvador Allende Gossens, a Marxist.

In Dr. Allende's Cabinet, analysts note, socialists—some of whom are more extreme in Chile than the Communists—now hold such policy posts as the Foreign Ministry, the Interior Ministry, with control of the police, and the key position of secretary general of the government. Chilean Communists, by contrast, hold the patronage ministries of finance, labor and social welfare, public works, education and mines.

As further proof of Soviet and Cuban influence, informants here note that the Chilean "groups mobiles," traditional anti-subversive and riot-control units of the constabulary have been replaced by "committees for the defense of the community," modeled on a system installed throughout Cuba at Soviet suggestion. The committees will reportedly be manned by Communist and Socialist party stalwarts.

ACTIVITIES ELSEWHERE

Other aspects of Soviet intelligence activity in the hemisphere are listed by American sources here as follows:

Peru: Last February, when the first Soviet mission was accredited to the military government of President Juan Velasco Alvarado, five of the first nine Soviet Embassy officials came directly from Havana.

The Soviet Union has three military attachés in uniform in Lima, more than it has in the rest of Latin America. All three have been identified by United States sources as G.R.U. officials. Their relations with the Peruvian Government are reportedly correct and cordial and Soviet influence in Peru is said to be growing.

Argentina: The Soviet Embassy staff consists of 34 male officers of whom about a third are thought here to be intelligence personnel. Col. Sergei Sokolovski, the Soviet defense attaché, is more publicly prominent in embassy contacts with the Argentine Government than is Ambassador Yuri Volski, according to sources here.

Brazil: Soviet intelligence activities have been held to a minimum, informants here say. Most activity consists of making contacts. The embassy staff consists of 60 officers in Rio de Janeiro, Brasilia and São Paulo, with as many wives. About half the men are identified here as intelligence personnel.

Uruguay: Although Montevideo is reportedly a base for Soviet operations, these have not been increasing. No clear links have been detected between Soviet intelligence agents and the Tupamaro, the anti-government terrorist organization.

FEW ARMS SUPPLIED

The Soviet Union is not thought to be supplying appreciable quantities of arms to Latin America. Some arms—mainly Czech—have recently been detected being moved to subversive groups in Uruguay, Argentina and Chile, but not in significant quantities.

While the Soviet Union's clandestine activity is steadily rising in the hemisphere, informants say, its trade with Latin America remains static. For the last 10 years exports and imports have remained at approximately $130-million yearly, less than 2 per cent of Latin America's world trade.

Significantly, the analysts report, three-quarters of the trade is concentrated in two countries with strong, right-wing military governments—Brazil and Argentina. The remaining quarter is divided among all the other hemisphere countries, where the analysts, note, Moscow concentrates on buying commodities such as coffee, whose sales—and price—often balance the budgets of such states as Ecuador, Colombia and Costa Rica.

REMARKS OF COMMISSIONER PATRICK V. MURPHY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, one of the outstanding authorities in the field of crime is the distinguished police commissioner of the City of New York, the Honorable Patrick V. Murphy. Commissioner Murphy has had a long and eminent career as a police official. He started from a policeman on the beat in New York City and has risen to be one of the highest officials in the Police Department in the District of Columbia; to a top position in the Law Enforcement Assistance Administration; to the position of police commissioner of the city of Detroit; and now to his present position as police commissioner of the City of New York. Commissioner Murphy has had a variety of experience and a breadth of contact with the problems of crime which is not excelled, if equaled, by any other official in the country. Commissioner Murphy, when he was in Washington, was most helpful in his advice and counsel to the House Select Committee on Crime.

On December 7, Commissioner Murphy addressed the National Association of Citizens Crime Commissions at the Washington Hilton Hotel, and gave not only an informative but an inspiring address with particular emphasis upon how much it means to the police officials of the country to have the wholehearted respect and support of the people of the country. I commend Commissioner Murphy's able address to my colleagues and to my fellow countrymen and include it in the RECORD immediately following my remarks:

REMARKS BY NEW YORK CITY POLICE COMMISSIONER PATRICK V. MURPHY TO THE NATIONAL ASSOCIATION OF CITIZENS CRIME COMMISSIONS, WASHINGTON, D.C., DECEMBER 7, 1970

Thank you for inviting me to join you today. I am delighted to be here among friends and colleagues who share a common interest in crime prevention. The topic you have asked me to explore—"What the Police Expect of the Citizenry"—is both fascinating and encouraging to me.

It is a refreshing departure from the traditional topic where the subject places the police on the defensive, and we are asked to explain and justify increasing crime rates. Perhaps we can sharpen the focus of our discussion by paraphrasing the eloquent expression of the late President John F. Kennedy: Ask Not What Your Police Can Do For You But Ask What You can Do For Your Police.

The law in our society is predicated on the theory of voluntary compliance. It is the same philosophy applied by the Internal Revenue Service where the citizen is expected to report honestly his income and voluntarily pay his taxes. This has become our way of life, and it is universally accepted in varying degrees.

An interesting case recently came to our attention. It involved a taxpayer who sent a money order of $100 to the Collector of Internal Revenue with an annoymous note explaining that he had cheated on his tax return five years ago, and his conscience bothered him ever since. There was also a postscript which stated, "If my conscience still bothers me I will send you the balance."

The police service relies on the theory that we are essentially an honest and peaceful society, and that most people voluntarily comply with the law. The presumption that we are a peace-loving people may be a fallacy. It was little more than a hundred years ago when we were still a frontier nation pioneering in the wilderness. In the span of history it was only yesterday when shotguns rode the horsedrawn vehicles and every householder was armed. The stagecoach has disappeared but the deadly firearm is still with us: With an estimated hundred million guns in the hands of private citizens. We are a more sophisticated people today, enjoying greater material comforts, yet we have failed to rise above our violent heritage. We have failed to achieve domestic tranquility, and we are confronted daily with violence by gunfire.

Studies on guns—long and short—abound. Numerous laws on the national, state and local level limit the manufacture, sale, importation and possession of firearms. And yet there is no diminution in their unlawful use. Under the deceptive guise of freedom and the belief that citizens must be armed to resist tyranny, the American people tolerate and abet assault, robbery, murder and street crime at gunpoint. If this is freedom in its finest form, it is also freedom in its final hour. We have no way of determining how many firearms are in violent hands. We don't know the extent of the condition but we know the condition exists. Throughout the country in recent years tons of

weapons have been plundered in transit and stolen from armories and gun dealers.

We are beyond the stage of restrictive licensing and uniform laws. We are at that point in time and terror when nothing short of a strong uniform policy of domestic disarmament will alleviate the danger which is crystal clear and perilously present. Let us take the guns away from the people. Exemptions should be limited to the military, the police and those licensed for good and sufficient reasons. And I would look forward to the day when it would not be necessary for the policeman to carry a sidearm.

Thousands of suicides, accidental deaths, slayings of relatives or acquaintances and the tragic list of assassinations in our time may never have been if the lethal instrument of death were not so readily available, and if the firearm as contraband had been the accepted national mode.

Let us ask ourselves the hard questions: Do we as a people really abhor violence? We are obviously concerned about crime. But to what extent? Perhaps our feelings about violence are not as strong as we think. With the increasing incidence of crime there has been a sharp rise in the number of people who obtain weapons for self-defense. It is reminiscent of the era of the armed frontiersman, but the dangerous difference is that the sparse frontier has given way to heavily populated urbania. I leave to your imagination the tragic consequence of a shot fired in a downtown shopping area or even on a neighborhood street.

For too long we have indulged the gun maniacs. The name of the game is human life, and it is a game we dare not play. The stakes are too high for an advanced society which values human life above all other considerations.

We are a proud people with a proud heritage. Out of the undeveloped wilderness that was once America, we have overdeveloped this vast region to the extent that pollution affects our streams and our waterways and contaminates the air we breath. The conservationists tell us wild life is disappearing, too. With the development of formerly rural areas to accommodate the growing population, the sportsman's field is receding and his targets are diminishing.

As a people, Americans are singularly distinguished for their record of achievement. But we have failed to plan for the debilitating by-products that accompany progress. This is well illustrated by our ecological problems. It is common knowledge to the doctor and chemist that the development of a new and helpful drug requires careful observation of the patient to ascertain the possibility of contraindications. Sometimes the resultant side-effects may be more hazardous than the original malady which the new drug was designed to cure. This is the pattern of unenforceable statutes which generate contempt rather than confidence in our system of justice. We have such laws on our books.

Within the province of police enforcement I would like to see fewer regulatory laws. The policeman would be a more effective crime-fighter, and he would be held in higher public esteem, if he were not required to enforce so many regulations which attempt to control morals—the so called victimless crimes. By charging our police with the responsibility to enforce the unenforceable we subject them to disrespect and corruptive influences. And we provide the organized criminal syndicates with illicit industries upon which they thrive.

The tremendous progress we have made has been accompanied by an astonishing record of tragic and abysmal failure. Crime has been increasing for many years. And let us not delude ourselves, it will continue to rise. The criminal mind will not repent. Criminal activities will not relent. Crime is woven into the fabric of our society. Crime will not abate when housing and education are inadequate, when there is widespread unemployment, when there is inequality of opportunity, when there is a woeful lack of full citizenship rights, when affluence and poverty live side by side.

George Bernard Shaw once wrote that security cannot exist where the danger of poverty hangs over everyone's head. Poverty degrades the poor and infects with its degredation the whole neighborhood in which they live. And whatever can degrade a neighborhood can degrade an entire civilization. In this context poverty is a burden not only on the poor but also on the affluent and on every intermediate level of our social and economic structure.

Mr. Shaw was a man of great vision. Without stating the time and place, and without specific reference to narcotics, his words vividly describe the spread of drug addiction. In our cities it began amid poverty in the ghetto. And the contagion spread into the more prosperous upper-class neighborhoods. The monetary cost of addiction in terms of goods stolen by addicts in their desperation to feed their craving for drugs has been estimated in astronomical figures. It is a cost that small businessmen, car owners, householders and every productive citizen has had to pay. Even the poverty-stricken are not immune from the frantic depredations of the addict in need of money to satisfy his craving for drugs. Addicts remain close to their home areas and it is the people in those areas who are most victimized by drug-related crime. The drain on society is reflected in the wasted lives of the addicts themselves and the predatory pursuit in the sub-culture of the addict world. It began with poverty. It infected the poor neighborhoods and the degradation has spread through an entire civilization—just as George Bernard Shaw once wrote.

Crime will not abate while the increasing arrest rate is paralleled by increasing recidivism. Crime will flourish as long as men are incarcerated in penal institutions which fail to rehabilitate. The national recidivism rate has been estimated at upwards of ninety per cent. This means that at least nine of every ten men who leave prison eventually return to crime. And the full cycle begins again in the overcrowded prison with its inadequate personnel and poorly designed facilities which provide a fertile breeding ground for criminal proclivity.

The breakdown in our system of criminal justice is reflected not only in the operation of our correctional institutions but, also, in the parole and probation services; in the failing efforts of the prosecution, and in legal maneuvers in the courtroom. Today there is as much time spent in the courtroom arguing motions as in conducting the actual trial itself. The bench and bar have become afflicted with a kind of "motion sickness."

This brings to mind a story involving Charles Evans Hughes when he was Chief Justice of the Supreme Court. He had taken several of his associates on a cruise down Chesapeake Bay. It was a bright clear day but the water was choppy, and the late Justice Cardozo became violently ill. Mr. Hughes found him leaning over the rail, his complexion a sickly green. "I'm sorry," said the Chief Justice. "Is there anything I can do for you?" With great effort Justice Cardozo raised his head and muttered: "Yes, please, overrule this terrible motion."

When the last preliminary motion is made and argued and ruled upon, the trial commences. But, again, there are delays ad nauseam. The appalling waste of time severely weakens the deterrent effect of our criminal law, and it breeds contempt for the law. Under our system of justice it is not uncommon for four or five years to elapse from the time of arrest to final disposition. The unreasonable excesses of our criminal procedures can—and must—be eliminated. With protracted hearings, motions, appeals, pre-trial and post-trial delays, our system of criminal justice is quickly grinding to a dead halt. We attempt to be fair to the defendant but, in effect, we violate his rights under the Sixth Amendment by failing to guarantee a speedy trial.

With an ever-increasing number of arrests and increasing delays in the courtroom we are further crowding congested court calendars and complicating the work of understaffed court personnel: To the extent that our system of criminal justice is losing public respect. There is a growing lack of public confidence and, ironically, the uniformed patrolman is first to feel the harsh effects of an alienated public. Without public respect and confidence and cooperation, the policeman is placed under a severe handicap which adds to the complexities of his arduous duties.

To function effectively the police must have the cooperation of every citizen. The community itself cannot remain neutral on the theory that the police are paid to do the job, and the police alone are the public protectors. Law enforcement is everybody's business. Public safety on the street and in the home requires a total commitment; not only of the police, the courts, the district attorneys, the correction, parole and probation services, but also of the community as a whole. The problem of crime starts long before the police are involved. And—unfortunately—it continues long after the police function, culminating in arrest, has been performed.

If crime were purely a police matter there would be little criminal activity. With improved police training and the application of sophisticated technical devices we are seeing a corresponding increase in police effectiveness. Our men are intelligent, responsible and humane public servants—skilled practitioners in the art of dealing with people. Yet crime proliferates. Let us not fault the police for the conditions which breeds crime: poverty, illiteracy, ill health, slum housing and limited opportunity for those most in need of opportunity.

We can deplore. We can discuss recommendations as we are doing today. But we cannot sweep the causes of crime under the rug. It is a contagion that will surface and spread. Social change is needed. In its present form it is a barrier to peace and tranquility. Through social change, we must remove not only the causes of crime but, also, the deadly instrument of violence. Let us repair the breakdown in criminal justice through speedier trials. Let us remove the unenforceable law from the sphere of police enforcement. Let us also develop a rehabilitation system that rehabilitates and does not return the offender to prison.

It may seem an unusual suggestion for a police commissioner to make to members of crime commissions—but perhaps one of the most helpful things citizens can do to help us is to demand that the current "non-system" of criminal justice be developed into system. As part of that demand the question must be posed: Is the crime control dollar being spent most effectively in our cities? Is any one part of the system—police, prosecution, courts, corrections—receiving an excessive share of available fiscal resources to the disadvantage of one or more of the other parts? Such imbalance only weakens the potential of the whole system.

This is what the citizen can do for police. The policeman asks for a reasonable climate in which he can function effectively. He asks for public acceptance, not accolades. In a street problem the citizen is asked to accept the policeman's leadership, trust his judgment, heed his words, and give him the respect and esteem so necessary—so vital—to the dangerous task of policing our cities.

Together, the citizen and the policeman can attain that human quality—that majestic quality of mankind—that eludes our society.

CONQUEST OF CANCER ACT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, one of the greatest challenges facing mankind is cancer. This malignancy causes more deaths each year than any disease except heart disease and, unlike heart disease, it is the greatest killer of the young as well as the old.

Cancer kills more children between the ages of 1 and 15 than any other disease. It also kills more Americans in a single year than we have lost in the last 6 years of the Vietnam war.

We lose six or seven times as many Americans to cancer each year as we lose in highway traffic accidents. One-sixth of our entire present national population is expected to die of this disease.

Of the 200 million Americans presently living in our country, over 50 million will develop some form of cancer and more than 34 million will die unless we find a cure. This means that some 16 percent of all deaths in America will result from this one disease.

Yet this need not be true.

I was a sponsor of the 1937 legislation which established the National Cancer Institute as the first of our National Institutes of Health. I strongly supported the first appropriation for cancer research—a mere $400,000 in 1938. And since that time in the other body and more recently in my service in the House, I have sought to assure adequate financial support for research into the causes and cures of this complex disease.

We have increased the level of Federal support for cancer research to $200 million last year. And we have increased the rate of cures from one in five in the 1930's to one in three today.

As a result of cancer research we are now saving twice as many lives as we would save if we eliminated highway fatalities entirely.

The greatest national safety program in which we could engage is cancer research.

I feel very strongly, therefore, that we should launch a final assault on the menace of cancer. We should attack cancer the way we have attacked the problem of putting a man on the moon within the decade. I am confident that, if we do this, we can achieve in less than a decade the greatest scientific and technical achievement in the entire history of mankind.

It is my great pleasure, therefore, to sponsor in the House legislation to create a National Cancer Authority to develop a massive final attack on this terrible malignancy.

This legislation is the result of recommendations of a committee of distinguished Americans who served as consultants to the Senate Committee on Labor and Public Welfare. It provides for the establishment of an independent authority, similar to the National Space and Aeronautics Administration, to assume the responsibilities of the National Cancer Institute and expand its vital work massively and quickly to achieve a final conquest of cancer.

This new structure would enable us to double our investment in cancer research to $400 million a year immediately, and to raise this amount to $1 billion a year in the near future. These are sums of the order of magnitude necessary to accomplish our goal of a triumph over cancer in the foreseeable future.

I commend this legislation to our colleagues and to all Americans concerned with the value of human life. We cannot fail to meet the challenge of cancer, and I am convinced that the American people will give this proposal their strong and urgent support.

I insert in the RECORD at this point the text of this landmark legislation:

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 "Conquest of Cancer Act."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that the incidence of cancer is increasing and is the major health concern of the American people;

(2) that the attainment of better methods of prevention, diagnosis, and cure of cancer deserve the highest priority; and

(3) that a great opportunity is offered as a result of recent advances in the knowledge of this dread disease to conduct energetically a national program for the conquest of cancer.

(b) in order to carry out the policy set forth in this Act it is the purpose of this Act to establish, as an independent agency of the United States, the National Cancer Authority.

NATIONAL CANCER AUTHORITY ESTABLISHED

SEC. 3 (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the National Cancer Authority, having as its objective the conquest of cancer at the earliest possible time.

(b) The Authority shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. There shall be in the Authority a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. The Deputy Administrator shall perform such functions as the Administrator may prescribe and shall be the Acting Administrator during the absence or disability of the Administrator or in the event of a vacancy in the position of Administrator. Upon the expiration of his term, the Administrator shall continue to serve until his successor has been appointed and has qualified.

(c) The President, by and with the advice and consent of the Senate, is authorized to appoint within the Authority not to exceed five Assistant Administrators.

TRANSFERS FROM THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 4. (a) All officers, employees, assets, liabilities, contracts, property, and resources as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the National Cancer Institute, and except as otherwise specifically provided in section 10, with any function of the National Cancer Advisory Council, are hereby transferred to the National Cancer Authority.

(b)(1) Except as provided in paragraph (2) of this subsection, personnel engaged in functions transferred under this Act shall be transferred in accordance with applications and regulations relating to transfer of functions.

(2) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

(c) The National Cancer Institute and the National Cancer Advisory Council shall lapse.

TRANSFER OF FUNCTIONS

SEC. 5. There are hereby transferred to the Administrator all functions of the Secretary of Health, Education, and Welfare—

(1) with respect to and being administered by him through, or in cooperation with, the National Cancer Institute and the National Cancer Advisory Council.

(2) under title IX of the Public Health Service Act relating to education, research, training, and demonstration in the field of cancer.

FUNCTIONS OF THE AUTHORITY

SEC. 6. In order to carry out the purpose of this Act, the Authority shall—

(1) carry out all research activities previously conducted by the National Cancer Institute, together with an expanded, intensified, and coordinated cancer research program;

(2) expeditiously utilize existing research facilities and personnel for accelerated exploration of the opportunities for a cancer cure in areas of special promise;

(3) encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research;

(4) strengthen existing comprehensive cancer centers, and establish new comprehensive cancer centers as needed in order to carry out a multidisciplinary effort for clinical research and teaching, and for the development and demonstration of the best methods of treatment in cancer cases;

(5) collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer for professionals and for the general public;

(6) establish or support the large-scale production of specialized biological materials for research, including viruses, cell cultures, and animals, and set standards of safety and care for persons using such materials; and

(7) support research in the cancer field outside the United States by highly qualified foreign nationals, collaborative research involving American and foreign participants and the training of American scientists abroad and foreign scientists in the United States.

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) The Administrator is authorized, in carrying out his functions under this Act, to—

(1) appoint and fix the compensation of personnel of the Authority in accordance with the provisions of title 5, United States Code, except that (A) to the extent the Administrator deems such action necessary to the discharge of his functions under this Act, he may appoint not more than two hundred of the scientific, professional, and administrative personnel of the Authority without regard to provisions of such title relating to appointments in the competitive service, and may fix the compensation of such personnel, without regard to the provisions of chapter 51, and subchapter III of chapter 53 of such title relating to pay rates, not in excess of the highest rate paid for GS–18 of the General Schedule under section 5332 of title 5 of such Code; (B) to the extent that the Administrator deems it necessary to recruit specially qualified scientific and professionally qualified talent he may establish the entrance grade for scientific and professional

personnel without previous service in the Federal Government at a level up to two grades higher than a grade provided such personnel under the provisions of title 5 of such Code governing appointements in the Federal service, and fix their compensation accordingly;

(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in him or in the Authority and delegate authority to any officer or employee under his direction or his supervision;

(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain comprehensive cancer centers, laboratories, research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Administrator deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Authority for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(5) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act;

(6) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(8) accept unconditional gifts or donations of services, money or property, real, personal, or mixed, tangible or intangible;

(9) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(10) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary, including funds appropriated for construction, repairs, or capital improvements; and

(11) take such actions as may be required for the accomplishment of the objectives of the Authority.

(b) Upon request made by the Administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Authority in the performance of its functions with or without reimbusement.

(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including travel-time) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

SAVINGS PROVISIONS

SEC. 8. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or institute, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Administrator, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or institute, or part thereof, functions of which are transferred by this Act; but such proceedings to the extent that they relate to functions so transferred, shall be continued under the Authority. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Administrator, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or institute, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or institute, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Authority as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any agency or institute, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such agency or institute, or any part thereof, is transferred to the Administrator, or

(B) any function of such agency, institute, or part thereof, or officer is transferred to the Administrator, then such suits shall be continued by the Administrator (except in the case of a suit not involving functions transferred to the Administrator, in which case the suit shall be continued by the agency, institute, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any agency, institute, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the Authority or officer in which such function is vested pursuant to this Act.

(e) In the exercise of the functions transferred under this Act, the Administrator shall have the same authority as that vested in the agency or institute, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or institute, or part thereof.

REPORTS

SEC. 9. (a) The Administrator shall, within one year after the date of his appointment, prepare and submit to the President for transmittal to the Congress a report containing a comprehensive plan for a national program designed to conquer cancer at the earliest possible time together with appropriate measures to be taken, time schedules for the completion of such measures, and cost estimates for the major portions of such plan.

(b) The Administrator shall, as soon as practicable after the end of each calendar year, prepare and submit to the President for transmittal to the Congress a report on the activities of the Authority during the preceding calendar year.

NATIONAL CANCER ADVISORY BOARD

SEC. 10. (a) There is hereby established in the Authority a National Cancer Advisory Board to be composed of eighteen members appointed by the President, by and with the advice and consent of the Senate. Nine of the members of the Board shall be scientists or physicians and nine shall be representative of the general public. Members shall be appointed from among persons, who by virtue of their training, experience, and background are exceptionally qualified to appraise the programs of the Authority. The Administrator shall be an ex officio member of the Board.

(b) (1) Members shall be appointed for six-year terms except that of the members first appointed six shall be appointed for a term of two years, six shall be appointed for a term of four years, and six shall be appointed for a term of six years as designated by the President at the time of appointment.

(2) Any member appointed to fill a vacancy occuring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) A vacancy in the Board shall not affect its activities and eleven members thereof shall constitute a quorum.

(c) The Board shall biannually elect one of the appointed members to serve as Chairman for a term of two years.

(d) The Board shall meet at the call of the Chairman but not less than four times a year and shall advise and assist the National Cancer Authority in the development and execution of the program.

(e) The Administrator of the Authority shall designate a member of the staff of the Authority to act as Executive Secretary of the Board.

(f) The Board may hold such hearings, take such testimony, and sit and act at such times and places as the Board deems advisable to investigate programs and activities of the Authority.

(g) The Board shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Authority toward the accomplishment of its objectives.

(h) The Board shall supersede the existing National Advisory Cancer Council, and the members of the Council serving on the effective date of this Act shall serve as additional members of the Board for the duration of their present terms, or for such shorter duration as the President may prescribe.

(i) Members of the Board who are not officers or employees of the United States

shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

(j) The Administrator shall make available to the Board such staff, information, and other assistance as it may require to carry out its activities.

COMPENSATION OF THE ADMINISTRATOR, THE DEPUTY ADMINISTRATOR, AND THE ASSISTANT ADMINISTRATORS

SEC. 11. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(20) Administrator, National Cancer Authority.".

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(56) Deputy Administrator, National Cancer Authority.".

(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Assistant Administrators, National Cancer Authority (five).".

DEFINITIONS

SEC. 12. For the purposes of this Act—

(1) "Administrator" means the Administrator of the National Cancer Authority.

(2) "Authority" means the National Cancer Authority;

(3) "Board" means National Cancer Advisory Board;

(4) "comprehensive cancer center" means such cancer research facilities as the Administrator determines are appropriate to carry out the purposes of this Act, including laboratory and research facilities and such patient care facilities as are necessary for the development and demonstration of the best methods of treatment of patients with cancer, but does not include extensive patient care facilities not connected with the development of and demonstration of such methods;

(5) "construction" includes purchase or lease of property; design, erection, and equipping of new buildings; alteration, major repair (to the extent permitted by regulations), remodeling and renovation of existing buildings (including initial equipment thereof); and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings.

(6) "function" includes power and duty;

(7) "Federal agency" means any department, agency, or independent establishment of the executive branch of the government including any wholely owned government corporation.

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. For the purpose of carrying out any of the programs, functions, or activities authorized by this Act, there are authorized to be appropriated for each fiscal year such sums as may be necessary.

EFFECTIVE DATE

SEC. 14. (a) This Act, other than this section, shall take effect sixty days after its date of enactment or on such prior date after the enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in subsections (b) and (c) of section 3 may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Authority pursuant to this Act.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES TO THE NATIONAL ASSOCIATION OF MANUFACTURERS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, with refreshing candor, the President, last Friday night, told the National Association of Manufacturers and the American people exactly how it is with the American economy at this time—and where we go from here.

The President was frank to say that we are suffering considerable pain as we make the transition from war to peace and from inflation to stability.

It is in a spirit of nonpartisanship in the President's speech that I commend to my House colleagues as I place the President's remarks in the CONGRESSIONAL RECORD. I am firmly convinced that the economic policies of the Nixon administration are paying off. They will continue to pay off if the administration's quest for economic growth and stability is not hampered by opposition efforts to reap political advantage.

I urge all Members of the House to read the President's remarks of last Friday night and to consider how best to move this Nation toward price stability and prosperity. The President's speech follows:

TEXT OF AN ADDRESS BY THE PRESIDENT TO THE NATIONAL ASSOCIATION OF MANUFACTURERS

I would like to take this occasion to report to the nation on this Administration's economic strategy—what we found when we took office, what we did about it, what the results of our moves were, and what we are doing now.

When we came into office 22 months ago, this was the situation:

532,000 Americans were fighting in Vietnam, with no diplomatic or military plan to bring them home, and no economic plan to provide civilian futures for them when they did get home; prices were rising, interest rates were rising, and monetary and budget policies had produced a serious inflationary crisis.

The challenge was clear: Never before had this nation been able to end a war without severe economic hardship and never before had we been able to curb a major inflation without a recession. We accepted that challenge.

We acted immediately on both the war front and the home front.

Abroad, we implemented a plan that will bring 265,000 men home by next May. We brought casualties down to the lowest point in over four years. We presented a fair and honest plan for peace. We re-ordered our national priorities: More than a million men were released from the armed forces and from defense plants, and for the first time in twenty years the Federal government spent more money to meet human needs than on defense.

At home, we took the action needed to combat inflation. We held down Federal spending and balanced the budget; at the same time, the monetary policy of the Federal Reserve was restrictive. By doing what we said we would do, we effectively countered much of the inflationary pressure that had been feeding on itself and endangering the dollar.

In essence, then, we found a war that was surely not ending and an inflation that was surely accelerating, and we moved quickly to set a new course that would end the war and curb inflation—both at the same time.

Let me focus now on our economic plan and its results. Keep in mind its two basic elements.

First, we were determined to slow down a runaway inflation in a way that would not bring about a serious recession.

Next, even before the results of our anti-inflationary action became fully apparent, our plan called for moving the economy up toward its full growth potential, in a way that would not bring about a new round of inflation.

That was the plan and that is the plan. It was, and is, a bold and ambitious plan—to slow down the cost of living and as we end the cost of war, to hold down the pain of transition as we build strong and stable foundations for a new prosperity, with new confidence in the purchasing power of the dollar.

I want to speak with complete candor about the progress we have made and the problems we still confront.

The inflation psychology was more powerful than anyone knew. But the dangerously rising momentum of inflation was arrested by late 1969, and the rate of inflation has been moving gradually downward in 1970.

The progress is not as fast as we want, and we can expect some reverses along the way. But the worst of inflation is over. The lowered rise in the consumer price index, and the much lower rise in wholesale prices and lower interest rates indicate that there will be a further decline of the rate of inflation during the year ahead.

Have we slowed inflation without a serious decline, as our plan called for? We have—but the nation has paid a price for slowing down the rise in prices. The unemployment figures issued today, while they reflect in part the temporary effects of the auto strike, underscore that fact.

Unemployment is at the level of the first half of the Sixties, before the Vietnam war buildup began. I believe we can and must do better.

Businessmen and investors, large and small, have felt a profit squeeze, with corporate profits down 8% from 1969. Many working people and investors have been hurt, and it offers them little solace to know that this has been the least painful transition from war to peace, from inflation toward stability, in our recent history.

These are not small problems, and people are not statistics. The man looking for a job, the businessman suffering from disappointing sales, the investor who has seen his savings and investments erode—all are Americans with important human concerns.

The pain of transition from war to peace, from inflation to stability, is real, and it is the business of government, business and labor to help ease that pain as we move ahead.

Having paid the cost of slowing the rise in prices, the workingman and the businessman have earned a new right—the right to reasonable stability and a new steadiness of growth in our economic life.

Let me turn now to the prospects for the next phase of our economic plan. Our objective is to help move our economy up to its full potential of growth and employment while continuing to reduce inflation.

The basic questions are these: What have we been doing to restimulate the economy? What do we intend to do to step up the pace of growth? And what are we all pre-

pared to do to hold down the cost of living as we quicken our economic pulse?

This is what has already been done to help the economy resume its growth:

First, early in 1970, budget policy turned in a more expansionist direction. It was an orderly and well-timed change. Some of the present deficit is government's way of picking up the check for a slowdown of inflation; much of it is a force working toward orderly stimulation and expansion of the economy.

Second, monetary policy has changed over the period of this year. From mid-1969 to February of this year, the money supply grew by only 1% a year; since February, the Federal Reserve has permitted the supply of money to grow at an annual rate of 6%.

Third, as a result of easier credit policies and curbing of inflationary psychology, interest rates are coming down substantially. This sets the stage for new expansion of housing, of State and local government construction, of private capital formation needed for productivity.

The effects of these basic changes in economic policy can already be seen in the strong upsurge in housing starts, the rapid expansion of State and local bond financing, and the strong market for corporate debt financing. Along with unusually large spending potential by consumers, these signs all point to the expansion ahead.

But the government has a responsibility to do more: this is what we are doing to help the economy along the path that will get us back to full employment as rapidly as possible, while continuing to make progress against inflation.

First, we plan our budget on the basis that it would be balanced if we were at full employment and the economy were producing full revenues, not when the economy is below that point. Our budget policy will be responsible in holding down inflation and responsive in encouraging expansion.

Second, as the economy rises toward full employment, more money will be required to do the nation's business. The amount of business to be done will rise steadily, and we shall need a rate of expansion of the supply of money and credit to do the job properly. I have been assured by Dr. Arthur Burns that the independent Federal Reserve System will provide fully for the increasing monetary needs of the economy. I am confident that this commitment will be kept.

Third, we look to a continuation of the strong revival of housing construction to be a leading force in the upward movement of the economy. Housing starts have been rising strongly this year and surged ahead almost 20% in the last quarter. The programs of government, which profoundly affect the rate of housing construction, will continue to be directed to assure that the pent-up demand for housing in America is met.

As we take these actions to produce a vigorous and orderly expansion, this is what we are doing to strengthen resistance to inflation:

We have arranged for a series of Inflation Alerts and established the National Commission on Productivity to enable labor, business and the public to cooperate in improving efficiency and cutting costs.

We have also set up procedures to change some government regulations that contribute to higher prices. These are not moves toward controls; on the contrary, these are moves away from the kind of government controls that cause artificial market shortages.

Take, for example, the recent increase of 25¢ per barrel in the price of crude oil, accompanied by increases in prices of gasoline and, later, jet fuel.

Up to now, State restrictions on production on Federal offshore leases have held down the supply of crude oil.

I have been informed by the Director of the Office of Emergency Preparedness that these restrictions are not necessary for national security; moreover, they actually interfere with the freedom of our domestic market system.

I have today directed the Interior Department to assume complete regulating responsibility for conservation and production of oil and gas on all Federal offshore lands. This means that more oil will be produced on those lands, while maintaining strict environmental standards.

I have also directed that companies importing Canadian oil be permitted to use their overseas allocation for the purchase of more crude oil from Canada.

Taken together, these actions will increase the supply of oil and can be expected to help restrain the increase of oil and gasoline prices.

Let us look at the other side of the coin—at the wage side—to see where government leadership can help hold down costs and prices.

The problem in the construction industry, for example, illustrates the need for that leadership. When you have an industry in which one out of three negotiations has led to a strike; when construction wage settlements are more than double the national average for all manufacturing, at a time when many construction workers are cut of work, then something is basically wrong with that industry's bargaining process.

What can be done about it?

For one thing, the structure of bargaining must be changed. As it is now, the craft-by-craft, city-by-city pattern only guarantees instability. What is called for is more consolidated bargaining, on an area or regional scope. What is needed is a bargaining process that will preserve the integrity of each bargaining unit while it provides a new base for stability and fairness.

I have directed the Construction Industry Collective Bargaining Commission to take the initiative in working out these changes with leaders of management and labor. If the Commission determines that legislation is required, it will be proposed.

In today's economy, about the only thing greater than the problem of the construction industry is the potential of the construction industry. The men who are building this nation work in a field with a great future, and one in which the Federal government—with its expanded housing programs and its highway programs—will be a driving force for growth.

The time is now for the construction trades and the construction industry to face up to reality—a reality where strikes and costs are limiting its own future. The Federal stake in the construction industry is enormous. Unless the industry wants government to intervene in wage negotiations on Federal projects to protect the public interest, the moment is here for labor and management to make their own reforms.

If business and labor expect public policy to help stimulate real expansion, then business and labor should be prepared to offer the public some real help in curbing inflation.

In discussing this problem, however, let us recognize that no one industry and no one side of the bargaining table can be made the scapegoat for rising prices. There is blame enough to go around, and the past policies of government bear their full share of that blame. But recriminations and buck-passing will not help; what is needed now is the firm acceptance of the fact that fighting inflation is everybody's business.

The decisions of business and labor about prices and wages must be formed by the economic facts of life. The most basic of these facts is that we cannot receive more real income than we turn out in real goods and services. When profits and wages are rising faster than productivity, prices will also be rising.

Because of our campaign against inflation, we now have an opportunity to break the vicious circle of wage-price escalation. As you know, productivity is once again on the rise. As a result, production costs are rising less rapidly.

Government has done its part to hold the line. This is the critical moment, then, for business and labor to make a special effort to exercise restraint in price and wage decisions.

This is the moment for labor and management to stop freezing into wage settlement and price actions any expectation that inflation will continue in the future at its peak rate of the past. Any wage or price decision that makes that flat and irreversible assumption of a high rate of inflation ahead is against the public interest and against the real interest of the workingman.

There is also the moment, with productivity newly on the rise, for business to take a hard new look at its pricing policies, and to pass along to the consumer its savings in production costs.

Let us look beyond our immediate concerns to the deeper strengths and longer-range goals of the American economy.

Many people see full employment and a stable cost of living as a kind of tradeoff; they say we can have one or the other, but never both at the same time. The best we can hope for, they say, is a "balance of error"—not too much unemployment at a time when there is not too much inflation.

That may be a stage on the way to our goal, but it is by no means the goal itself.

The American people have a right to expect more than that.

Our goal is to achieve a combination of full employment and reasonable price stability. I am confident we can and will achieve that goal.

This is why I am confident:

I have an abiding faith in the power and genius of the American economic system. No businessman can intelligently plan ahead without figuring in the capacity of that economic system to meet the demands made upon it by the American people.

Taking the record of American free enterprise as a guide, the most realistic, business-like view of the future is this: Our system can deliver full employment, a stable dollar and truly equal opportunity—all at the same time.

I know that many businessmen are concerned when young people, including their own children, come to them and say: "Business is not for me. I don't want to get in the rat race; I want to help other peopole."

The paradox is this: Nothing has done more to help people in this country and people throughout the world than the American private economic system. Not organized charity, not the most active voluntary organization, not government itself can begin to compare with the benefits to people that flow from our unique combination of management, capital and labor.

Here is a system that has reduced the percentage of poor in this nation by almost half in the past decade alone; a system in which even those on welfare receive more real income than 75% of the people of the world will see in their lifetime.

Here is a system that provides the working man with more opportunity, more real income, more leisure time, more personal freedom than any system in the history of man—and provides this all at the same time.

Here is a system that has made it possible for the United States to distribute 140 billion dollars in aid to the rest of the world since the end of World War II—that makes it possible for us to respond generously to human needs created by an earthquake in Peru, a flood in Romania or to a cyclone and tidal wave in East Pakistan.

And here is a system that makes possible massive aid to education, vital new programs

to improve the health of our people, and a wide range of efforts to protect and restore our environment. A strong economy makes us strong enough to better our lives; a strong economy makes us strong enough to defend our freedom.

Our system produces wealth. I realize that "wealth" is a word that is scorned by a lot of people today.

But how could we afford our massive educational system without the wealth produced by the people who make our economy move? Where would we get the resources to care for the poor, to look after the sick, to clean up our air and water—if it were not for the wealth generated by our free economy?

Too many people make the mistake of thinking that because government is the distributor of so much wealth, government must be the source of that wealth. Nothing could be farther from the truth.

You cannot pass a law raising a nation's standard of living. You cannot legislate into being the resources to solve our problems.

On the contrary, the only place you can turn to for the ability to help other people is that place that is so often denounced as the citadel of self-interest—the private enterprise system.

The next time you hear someone running that system down, the next time you hear the product of that system derided as "material" or unworthy of man's highest ideas—remember this:

A nation with the greatest social goals, with the most perfect political system, but without a strong and free economy is like a magnificent automobile without an engine.

We in America have that engine; it is something to be proud of, not ashamed of; it gives power to our purpose.

Surely there are many ways for that engine, that system, to be improved. But let us never forget that what is right about our system enables us to correct what is wrong. The wealth produced by labor, management and capital gives all of us the power to ennoble our aims, to enrich our own lives and the lives of our fellow men.

We are not the only nation to dream of opportunity with security, growth with stability, freedom with justice. That "American dream" is not limited to Americans.

But we stand first in the world on the road to achieving that dream, because we have created the system that can take us there.

Without a strong economy, dreams will always remain impossible dreams; but with the wealth that workingmen and businessmen produce, we can and we will turn our dreams into reality.

To the young person thinking of entering business tomorrow, as well as to those already managing and working in our free economic system today, may I point out that a credo for a new prosperity is emerging:

I believe the American economy is strong and growing stronger, capable of more than doubling the real income of each succeeding generation of Americans.

I believe American business will respond to the social as well as the economic demands of the consumer, adding to the dignity and security of work as well as the quality of life.

I believe the greatness of America's economic system will be judged by future generations not by how big it gets but how good it is; not only in the increased value of its investments, but in its increased investment in human values.

I believe that we will build a new prosperity that will last; not a period of good times between periods of hard times, but a steady prosperity that people can count on and plan for.

I believe that the new prosperity can never be gained at the expense of one group or another, but must be newly shared at every level of our society and among all our people.

And this above all: I believe that only if our economic system remains free can we achieve that combination of full employment—something Americans have never enjoyed in this century—with price stability that will be the foundation of a new prosperity in a full generation of peace.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS—CONFERENCE REPORT

Mr. WHITTEN submitted the following conference report and statement on the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-1680)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17923) "making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 9, 11, 12, 16, 17, 24, 38, 39, 52, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, 8, 13, 14, 19, 25, 27, 28, 29, 30, 31, 32, 33, 34, 37, 41, 42, 46, 47, 48, 51, 54, 55, 56, 58, 60, and 61; and agreed to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$151,633,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ", except that $200,000 of the foregoing amount shall be available for matching with funds utilized for research on cottonseed proteins under public law 89-502, and"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10; and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$68,476,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$128,507,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,066,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,855,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$14,276,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$14,926,000"; 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: In lieu of the sum proposed by said amendment insert "$17,796,800"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,675,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,420,000,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$24,273,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$250,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: ", and in addition, $3,434,000 shall be derived by transfer from appropriation, 'Food Stamp Program' and merged with this appropriation"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,588,650"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,764,750"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$337,000,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$128,800,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$103,000,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amend-

ment insert "$86,000,000"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,204,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3.

JAMIE L. WHITTEN,
WILLIAM H. NATCHER,
W. R. HULL, Jr.,
GEORGE E. SHIPLEY,
FRANK E. EVANS,
GEORGE MAHON,
ODIN LANGEN,
ROBERT H. MICHEL,
MARK ANDREWS,
FRANK T. BOW,
Managers on the Part of the House.

SPESSARD L. HOLLAND,
RICHARD B. RUSSELL,
JOHN STENNIS,
ALLEN J. ELLENDER,
ROMAN L. HRUSKA,
MILTON R. YOUNG,
HIRAM L. FONG,
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. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments; namely:

DEPARTMENT OF AGRICULTURE

Title I—General activities

Agricultural Research Service

Amendment No. 1: Appropriates $151,633,000 for research instead of $146,143,200 as proposed by the House and $160,446,200 as proposed by the Senate. The following tabulation lists the changes from the House bill agreed to by the conferees:

1. Improved methods for control of mastitis in dairy cattle	+$150,000
2. Research to control the golden nematode	+73,000
3. Pollution research concerned with animal waste management	+365,800
4. Staffing and equipping research laboratories	+820,000
a. Cotton cost-of-production laboratories:	
Phoenix, Ariz	+80,000
Stoneville, Miss	+45,000
College Station, Tex	+65,000
b. Georgetown, Del. (poultry)	+75,000
c. Grand Forks, N. Dak. (nutrition)	+25,000
d. Athens, Ga. (utilization research lab)	+195,000
e. Adjustment for delays in staffing	+335,000
5. Cooperative research program on cotton	−800,000
6. Increased pay costs	+161,000
7. Cooperative research on aphid-borne diseases in Northwest	+35,000
8. Soil and water air-plant research with the University of Florida	+65,000
9. Cooperative research on tobacco in North Carolina	+35,000
10. Research on overseas transportation and field handling of fruits and vegetables	+25,000
11. Wholesaling and retailing research	+35,000
12. Research on dairy cattle:	
a. Reproductive and food efficiency	+35,000
b. Dairy herd improvement	+35,000
13. Research on flowers and related ornamentals	+70,000
14. Research on horticulture specialty crops at University of West Virginia	+25,000
15. Acceleration of most essential research on sheep production by contract or grant	+100,000
16. Cooperative research program on the dog fly	+35,000
17. Research on temporary storage of high moisture feed grains	+35,000
18. Research on fowl cholera in turkeys	+35,000
19. Investigation of mosaic-resistant and cold-tolerant sugarcane varieties, Houma, La	+40,000
20. Research on nonchemical means of pest control	+1,000,000
21. Medical research on horses	+35,000
22. Facilities, construction:	
a. Completion of Phase I construction, U.S. Animal Research Center, Clay Center, Nebr	+1,800,000
b. Modernization of Northeast Soil and Water Conservation Facility, Orono, Maine	+600,000
c. Enlargement of research facilities for horticultural specialty crops in Northwest; Corvaillis, Oreg., and Puyallup, Wash	+600,000
23. Facilities, planning: Soil and water research facility, Baton Rouge, La	+80,000
Net addition over the House bill	+5,489,800

Although both the House and Senate bills included the same dollar amount, the conferees agreed to the addition of the words "and sheep", as proposed by the Senate, to the explanation of the budgeted total of $1,328,800 to improve quality, reproductive and feeding efficiency of beef. In addition, it was agreed that such research performed should not duplicate research conducted under item 15 in the above listing.

With regard to laboratory staffing, the conferees, in recognition of the lateness of the appropriation bill, agreed to the total amount provided in the House bill for the pesticide laboratories at Gainesville, Florida; Savannah, Georgia; Stoneville, Mississippi; Durant, Oklahoma; and College Station, Texas. However, it was agreed that the Department should move as rapidly as possible toward full staffing for these laboratories in the recognition of language provided by Senate amendment number 4. The conferees also direct the Department to seek relief from its currently restrictive personnel limitations in order that this important staffing may take place without impairing other programs of the Department.

The conferees passed over without prejudice the Senate additions for the planning of the North-Central Dairy Cattle Management and Forage Research Laboratory and for the elimination of the Mediterranean fruit fly and melon fly from Hawaii. The conferees agreed that with regard to the latter program, the Department should be prepared to fully report to the respective committees as to the progress, planning, and feasibility of experiments to eliminate the Mediterranean fruit fly and melon fly from Hawaii.

The conferees agreed that funds should be released from the contingency research fund for research on peanuts, including black hull disease and molds in the Southwest.

Amendment No. 2: Restores House language amended to provide that of the total funds provdied for research, $200,000 shall be made available for research on production of products from cottonseed proteins contingent on matching with funds available to the Cotton Board under the Cotton Research Promotion Act. This is in lieu of the $1 million provided by the House and stricken by the Senate.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to provide $4,580,000 to remain available until expended for plans, construction, and improvement of research facilities as outlined above under Amendment No. 1.

Amendment No. 4: Inserts language, as proposed by the Senate, pertaining to the formulation of budget estimates for fiscal year 1972 for the pesticides research program.

Amendment No. 5: *Plant and animal disease and pest control.*—Provides $98,619,750 as proposed by the House instead of $99,369,750 as proposed by the Senate. The total allowed includes the following changes from the House bill: an increase of $250,000 for the hog cholera eradication program and $250,000 for pesticide regulation, and a decrease of $500,000 in the contingency fund.

Amendment No. 6: Provides $1,500,000 for the contingency fund reserved for control of emergency outbreaks of insects, plant diseases, and animal diseases as proposed by the Senate instead of $2,000,000 as proposed by the House.

Cooperative State Research Service

Amendment No. 7: Appropriates $61,390,000 for payments and expenses under the Hatch Act for research in rural development as proposed by the Senate instead of $58,390,000 as proposed by the House.

Amendment No. 8: Provides $4,412,000 for cooperative forestry research grants as proposed by the Senate instead of $4,012,000 as proposed in the House.

Amendment No. 9: Provides $2,000,000 for contracts and grants for scientific research as proposed by the House instead of $3,350,000 as proposed by the Senate.

Amendment No. 10: Provides a total of $68,476,000 instead of $65,076,000 as proposed by the House and $69,826,000 as proposed by the Senate.

Extension Service

Amendment No. 11: Deletes language inserted by the Senate providing $10,400,000 for rural development work provided for in amendment 7.

Amendment No. 12: Provides for total payments of $140,031,000 as proposed by the House instead of $150,431,000 as proposed by the Senate.

Amendment No. 13: Provides $12,932,600 for retirement and employees' compensation costs for extension agents as proposed by the Senate instead of $13,515,000 as proposed by the House.

Farmer Cooperative Service

Amendment No. 14: Appropriates $1,684,000 for salaries and expenses as proposed by the Senate instead of $1,649,000 as proposed by the House.

Soil Conservation Service

Amendment No. 15: Appropriates $128,507,000 for conservation operations instead of $128,557,000 as proposed by the House and $128,457,000 as proposed by the Senate. The restoration of $50,000 will be used to staff new districts.

Amendment Nos. 16 and 17: Restore language proposed by the House.

Amendment No. 18: Appropriates $6,066,000 for watershed planning instead of $6,698,000

as proposed by the House and $5,434,000 as proposed by the Senate.

Amendment No. 19: Appropriates $76,000,000 for watershed works of improvement as proposed by the Senate instead of $74,278,000 as proposed by the House.

Amendment No. 20: Appropriates $15,855,000 for the Great Plains conservation program instead of $15,355,000 as proposed by the House and $16,355,000 as proposed by the Senate.

Amendment No. 21: Appropriates $14,276,000 for resource conservation and development instead of $13,876,000 as proposed by the House and $14,676,000 as proposed by the Senate. The conferees are in agreement on the authorization of 15 new planning starts.

Economic Research Service

Amendment No. 22: Appropriates $14,926,000 instead of $14,592,000 as proposed by the House and $16,228,000 as proposed by the Senate. The increase provided over the House bill includes $207,000 for better forecasting and measures of farm income and $127,000 for investigation of impact of world agricultural development and adjustment on U.S. foreign trade. The conferees are also in agreement that added emphasis should be placed on the latter investigation within available funds.

Statistical Reporting Service

Amendment No. 23: Appropriates $17,796,800 for salaries and expenses instead of $17,716,800 as proposed by the House and $17,874,800 as proposed by the Senate. The increase over the House bill is for preparation of an updated farm operators expenditure survey. In addition, the conferees are in agreement that within available funds added emphasis shall be placed on research to improve agricultural statistics, remote sensing, and analysis of horticultural statistics.

Consumer and Marketing Service

Amendment No. 24: Appropriates $149,247,000 for consumer protective, marketing and regulatory programs as proposed by the House instead of $159,247,000 as proposed by the Senate, and deletes language inserted by the Senate pertaining to interstate shipment of meat inspected by approved State inspection systems. The House conferees concur in the Senate report in regard to market news and grade standards on ornamental crops including continued industry contributions.

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

Amendment No. 26: Appropriates $1,675,000 for payments to States and possessions instead of $1,600,000 as proposed by the House and $1,750,000 as proposed by the Senate.

Food and Nutrition Service

Amendment Nos. 27–34: Provides a direct appropriation of $301,974,000 for child nutrition programs and language provisions pursuant to Public Law 91–248 as proposed by the Senate instead of $90,395,000 as proposed by the House. In addition, $238,358,000 shall be available by transfer from section 32 funds, as provided in both bills. This will provide a total of $540,332,000 in appropriated funds for the programs for fiscal year 1971.

Amendment No. 35: Appropriates $1,420,000,000 for the food stamp program instead of $1,250,000,000 as proposed by the House and $1,750,000,000 as proposed by the Senate, with a language provision restricting the expenditure of funds to the amounts authorized by law. Currently authorized is a total of $770 million through January 31, 1971 pending final action on a new authorization bill.

Foreign Agricultural Service

Amendment No. 36: Appropriates $24,273,000 for salaries and expenses instead of $24,023,000 as proposed by the House and $24,773,000 as proposed by the Senate.

Agricultural Stabilization and Conservation Service

Amendment No. 37: Provides a direct appropriation of $150,000,000 for administrative expenses as proposed by the Senate instead of $152,690,000 as proposed by the House.

Amendment No. 38: Deletes language inserted by the Senate pertaining to price support payments in view of the final action on the 1970 farm bill (Public Law 91–524).

Amendment No. 39: *Agricultural conservation program.*—Establishes a 1971 program of $195,500,000 as proposed by the House instead of $190,000,000 as proposed by the Senate.

The conferees agreed to call on the Department to announce the 1971 program, which should have been announced months ago, including therein all programs, practices and procedures available in the calendar year 1970 program except for such changes as may be recommended by the county committee and approved by the State committee.

The conferees have not included compulsory instructions in the Act, as in the past, choosing rather to rely on the good faith of the Department in carrying out these provisions.

In taking this action, the conferees considered the fact that ACP is the best program for fighting pollution at its source. The Department reports that about 85% of the funds were related to pollution control and abatement. Typical is the fact that ACP has shared costs with the farmer in the construction of 2 million sediment and water holding structures.

Amendment No. 40: Appropriates $250,000 for indemnity payments to dairy farmers in lieu of $500,000 as proposed by the Senate.

Rural Community Development Service

Amendment No. 41: Deletes House language providing a separate appropriation of $230,000 for salaries and expenses. A like amount for overall coordination and direction of the program is included under the appropriation "General administration."

Office of the Inspector General

Amendment Nos. 42 and 43: Appropriate $12,412,000 for salaries and expenses and provide for transfer of $3,434,000 from the appropriation "Food stamp program" instead of a direct appropriation of $15,378,000 as proposed by the House and a direct appropriation of $12,412,000 and a transfer of not less than $3,434,000 as proposed by the Senate.

Packers and Stockyards Administration

Amendment No. 44: Appropriates $3,588,650 for salaries and expenses instead of $3,508,650 as proposed by the House and $3,748,000 as proposed by the Senate.

National Agricultural Library

Amendment No. 45: Appropriates $3,764,750 instead of $3,614,750 as proposed by the House and $3,914,750 as proposed by the Senate.

Office of Management Services

Amendment No. 46: Appropriates $3,459,000 for salaries and expenses as proposed by the Senate instead of $3,384,000 as proposed by the House.

General Administration

Amendment No. 47: Appropriates $6,058,000 for salaries and expenses as proposed by the Senate instead of $5,559,000 as proposed by the House.

Amendment No. 48: Deletes House language, as proposed by the Senate.

Title II—Credit agencies

Rural Electrification Administration

Amendment No. 49: Provides loan authorization of $337 million for electrification loans instead of $322 million as proposed by the House and $352 million as proposed by the Senate.

The Conferees have considered the differences in the language contained in the House and Senate Committee reports recommending that the REA Administrator defer repayments of principal on certain rural electrification loans. After careful consideration of the Comptroller General's letter, dated September 28, 1970, addressed to the Secretary of Agriculture, the Conferees are in agreement that there is authority in Sections 4 and 12 of the Rural Electrification Act to follow both the House and Senate Committee recommendations, and that the Administrator, where he finds the financial condition of a borrower is sound and where the Government's interest is adequately safeguarded, may, in exercising such authority, proceed as follows: (a) by deferment of repayments of principal on outstanding loans for a period of three years in addition to any previous periods of deferment; and (b) by deferment of repayment of principal on new loans made after the date of this report for a period of three years in addition to the deferment period normally granted on new loans under preexisting practice. Such deferments may be made to meet local needs or where desired by REA electrification borrowers to voluntarily invest amounts equivalent to the amounts of principal to be so deferred in securities of the National Rural Utilities Cooperative Finance Corporation. It is expected by the Conferees that the REA Administrator will report to the House and Senate Committees actions taken by the REA Administrator pursuant hereto when he appears before the Committees to be heard on appropriations for REA for fiscal year 1972.

Amendment No. 50: Provides loan authorization of $128.8 million for rural telephone loans instead of $123.8 million as proposed by the House and $138.8 million as proposed by the Senate.

Amendment No. 51: Deletes House language providing for a contingency reserve of $20 million.

Amendment No. 52: Appropriates $14,613,000 for salaries and expenses as proposed by the House instead of $14,896,000 as proposed by the Senate.

Farmers Home Administration

Amendment No. 53: *Direct loan account.*—Authorizes $103,000,000 for real estate loans instead of $83,000,000 as proposed by the House and $123,000,000 as proposed by the Senate. The increase of $20,000,000 over the House bill is for water and waste disposal loans.

Amendment No. 54: *Rural housing insurance fund.*—Authorizes $19,000,000 for direct loans as proposed by the Senate instead of $30,000,000 as proposed by the House.

Amendment No. 55: *Mutual and self-help housing.*—Appropriates $775,000 for grants as proposed by the Senate instead of $2,125,000 as proposed by the House.

Amendment No. 56: *Self-help housing land development fund.*—Appropriates $400,000 for direct loans as proposed by the Senate instead of $1,000,000 as proposed by the House.

Amendment No. 57: Appropriates $86,000,000 for salaries and expenses instead of $81,500,000 as proposed by the House and $87,250,000 as proposed by the Senate.

Amendment No. 58: Provides transfer of not more than $2,250,000 from insurance funds for salaries and expenses as proposed by the Senate instead of $3,250,000 as proposed by the House.

Amendment No. 59: Restores House language providing that not more than $250,000 shall be available for administration of Public Law 91–229.

Title III—Corporations

Commodity Credit Corporation

Amendment Nos. 60 and 61: Provide reimbursement to the Commodity Credit Corporation for net realized losses in the fiscal

year 1969 of $3,113,156,331 as proposed by the Senate instead of $2,863,156,331 as proposed by the House and a total restoration of $3,363,155,000 as proposed by the Senate instead of $3,113,155,000 as proposed by the House.

Title IV—Related agencies

Farm Credit Administration

Amendment No. 62: Provides limitation of $4,204,000 on administrative expenses instead of $4,054,000 as proposed by the House and $4,226,000 as proposed by the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1971 recommended by the Committee of Conference, with comparisons to the fiscal year 1970 total, the 1971 budget estimate total, and the House and Senate bills follows:

	Amounts
New budget (obligational) authority, fiscal year 1970	$8,083,596,150
Budget estimates of new (obligational) authority, fiscal year 1971 (including $216,579,000 not considered by House)	7,748,354,500
House bill, fiscal year 1971	7,450,188,150
Senate bill, fiscal year 1971	8,475,935,100
Conference agreement	8,090,856,550
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1970	+7,260,400
Budget estimates of new (obligational) authority, (as amended), fiscal year 1971	+342,502,050
House bill, fiscal year 1971	+640,668,400
Senate bill, fiscal year 1971	—385,078,550

JAMIE L. WHITTEN,
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ODIN LANGEN,
ROBERT H. MICHEL,
MARK ANDREWS,
FRANK T. BOW,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KEE (at the request of Mr. ALBERT), for today through December 20, on account of official business.

Mr. ADDABBO (at the request of Mr. CELLER), for Monday, December 7, 1970, on account of official business.

Mr. PETTIS (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. GRAY (at the request of Mr. BOGGS), for today, on account of illness in the family.

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. ANDERSON of Illinois (at the request of Mr. SEBELIUS), for 30 minutes, on December 7, 1970; to revise and extend his remarks and include therein extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIKES and to include extraneous matter in five instances.

Mr. WHITE immediately preceding the vote on H.R. 8539.

Mr. HAYS, prior to the passage of H.R. 18012 today.

Mr. ADAIR, immediately following Mr. HAYS prior to the passage of H.R. 18012 today.

All Members (at the request of Mr. SPRINGER), to revise and extend their remarks on the bill S. 2162.

Mr. SCHMITZ to extend his remarks prior to passage of S. 437.

Mr. THOMPSON of New Jersey prior to the passage of Senate Concurrent Resolution 2.

Mr. SCHWENGEL prior to the passage of Senate Concurrent Resolution 2.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. SCHERLE in 11 instances.
Mr. PRICE of Texas.
Mr. FINDLEY.
Mr. GOODLING.
Mr. RHODES.
Mr. HOSMER in two instances.
Mr. COLLIER in four instances.
Mr. ZWACH.
Mr. WYMAN in two instances.
Mr. SCHMITZ.
Mr. ASHBROOK in two instances.
Mr. STEIGER of Wisconsin.
Mr. TAFT.
Mr. BELL of California.
Mr. FISH.

(The following Members (at the request of Mr. PRYOR of Arkansas) and to include extraneous matter:)

Mr. ROSTENKOWSKI.
Mr. ICHORD in two instances.
Mr. OTTINGER.
Mr. BROWN of California.
Mr. STOKES.
Mr. UDALL.
Mr. GARMATZ.
Mr. GALLAGHER.
Mr. ULLMAN in five instances.
Mr. COHELAN.
Mr. BOGGS.
Mr. EDWARDS of California in two instances.
Mr. EVINS of Tennessee.
Mr. DELANEY.
Mr. BINGHAM in two instances.
Mr. DONOHUE in three instances.
Mr. CABELL in two instances.
Mr. WOLFF.
Mr. FRIEDEL.
Mr. KLUCZYNSKI in two instances.
Mr. FOUNTAIN in two instances.
Mr. ZABLOCKI in three instances.
Mr. MINISH.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1160. An act to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park.

H.R. 3328. An act to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation;

H.R. 13934. An act to amend the act of September 21, 1959 (73 Stat. 590), to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes.

H.R. 18679. An act to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes;

H.R. 19000. An act to amend the act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe;

H.J. Res. 1077. Joint resolution 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; and

H.J. Res. 1411. Joint resolution correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on December 4, 1907, present to the President, for his approval, bills of the House of the following titles:

H.R. 471. An act to amend section 4 of the act of May 31, 1933 (48 Stat. 108); and

H.R. 18126. An act to amend title 28 of the United States Code to provide for holding district court for the Eastern District of New York at Westbury, N.Y.

ADJOURNMENT

Mr. PRYOR of Arkansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Tuesday, December 8, 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:

2598. A letter from the Assistant Secretary of the Army (Installations and Logistics) transmitting notice of the movement of certain lethal chemical warfare agents, pursuant to Public Law 91–121; to the Committee on Armed Services.

2599. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated October 2, 1970, submitting a report, together with accompanying papers and an illustration, on Dunkirk Harbor, N.Y., in partial response to an item in the River and Harbor Act approved March 2, 1945. (H. Doc. 91–423) to the Committee on Public Works and ordered to be printed with illustration.

2600. A letter from the Secretary of the Air Force, transmitting a report of the number of officers in the Air Force above the grade of major on flying status as of October

31, 1970, and the average monthly flight pay authorized by law to be paid to such officers during the 12-month period ended that date. Pursuant to 37 U.S.C. 301(g) to the Committee on Armed Services.

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:

[*Submitted December 4, 1970*]

Mr. RIVERS: Committee on Armed Services. House Resolution 1282. Resolution to support for efforts to rescue American prisoners of war incarcerated in North Vietnam; with an amendment (Rept. No. 91–1671). Referred to the House Calendar.

[*Submitted December 5, 1970*]

Mr. McMILLAN: Committee on the District of Columbia. H.R. 19885. A bill to provide additional revenue for the District of Columbia, and for other purposes; with an amendment (Rept. No. 91–1672). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted December 7, 1970*]

Mr. MILLER of California: Committee on Science and Astronautics. For the benefit of all mankind. A survey of the practical returns from space investment (Rept. No. 91–1673). Referred to the Committee of the Whole House on the State of the Union.

Mr. WATTS: Committee on Ways and Means. H.R. 7626. A bill to amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes; with an amendment (Rept. No. 91–1674). Referred to the Committee of the Whole House on the State of the Union.

Mr. FULTON of Tennessee: Committee on Ways and Means. H.R. 19670. A bill to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973; with no amendments (Rept. No. 91–1675). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURLESON of Texas: Committee on Ways and Means. H.R. 19470. A bill to amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder so as to make such requirements more realistic insofar as they apply to smaller institutions; with an amendment (Rept. No. 91–1676). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Joint Committee on Atomic Energy. H.R. 19908. A bill to amend Public Law 91–273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 91–1677). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on Foreign Affairs. H.R. 19911. A bill to amend the Foreign Assistance Act of 1961, and for other purposes (Rept. No. 91–1678). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. Investigation and study of the Clifton Terrace project in the District of Columbia; with amendment (Rept. No. 91–1679). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee of Conference. Conference report on H.R. 17923 (Rept. No. 91–1680). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 19915. A bill to make permanent the existing temporary provision for disregarding income of OASDI and railroad retirement recipients in determining their need for public assistance; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. QUIE, Mr. ADAMS, Mr. BINGHAM, Mr. BOLAND, Mr. BROWN of California, Mr. CONTE, Mr. GREEN of Pennsylvania, Mrs. HANSEN of Washington, Mr. HARRINGTON, Mr. LOWENSTEIN, Mr. McCLOSKEY, Mr. MATSUNAGA, Mr. MEEDS, Mr. MOORHEAD, Mr. MORSE, Mr. OBEY, Mr. OTTINGER, Mr. PEPPER, Mr. ROSTENKOWSKI, Mr. RYAN, Mr. ST GERMAIN, and Mr. TIERNAN):

H.R. 19916. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. FRASER:

H.R. 19917. A bill to amend the District of Columbia Election Act, and for other purposes; to the Committee on the District of Columbia.

By Mr. PEPPER:

H.R. 19918. A bill conquest of cancer act; to the Committee on Interstate and Foreign Commerce.

By Mr. FRIEDEL:

H. Res. 1293. Resolution authorizing the establishment of six additional positions of sergeant and one additional position of lieutenant on the U.S. Capitol Police force for duty under the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. HARRINGTON:

H. Res. 1294. Resolution to provide for the consideration of the bill (H.R. 18214) the Consumer Protection Act of 1970; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 19919. A bill for the relief of Long Chinh Le; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 19920. A bill for the relief of James L. Gerard, James W. Summers, and William D. Cissel; to the Committee on the Judiciary.

H.R. 19921. A bill for the relief of Mau Duc Nguyen; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

644. By Mr. ZABLOCKI: Petition of Civic Awareness of America, Mrs. Alvin J. Emmons and Mrs. Ray Kuffel; Reverence for Life of America, Mrs. David R. Mogilka. In regard to the billion-dollar-population control bill, S. 2108 and H.R. 15159, along with the more than 40 bills and resolutions now pending in Congress. Signed by approximately 10,000 signators nationwide opposing S. 2108 and H.R. 15159 and any similar population control legislation. "We object to the use of our tax dollars for immoral programs of contraception, selective breeding, sterilization, abortion, euthanasia and infanticide. We object to Federal laws as well as opinions by appointed Federal judges which supersede State laws whereby depriving the individual State of the right of self-determination. We hereby petition our Congressmen and U.S. Senators to vote against any and all federally financed programs of population controls."; to the Committee on Interstate and Foreign Commerce.

645. By the SPEAKER: Petition of the city commission, Kalamazoo, Mich., relative to Operation Headstart; to the Committee on Appropriations.

646. Also, petition of Arthur Baker, Huntsville, Tex., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A FRIEND, A GOOD CITIZEN, LOST IN THE DEATH OF NORMAN FULTON CLEAVINGER, OF DIMMITT, TEX.

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, December 7, 1970

Mr. YARBOROUGH. Mr. President, my life has been enriched many times through the friendships I have made during my travels around my home State of Texas. One friend, Norman F. Cleavinger, a man who was a great inspiration to all who knew him, recently died.

Norman Cleavinger died October 4, 1970, just 19 days before his 75th birthday. He was a farmer for 32 years in the Springlake community of Texas, then, instead of taking his well-earned retirement, he moved to Dimmitt, Castro County, and began a new career. He became a businessman and a developer and made great contributions to the growth of Dimmitt and Castro County.

In addition to being an industrious man, Norman Cleavinger was a good family man, raising three daughters and three sons. He was also a religious man, an active member of the First United Methodist Church in Dimmitt.

For me, Norman Cleavinger was a friend. He helped me; he worked with me in a joint effort to bring effective representation in Government for the farmers and small businessmen.

Too frequently the Norman Cleavingers of this world do not receive the credit they deserve. But I believe that what made this country great was embodied in the life of Norman Cleavinger.

Mr. President, I ask unanimous consent that the article "Cleavinger Rites Held" from the Castro County News and the memorial service of worship for Norman Cleavinger at the First United Methodist Church of Dimmitt be printed in the Extensions of Remarks.

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