The Senate will convene at 10 a.m. Immediately following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to exceed 30 minutes.

At the conclusion of routine morning business on tomorrow, the Chair will lay before the Senate the unfinished business, Calendar No. 223, S. 382, the so-called Federal elections campaign bill, and debate will resume thereon, under the time agreement. The pending question will be the amendment No. 340, the star print, by the Senator from Kansas (Mr. PEARSON). Time thereon, under the agreement, will be limited to 30 minutes, to be equally divided.

At 2 p.m. tomorrow, under the order previously entered, the Senate will proceed to take up the conference report on the State-Justice-Commerce appropriation bill, without time being charged against the time on the unfinished business. Upon disposing of that conference report, the Senate will resume consideration of the Federal election campaign bill, S. 382.

It is anticipated that there will be roll-call votes tomorrow, certainly one or more on the State-Justice-Commerce appropriations bill conference report; and votes can be expected throughout the day on amendments to S. 382, the unfinished business as well as to tabling motions, which can be offered at any time.

So, a busy day is in the offing. Of course, the Senate has already been put on notice that the Senate will have busy days and votes during Wednesday, Thursday, and Friday of this week.

ADJOURNMENT TO 10 A.M. TOMORROW

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

The motion was agreed to; and (at 5 o'clock and 54 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, August 3, 1971, at 10 a.m.

NOMINATION

Executive nomination received by the Senate August 2, 1971:

AGENCY FOR INTERNATIONAL DEVELOPMENT

James F. Campbell, of Maryland, to be an Assistant Administrator of the Agency for International Development, vice Lane Dwinell, resigned.

HOUSE OF REPRESENTATIVES—*Monday, August 2, 1971*

The House met at 12 o'clock noon.

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

The Lord is good to all: And His tender mercies are over all His works.—Psalms 145: 9.

Almighty Father, whose light never fades and whose love never fails, make us aware of Thy presence as we live through the remaining hours of this day. Keep us faithful to Thee, considerate of one another and loyal to the royal within ourselves.

Give us the will to do our work well and the readiness to accept our share of responsibilities with eagerness and enthusiam. When doubts come, steady our faith; when temptations arise, strengthen our resistance; when failure is our lot, give us the courage to try again. Lead us and our Nation with the light of truth and guide us in the ways of liberty and justice for all.

In the spirit of the Master of men we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2317. An act to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 2 to a bill of the House of the following title:

H.R. 9388. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

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

H.R. 10090. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 10090) entitled:

"An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. ELLENDER, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. BIBLE, Mr. PASTORE, Mr. RANDOLPH, Mr. YOUNG, Mr. HRUSKA, Mrs. SMITH, and Mr. ALLOTT to be the conferees on the part of the Senate.

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

S. 24. An act to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable.

S. 123. An act to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation;

S. 1026. An act to amend the Small Reclamation Projects Act of 1956, as amended;

S. 1257. An act to authorize an appropriation for fiscal year 1972 to carry out the metric system study; and

S. 1483. An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes.

LEGISLATIVE PROGRAM

Mr. BOGGS. Mr. Speaker, I take this time to remind Members that the Private Calendar will be called tomorrow.

It was inadvertently omitted from the announcement of the program.

THE EFFORT TO MAKE THE CHINESE REDS RESPECTABLE

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

Mr. SIKES. Mr. Speaker, the drive to make the Chinese Reds respectable in the eyes of the American public is underway. For instance, a recent article on United States-China relations left the inference that the United States lost its chance in 1945 to reach an understanding with Mao and Chou. At that time they were seeking U.S. support for their revolution. There is nothing startling about this. The United States is not in the habit of supporting revolutionaries who seek to overthrow governments friendly to our country. The fact is the United States leaned over backward in an effort to bring about a rapproachement between Chiang Kai-shek's Nationalist government and the leaders of the Communist revolution. Some of our top statesmen, including Gen. George Marshall, were dispatched to China in an effort to work out a compromise by which both groups could cooperate in a coalition govrenment for China. This failed, largely because the

Reds saw an opportunity to take over China in its entirety.

Let us not start rewriting history to accommodate communism.

WORST SINCE 1893?

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

Mr. DORN. Mr. Speaker, we face the worst trade deficit since 1893—78 years ago during the panic of that year. In the second quarter of 1971 our imports exceeded total value of exports by $803 million, the worst for any quarter in 25 years. Should this continue through 1971, we could have a trade deficit of $2.5 billion. A large part of this appalling trade deficit is due to the increasingly huge volume of low-wage textile imports. The situation is critical. The textile industry and its 2.4 million employees are threatened with ruin. We are in a textile depression. The worst kind of depression, with inflation, declining employment, and a curtailed workweek all at the same time. We cannot stay in the textile business by importing more and more cheap, low-wage textile imports. No retail store can exist by buying more than it sells. No wholesale firm can stay in business by buying more than it sells. The United States cannot stay in business by buying more than it sells. The United States cannot stay in business by importing more than it exports. We must act now. The President has the power to limit excessive textile imports under the national security clause of the Reciprocal Trade Act. Again I urge the President to take this action and negotiate meaningful government-to-government agreements limiting imports. Should the President fail to act forthrightly now to save the textile industry and the jobs of 2.4 million employees, Congress must pass the fair trade bill introduced by Chairman MILLS on January 22. The hour is late; we are facing disaster.

SETTLEMENT OF RAILWAY STRIKE

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

Mr. McCORMACK. Mr. Speaker, it was announced less than an hour ago that the railway strike had been settled. To thousands of my constituents, this announcement comes at the absolute last possible moment to save them from economic catastrophe. All along the Union Pacific line, through Washington and Oregon, agricultural products such as fresh potatoes and wheat are choking warehouses, being stored in the open, and in the case of potatoes, being left undug after they have received the final spray treatment to kill the vines. Temperatures have been exceeding 110 degrees and desperate farmers have been watching their life's work and their entire assets being destroyed before their eyes.

Mr. Speaker, I am sure that these men share my gratitude for the solution of the railway strike and for the statesmanship that must have been involved in reaching a settlement between railway labor and management.

Now we ask only one thing, that service be restored with all possible speed, that no delays be allowed, and that these perishable crops be moved immediately so that our agricultural community will not suffer any more than it already has. I, in turn, will pledge my support to constructive legislation which will serve railway management and labor to the end that we may have efficient operation, good working conditions, good pay, and a harmonious atmosphere within the railway community, and the Nation need never again be faced with this sort of damaging and traumatic experience.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

AUTHORIZING DISPOSAL OF INDUSTRIAL DIAMOND CRUSHING BORT FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

The Clerk called the bill (S. 751) to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile.

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

Mr. HALL. Mr. Speaker, reserving the right to object, I should like to inquire of my friend the chairman of the objectors committee on the other side of the aisle, or indeed of my friend the chairman of the Subcommittee on Stockpiles of the Committee on Armed Services about this particular bill which has been called on the Consent Calendar, and ask general inquiries including the other 23 bills listed on today's Consent Calendar.

Mr. Speaker, as background to this I will say that all bills come out of the Committee on Armed Services, on which I also happen to serve, and therefore I heard them reviewed in the full committee.

My first question would be: Are all the 24 bills unanimous out of the subcommittee and the full Committee on Armed Services?

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

Mr. HALL. I am glad to yield to the gentleman from Florida.

Mr. BENNETT. The answer is in the affirmative; they are.

Mr. HALL. My second question, Mr. Speaker, would be whether or not the committees in their action held hearings and satisfied themselves by all the means available to that distinguished subcommittee—that the Office of Emergency Preparedness had not excessively declared surplus those things and materiels which we might need for prosecuting the defense of the United States, in at least the two stockpiles controlled by the Congress.

Mr. BENNETT. Of course, this is a matter of judgment. The committee did hold extensive and lengthy hearings and interrogated various witnesses before us, including people in industry and the general public, at great length in the direction the gentleman has inquired about. The judgment has been made by all those in authority in the executive branch that there is in fact this surplus.

I want to assure the gentleman and the House that the bills before us which legally determine amounts of stockpiles in excess of the military needs of our country have been passed upon by the authorities who are responsible under our laws to determine what in fact is surplus to our stockpile defense needs. These bills have been the subject of intensive study by these authorities and they have come to unanimous conclusion that the materials which are involved in this bill and the other bills which will be before us today from the stockpile are excess to the defense stockpile needs of our country.

Mr. HALL. Mr. Speaker, I thank the distinguished gentleman from Florida for his answer. Having served on this subcommittee for 6 years in the past and knowing the gentleman, I think this is entirely adequate.

My final question would be this: I would like to know whether or not the subcommittee in its judgment and wisdom has determined that such materials, having been determined to be surplus to our stockpile requirements, would be put on the market by the General Services Administration in the usual manner that has, in my judgment in the last few years, failed to upset the market price or to establish an "upset price" that the market and industry and manufacturing could use while not damaging the stockpile reserve.

Mr. BENNETT. If the gentleman will yield further, all of those careful preventions against abuse of private industry are in the statutes and are carried out by the General Services Administration; all of those procedures will be taken into account in regard to these bills.

Mr. HALL. Mr. Speaker, I thank the gentleman.

I now wish to yield to my colleague on the minority objectors committee, the gentleman from Pennsylvania (Mr. JOHNSON).

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I would like to continue the interrogation of the gentleman from Florida, and the only one of the items that I have any question about, and I will not really question it, but I think something should be put in the RECORD about it, is this: I come from a section of the United States where we tan leather. The tanning industry helps to make my area. When World War II descended upon us, we were pretty worried about where we were going to get tanning extracts so that we could tan leather to make shoes for our soldiers. I notice that these tanning extracts come from Italy, France, Argentina, Paraguay, Brazil, and Mozambique. My question is are you people satisfied that in the event of an emergency in this regard, such as we faced in World War II, that we will have enough tanning extracts which become very vitally necessary to our Armed Forces in the event that we should

run into another major conflict? In other words, are we in good shape on tanning extracts?

Mr. BENNETT. We were assured at the hearings that we are in good shape with regard to these extracts and have an ample supply in case of war.

Mr. JOHNSON of Pennsylvania. I thank the gentleman.

Mr. HALL. Mr. Speaker, in view of the colloquy and in view of the unanimity in the committee and in order to expedite the business of the House, which I consider to be a prime function of the duly elected objectors, I ask unanimous consent that these 24 bills be considered en bloc and printed at this point in the RECORD and passed by the House.

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

Mr. ASPINALL. Mr. Speaker, reserving the right to object, and most certainly I shall not object, because I think this is an orderly process for the House. These bills have all been explained, because in the explaining of one, the same explanation applies to the others except for the material involved. As the Committee on Interior and Insular Affairs has jurisdiction over the welfare of many of the producers of the products involved, at least the minerals, metals, and other items that are involved in this legislation, I want to say that we are satisfied that they can be considered en bloc and in order to save the time of the House we should do so.

With that I withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, further reserving the right to object, I would like to ask the gentleman from Florida a question. In reading through these bills, I could not find in a single instance any statement as to the requirement for stockpiling in this country.

In other words, there was no statement to be found telling us the total need. It is hard to know whether there should be any disposal and if so by what amount without having some knowledge of the stockpile requirement. If it is possible to do it without disclosing information detrimental to the security of this country, I would hope that in the future the committee would give us some idea as to what the stockpile requirements are.

Could the gentleman from Florida give me any enlightenment on that subject?

Mr. BENNETT. I think I can give the gentleman some enlightenment and some prognosis as to what the committee is likely to do in the future. I anticipate that either during the course of this calendar year or before next year is out that rather extensive hearings will be gone into to see whether or not all of the legislative criteria are precise as they should be in this field, and in that direction we will undoubtedly come up with some concrete information that will be of interest to the gentleman from Iowa along the line of this inquiry.

I would like to point out at the present time that the stockpile is based upon the idea of a 3-year war. Of course, there is a degree of conjecture about this. No one really knows that a war that we are going to be in is going to last 3 years or 3½ years or 5 years or 10 years. This is a calculated guess by the experienced military minds devoted to the subject.

Then, there are other types of conjecture involved. For instance, we have some commodities which we do not produce at all in this country and in which have no potentiality for production. So, we are totally dependent upon foreign countries for those commodities.

I may state further to the gentleman from Iowa that the State Department has to have an input into this, as to whether or not the countries we are getting this material from are friendly or are likely to be friendly to us if we have a war. That takes a good deal of crystal ball gazing. But there are some things that are fairly sure and fairly certain and in that connection the executive branch of Government is given certain responsibilities in the National Security Council, the Joint Chiefs of Staff, and in the Office of Emergency Planning. After careful consideration, they finally come out with a decision that there is so much surplus of a certain commodity; and then they come out with a decision that there is such surplus which can be disposed of, still protecting the national interests, of the United States and not affecting adversely the businesses of the county should this surplus be put on the market.

Mr. GROSS. I am sure the gentleman from Florida can understand that those members, especially the Armed Services Committee, have difficulty in trying to reach a decision, not knowing what the requirements of the stockpile may be and then being called on to approve legislation for proposed sales from the stockpile.

If we might have some idea as to what is necessary to the stockpile and then the information as to disposals from the various stockpiles, it would be most helpful.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD a statement of the stockpile policy division of the Office of the Emergency Preparedness, dated July 21, 1971, which analyzes the stockpile objectives.

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

There was no objection.

The document follows:

STOCKPILE OBJECTIVE CALCULATIONS

The stockpile of strategic and critical materials are designed to protect the United States against costly and dangerous dependence upon foreign sources of supply in a period of national emergency. As technological and economic factors change worldwide, the quantities of materials needed for this purpose also change. To assure that the stockpile contains the correct quantities and qualities of materials required to meet emergency needs, material usage and supply patterns are continually monitored.

The current policy guidance under which stockpile objectives are calculated was established in late 1968. This policy guidance, approved through the National Security Council, was based on recommendations of the Executive Stockpile Committee, established by President Johnson. This Committee continued the work of a similar committee established by President Kennedy. Establishment of general stockpile policy guidance by the National Security Council assures that stockpile planning is consistent with other aspects of national security planning. Under Executive Order, the Director of OEP is responsible for approving stockpile objectives for specific strategic materials within the framework of overall policy guidance

Under current guidance, stockpile objectives are based on a three year war, assumed to begin not less than one nor more than two years in the future. To determine the materials required during war, OEP makes projections of the Gross National Product and its various components for each of the war years, and using refined statistical techniques translates these projections into material requirements. Data on planned military strength and munitions requirements, obtained from the Department of Defense, is used to determine the level of essential military material requirements. These military requirements are an integral part of overall stockpile policy guidance. Estimated requirements for the total economy, derived from the projections of GNP, are then combined with projected military requirements to determine the gross requirement position. Civilian and non-direct defense requirements are adjusted to reflect conservation and substitution of nonstrategic materials, where possible, for strategic and critical materials.

Estimates of supply for the mobilization period are based upon the known resources of the United States and other countries certified by the Joint Chiefs of Staff to be accessible in wartime. The quantities of foreign supply are adjusted to reflect the risks involved in depending upon foreign supply during wartime. The risks involved in such analyses include consideration of the economic and political position of the supplying country relative to the United States, its geographic location, and potential transportation problems which occur during wartime.

Although stockpile objectives are established by the Director of OEP and the major analysis work is done by OEP staff personnel, stockpile planning activities are coordinated through the Interdepartmental Materials Advisory Committee, which includes representatives of all interested departments and agencies, including the Departments of Commerce, Interior, State, Agriculture, Defense, and Labor; and GSA, AID, and NASA. OMB, AEC, and CBA are present as observers. Each of these departments advise OEP on the potential impact of stockpile policy actions upon their specific areas of responsibility and provide information necessary for projection of supply and requirements.

There have been no major acquisitions for the stockpile in recent years. Procurement of material has been limited to the purchase of jewel bearings from the Government-owned jewel bearing plant at Rolla, North Dakota. In addition, some material currently in the stockpile has been upgraded through the exchange of excess materials.

The stockpile inventory is currently valued at approximately $6.8 billion, of which $4.2 billion is currently held against existing stockpile objective requirements. The balance of this material, $2.6 billion, is considered to be excess to stockpile needs and it is this material for which we have been requesting disposal authority. Where excesses exist in the stockpile, disposals are made in a manner that protects the U.S. Government from avoidable loss and the producers, processors, and consumers from avoidable disruption of their markets. In addition, quite obviously, we are also concerned that disposal efforts are made in a manner that does not adversely affect the production base upon which the Uinted States would depend for the bulk of its material in a period of national emergency.

Mr. GROSS. I thank the gentleman for his response.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. PATMAN. Mr. Speaker, reserving the right to object, and I certainly have no intention of objecting, we commenced hearings on the national stockpile this morning. We had 2 hours of hearings, and had many witnesses, and they will proceed for many days.

I just wonder if the committee was consulted, the Joint Committee on Strategic Metals, or the Joint Committee on Defense Production, officially?

Mr. BENNETT. The House Committee on Armed Services was not consulted about the line of inquiry the gentleman refers to. But that is a different committee.

Mr. PATMAN. It is a different committee. You see, we are charged with keeping up with the stockpiles. We have hearings every year. We have a staff, there are not very many on the staff, it is a small staff, but they look after it. Many of the items mentioned here are in the stockpiles. I think it would be very important to find out the status of these stockpiles.

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

Mr. PATMAN. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I think maybe I can help my distinguished chairman of the subcommittee by stating that there are three separate national defense stockpiles, two under the control of the Congress and one under the control of the executive branch. Matters of stockpiles for military defense ordinarily are assigned to the stockpiles under the control of the Congress, and are habitually and traditionally referred to the Committee on Armed Services, which has legislative control, and insight and oversight, whereas the stockpile under the control of the executive branch is referred to the Committee on Banking and Currency under the jurisdiction of the distinguished gentleman from Texas. This always occasions a little question on the floor. I think this answers the gentleman's question.

Mr. PATMAN. I am not sure, because, you see, this is a Joint Committee on Defense Production, and it has the responsibility of the national stockpile generally. I do not know how far its jurisdiction exceeds, or if it goes as far as the other. I am not claiming that. But I just feel as though they should be conferred with, because even on the stockpiles mentioned by the gentleman from Missouri (Mr. HALL), I do not think we could act intelligently unless we know what the situation is. I shall not object, but I seriously urge the gentleman, even before passing the bills, that we get clarification on this, because it involves billions of dollars of strategic supplies.

Mr. BENNETT. Mr. Speaker, if the gentleman will yield, it is my understanding that the gentleman's committee has been notified of these disposals. The committee which I chair does have the only responsibility legislatively to dispose of the surpluses. No other committee has that responsibility. We do not seek this responsibility, but by statute we have it. It is only in that respect that I am here. We have been advised that these things should be disposed of. It has gone through the National Security Council, and the Joint Chiefs of Staff. We have the responsibility for this legislatively. And in the future we will be very careful to notify the gentleman's committee, as I think we have in the past, of pending legislation of this nature.

Mr. PATMAN. Mr. Chairman, I withdraw my reservation of objection.

The SPEAKER. Would the gentleman from Missouri (Mr. HALL) restate his request?

Mr. HALL. Mr. Speaker, my request was for unanimous consent, in order to expedite the business of the House, and in view of the points established in the colloquy on the floor, and inasmuch as these all come unanimously from the same committee and all deal with stockpiles, that they be printed in the RECORD, considered en bloc, and acted on favorably by the House.

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

Mr. McCLURE. Mr. Speaker, further reserving the right to object, and I reserve the right to object in order to ask a question concerning Consent Calendar No. 43, which deals with the disposal of chromium metal, and ask the gentleman from Florida (Mr. BENNETT) whether or not the committee went one step further, in looking at the source of the metal, and looked at the source of the ores from which the metal is obtained?

Mr. BENNETT. The committee did.

Mr. McCLURE. And does this not involve also the policy of the United States with respect to Rhodesia?

Mr. BENNETT. It involves the policy of any country that produces chromium, including Rhodesia.

Mr. McCLURE. Did the committee consider the fact that the major producer of the ores from which this metal is now produced is the Soviet Union?

Mr. BENNETT. The committee did consider that.

Mr. McCLURE. And the committee decided, in spite of the fact that we now have our major reliance for the source of the ore from which this metal is produced is not the friendly country of Rhodesia but our adversary, the Soviet Union?

Mr. BENNETT. If the gentleman will look carefully at this bill, he will observe that the disposal of this chromium from the stockpile if it might antagonize somebody then that somebody that it might antagonize is Russia.

Mr. McCLURE. That was certainly not my concern. My concern is what the facts are, and the thing I am concerned about is whether or not meeting the strategic needs of the United States from an adversary is a fact and perhaps a more critical fact because now the source of this material is the Soviet Union rather than Rhodesia.

Mr. BENNETT. The Soviet Union did not make any protest about the disposal of chromium from our own stockpile.

Mr. McCLURE. If they could make us totally dependent upon them for strategic materials, I am sure they would not protest.

Mr. BENNETT. According to the testimony there is no possibility of us being totally dependent on Russia for chromium.

Mr. McCLURE. I am raising the question to determine whether or not this is one factor and if the committee considered whether or not we could safely dispose of this metal.

Mr. BENNETT. We did consider it. We not only considered it, but also postponed the final consideration of the chromium-type bills to a later date and to a further discussion on them before today finally bringing them here unanimously to the floor for House consideration.

But if the gentleman will stop and consider this for a moment, he will realize that his point of view, and that of all Members of the Congress probably, is probably being sustained here. What is being done here is to remove from the stockpile the excess chromium-type material. And the fact that Russia does produce it would only be greatly significant if she were in fact the sole producer of this type of material or if we depend upon her for it—and she is not and we are not.

Mr. McCLURE. Would not the gentleman agree that since we have joined in applying economic sanctions to Rhodesia, which is a source of chrome ores, a major source of supply for chrome ores is the Soviet Union—and that we are now paying higher prices?

Mr. BENNETT. I would assume if we ever get to the point where he had a shortage of chrome, we might look again at our contacts with Rhodesia, and maybe we would like to see that occur.

It is important to pass this bill now. If we are ever caught short on chromium then we would have to reevaluate the arrangement that we have with Rhodesia, perhaps with greater liberality with regard to Rhodesia.

Mr. McCLURE. The reason I raise the question is simply to pinpoint the fact that we have shifted, as a result of other policies of this country, from one source to another, while I strongly object to our policy toward Rhodesia, that is not now my major point. I want to be sure, before raising any objection to the procedure suggested by the gentleman from Missouri, that this shift in the source of supply is not threatening the security of this country. I will object unless I can be assured that the disposal of these ores is done with adequate recognition of the fact that we are now more dependent on someone who is an adversary of ours.

Mr. BENNETT. We are only dependent in whatever degree we are because of the national policy of our country and our country can change that policy if it is in our best interests to do so in the future.

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

Mr. McCLURE. I yield to the gentleman.

Mr. GROSS. I wonder if the gentleman from Florida is aware of the fact,

as revealed in a brief hearing before the House Foreign Affairs Committee, that not only do we pay approximately double the price for chromium ore from Russia than that paid for Rhodesian ore, but we are also compelled, in order to get high-grade ore, to take a substantial amount of low-grade ore from the Communists which, of course, indirectly increases the cost of chrome to the country? I hope in any future surveillance of what goes on in this respect that the Armed Services Committee will take that into consideration.

Mr. BENNETT. I think the committee did go into this matter fully, and as fully as ever anything has been done by any committee of the Congress, and the ultimate conclusion I think is clear because we have a unanimous decision, after we had adjourned the hearings to look into this type of argument that is raised here.

But actually the answers to arguments that would be raised in this matter are ones which would indicate, first, they were not entirely dependent upon Russia at all for chrome—it is not the sole producer of chrome metal, and second, if there were any pressures that would ever develop, which we do not think there ever would be because this is a surplus, but if there ever was a shortage, the pressures would be in the direction of eliminating our dependence upon Russia. Rather than pressure being in the direction of increasing our dependence upon Russia, it would be in the opposite direction.

Mr. McCLURE. I thank the gentleman, for his response is a response to my question, also. I simply say that because of the other policy which we have adopted, we now have major reliance upon a country which is probably less reliable than our traditional source. Therefore we should, at least in my mind, take a very close look at the strategic stockpile requirements because we are now dependent upon a source which previously had not been a source of supply.

Mr. BENNETT. I think the gentleman has very cautiously stated the case. The committee does not think we would ever have that reliance upon Russia.

Mr. McCLURE. I would say to the gentleman if you do not think we do have such reliance on Russia, Why are we paying them double the price?

Mr. BENNETT. Why does not the gentleman ask the man who is in the White House, a member of his own party, to answer that question? I say this because this is a realm of Presidential decision in foreign policy; and our Committee on Armed Services has no jurisdiction on that question.

Mr. McCLURE. That decision was made before the people of my country made that happy choice.

Mr. BENNETT. I do not know who is responsible for the origin of it, but right now international affairs, under our Constitution, are the prerogative of the President, and he probably has good reason for doing what he is doing, although I do not know the reasons in this particular case.

Mr. McCLURE. I would say to the gentleman that I am not trying to say that this is the only source of ore, because obviously there are other sources. I am trying to say that the Soviet Union is a major supplier to our market today, and the fact that we are paying double what we had been paying in order to get it indicates to me that it is, indeed, the major source of supply, and one which we cannot lose without very adverse effects upon the industry that depends upon this ore and upon the security of this country. It was simply in that vein that I sought assurances that your committee has indeed considered that fact of life, not to argue whether it is a fact, but whether or not you have considered it.

Mr. BENNETT. The committee did very carefully consider it.

Mr. McCLURE. I thank the gentleman. I withdraw my reservation.

Mr. HALL. Mr. Speaker, in reviewing my request, may I simply point out that in this delicate area the question is disposal of "surplus" in the congressionally-controlled stockpiles. I have satisfied myself both as an official objector and as a member of the Committee on Armed Services that the statements of the gentlemen from Florida are well supported and confirmed, and I renew my unanimous-consent request.

The SPEAKER. Is there objection to the request of the gentleman from Missouri that the sundry Senate bills appearing on the Consent Calendar for today be considered?

There was no objection.

GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on each of the bills dealing with stockpile disposal.

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

There was no objection.

The bills referred to are as follows:

AUTHORIZING THE DISPOSAL OF INDUSTRIAL DIAMOND CRUSHING BORT FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 751

An Act to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately eighteen million nine hundred and twelve thousand carats of industrial diamond crushing bort now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 78 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–387, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 18,912,000 carats industrial diamond crushing bort from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that material shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for us during time of war.

Since the proposed disposal of industrial diamond crushing bort is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of industrial diamond crushing bort upon enactment of S. 751.

Industrial diamond crushing bort

Industrial diamond crushing bort consists of those industrial diamonds that because of structure, color, flaws, and impurities, are unsuitable as gems and because of their size and shape, are not usable as industrial diamond dies, industrial diamond tools, and industrial diamond stones.

Crushing bort is crushed into diamond powder and used for polishing, lapping, and as the cutting agent in drilling very small holes in hard materials.

Sources.—Africa is the principal source of industrial diamonds, Congo being the principal producer. Minor amounts (less than 2 percent of U.S. consumption) come from Brazil, Venezuela, and British Guiana. The initial sale of virtually all diamonds is rigidly controlled by a foreign cartel.

Background information

As of June 30, 1971, the total inventory of industrial diamond crushing bort held by General Services Administration was approximately 42,611,479 carats. The present stockpile objective, established March 4, 1970, is approximately 23,700,000 carats. The total excess of approximately 18,912,000 carats industrial diamond crushing bort is covered by S. 751.

The average acquisition cost of industrial diamond crushing bort in the national and supplemental stockpiles is approximately $2.19 per carat. The current estimated market price of standard, commercial type crushing bort ranges from $2.25 to $2.80 per carat.

This material has been in the stockpile for a period of 3 to 28 years.

Method of Disposal

The General Services Administration proposes to make the crushing bort available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 1950 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess industrial diamond crushing bort available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of industrial diamond crushing bort required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Disposal procedure

Industry representatives expressed concern that sizable sales of the stockpile excesses would be disruptive to their normal markets. It was agreed that GSA's annual rate of sales should not exceed 10 percent of domestic and foreign consumption of natural industrial diamond bort. Industry representatives currently estimate that sales should be at a rate of about 600,000 carats for domestic consumption and 1 million carats for foreign consumption. It was understood that any sales abroad would preclude reimport into the United States. It was also agreed that the GSA offerings could be adjusted upward if there was evidence of increased domestic and foreign consumption. Any revision by GSA in the disposal rate would be preceded by discussion and approval of the industrial working group.

Periodic review of program

This disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

There is no production of natural diamond bort in the United States. The United States does produce manmade or synthetic bort. Imports of natural bort for 1970 were 5.3 million carats and for synthetic or manmade material 2.2 million. The respective figures for 1969 were 5.8 million and 2.8 million carats. U.S. consumption of natural, synthetic, or manmade, and reclaimed bort has risen from 15 million carats in 1968 to 16 million in 1969 and 16 million carats in 1970. U.S. exports were 6.4 million carats in 1968, 8.3 million in 1969, and 7.6 million carats in 1970.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the industrial diamond crushing bort now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF VEGETABLE TANNIN EXTRACTS FROM THE NATIONAL STOCKPILE

S. 752

An act to authorize the disposal of vegetable tannin extracts from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately the following quantities of vegetable tannin extracts: five thousand five hundred and fifteen long tons of chestnut, thirty-five thousand two hundred and eighty-seven long tons of quebracho, and five thousand four hundred and sixty-one long tons of wattle now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–388, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately the following quantities of vegetable tannin extracts from the national stockpile: 5,515 long tons of chestnut, 35,287 long tons of quebracho, and 5,461 long tons of wattle. In addition, the bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1951 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of vegetable tannin extracts is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the

protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of vegetable tannin extracts, upon enactment of S. 752.

Vegetable tannin extracts chestnut, quebracho, and wattle

Chestnut extract is made from the wood of the chestnut tree. Quebracho extract is made from the heartwood of the quebracho tree, which grows principally in Argentina and Paraguay. Wattle extract is produced from the bark of the wattle tree, which grows in Africa.

Chestnut extract and wattle extract are used almost entirely for tanning the heavier type of leather such as sole and belting. About 70 percent of domestic consumption of quebracho extract is used in tanning leather, while about 25 percent is used as an additive in petroleum well drilling muds to control viscosity, and about 5 percent is used for treating boiler water and for metallurgical, pharmaceutical and miscellaneous uses.

Sources: Chestnut extract comes from Italy and France. Quebracho extract comes from Argentina. Wattle extract comes from the Republic of South Africa, Brazil, Argentina and Mozambique.

Background information

Chestnut.—As of June 30, 1971 the total inventory of chestnut extract held by General Services Administration was approximately 26,297 long tons. The present stockpile objective, established January 17, 1969, is 9,500 long tons. The excess previously authorized for disposal totaled approximately 11,282 long tons, (Public Law 89–245). The remaining excess of 5,515 long tons are covered by S. 752. The average acquisition cost of chestnut extract was $279.19 per long tion. The current estimated market price is $255.36 per long ton. The chestnut extract has been in the stockpile for a period of 14 to 19 years.

Quebracho.—As of June 30, 1971 the total inventory of quebracho extract held by General Services Administration was approximately 188,103 long tons. The present stockpile objective, established January 17, 1969, is approximately 50,600 long tons. The excess previously authorized for disposal totaled 102,216 long tons, (Public Law 89–245). The remaining 35,287 long tons are excess and are covered by S. 752. The average acquisition cost of quebracho was $247.41 per long ton. The current estimated market value is $282.24 per long ton. Quebracho has been in the stockpile for a period of 16 to 22 years.

Wattle.—As of June 30, 1971 the total inventory of wattle extract held by General Services Administration was approximately 34,289 long tons. The present stockpile objective, established January 17, 1969, is approximately 9,500 long tons. The excess previously authorized for disposal totaled 19,328 long tons, (Public Law 89–245). The remaining 5,461 long tons are excess and are covered by S. 752. The average acquisition cost of wattle extract was $252.02 per long ton. The current estimated market value is $257.60 per long ton. This material has been in the stockpile for a period of 14 to 19 years.

The total annual storage cost for chestnut, quebracho and wattle extracts is $151,300.

Method of disposal

The General Services Administration proposes to make the chestnut, quebracho, and wattle available (*a*) for sale; (*b*) for transfer to agencies of the United States Government; or (*c*) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess material available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of previous sales and current market conditions. Quantities of chestnut, quebracho, and wattle, required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

All of the vegetable tannin materials used in the United States are imported and are used primarily in the leather industry. U.S. imports in 1970 were 5,985 long tons of chestnut, 16,935 long tons of quebracho, and 6,837 long tons of wattle, each representing a decline from prior years. U.S. consumption in 1970 was 6,250 long tons of chestnut, 15,898 long tons of quebracho, and 10,234 long tons of wattle. Import sources in 1970 for chestnut were France (63 percent) and Italy (37 percent); for quebracho were Argentina (80 percent), Paraguay (15 percent), and others (5 percent); and for wattle were the Republic of South Africa (69.8 percent), Brazil (23.5 percent), and others (6.7 percent).

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the vegetable tannin extracts from the national stockpile.

AUTHORIZING THE DISPOSAL OF THORIUM FROM THE SUPPLEMENTAL STOCKPILE

S. 753

An act to authorize the disposal of thorium from the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two hundred and ten short tons (thorium oxide content) of thorium nitrate now held in the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–389, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 210 short tons (thorium oxide content) of thorium nitrate from the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpiles

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of thorium nitrate is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would,

however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of thorium nitrate upon enactment of S. 753.

Thorium

Thorium is a gray powder or a heavy, malleable metal changing from silvery white to dark gray or black in air.

Thorium is used with tungsten or nickel in electrodes in gas-discharge lamps and in conversion of fissionable uranium. It is used to make the incandescent (Welsback) type gas light mantle. Some of its compounds are used in luminous paints and in flashlight powders. Compounded with nickel to produce a high temperature alloy.

Sources: Australia, Malaysia, and Hong Kong.

Background information

As of June 30, 1971, the total inventory of thorium held by General Services Administration was approximately 1,832 short tons. The present stockpile objective, established January 17, 1969, is 40 short tons. The excess previously authorized for disposal under P.L. 89-421 (approved: May 11, 1966) totals approximately 1,582 short tons. The additional excess of 210 short tons is covered by S. 753.

The average acquisition cost of the thorium nitrate (thorium oxide content) in the supplemental stockpile was $9,003.55 per short ton. The current estimated market price for standard, commercial type thorium nitrate (thorium oxide content) is $8,300 per short ton. This material has been in the stockpile for a period of 6 to 11 years. The annual storage cost is $512.40.

Method of disposal

The General Services Administration proposes to make the thorium nitrate available: (a) for sale; (b) for transfer tc agencies of the United States Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess thorium nitrate available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of thorium nitrate required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

United States production statistics on thorium are considered company confidential and hence are not published. Imports of thorium ores and concentrates, chiefly monazite, were 504,000 pounds of thorium oxide content in 1969, a decrease of 20,000 pounds from 1968. Estimated imports for 1970 are 413,000 pounds. Of the total imports, 59 percent came from Australia, 37 percent from Malaysia, and 4 percent from Hong Kong. U.S. consumption of thorium in terms of thorium oxide equivalent, was 230,000 pounds in 1969, a decrease of 20,000 pounds from 1968. Chief uses were for gas mantles, 50 percent; magnesium alloys, 30 percent; dispersion-hardened alloys, 10 percent; and 10 percent for refractories, polishing compounds, and chemical products. Consumption for nuclear fuel purposes is still limited to experimental activities in the United States. Release of the material is subject to licensing procedures and requirements of AEC.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the thorium now held in the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF SHELLAC FROM THE NATIONAL STOCKPILE

S. 755

An act to authorize the disposal of shellac from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two million nine hundred thousand pounds of shellac now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertis- regard to the protection of the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92-390, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 2.9 million pounds of shellac from the national stockpile. In addition, the bill would waive the 6-months waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

Natonal stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental Stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposal from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of shellac is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of shellac upon enactment of S. 755.

Shellac

Shellac is the purified form of the material known as lac or sticklac. It is the product of an insect that lives in Southern Asia. The larvae of the lac insect settle on the branches of certain trees and feed on the sap. The lac secretion produced by the insects forms a coating over their bodies and makes an incrustation over the twigs. The incrusted twigs form the sticklac of commerce. Seed lac is made from sticklac by crushing and washing, which removes most of the dirt and wood, followed by drying. Shellac is made from seed lac by melting, or by solvent extraction. The molten material is flattened out over a heated cylinder, then is reheated and pulled out into a thin sheet. The sheets are crushed into flakes and packed. Bleached shellac is prepared by treating an alkaline solution of shellac or seed lac with a bleaching agent, such as sodium hypochlorite, and precipitating and drying the decolorized product.

Shellac is used for surface coating; as a binder for abrasives and mica; as an insulator in electric components; and numerous miscellaneous polishing floor and furniture waxes.

Sources: The major part of the imports of shellac are from India, Thailand, and West Germany.

Background information

As of June 30, 1971 the total inventory of shellac held by General Services Administration was approximately 6,252,029 pounds. The present stockpile objective, established March 4, 1970, is 1 million pounds. The excess previously authorized for disposal under Public Law 91–324 (July 10, 1970) totals approximately 2,352,029 pounds. The additional excess of 2,900,000 pounds is covered by S. 755. The average acquisition cost of shellac in the inventory is 50¢ per pound. The current estimated market price for standard, commercial type shellac ranges from 43¢ to 47¢ per pound. This material has been in the stockpile for a period of 9 to 23 years. The annual storage cost for the shellac presently in the stockpile inventory is $9,294.50.

Method of disposal

The General Services Administration proposes to make the shellac available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093 (d).

Rate of disposal

GSA proposes to make the excess shellac available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the present program and current market conditions. Quantities of shellac for transfer directly to Government agencies will be over and above those involved in the commercial sales program

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

There is no U.S. production of shellac. Apparent U.S. consumption was approximately 14 million pounds in 1970. Imports of shellac were 22 million pounds in 1969 and estimated at 12 million pounds in 1970. World production of shellac in 1970 is estimated at about 30 million pounds, of which about 25 million pounds was produced in India Principal import sources for shellac in 1970 were: Thailand (31 percent), India (63 percent), and other countries (6 percent).

Fiscal data

The enactment of this legislation will result in an additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the shellac now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF QUARTZ CRYSTALS FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 756

An act to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately three hundred and thirty thousand pounds of quartz crystals now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–391, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 330,000 pounds of quartz crystals from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-months' waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposal from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of quartz crystals is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of quartz crystals upon enactment of S. 756.

Quartz crystals

Quartz is a form of silica occurring in hard hexagonal crystals or in crystalline masses. It is the most common of all solid minerals and may be colorless and transparent, or colored.

By reason of their piezoelectric properties, quartz crystals serve as devices for converting mechanical force into electrical charges and vice versa and consequently find wide application in electrical and electronic fields. Because of their light transmitting properties, quartz crystals are also used in making prisms, wedges, lenses, and other parts for various types of optical instruments.

Sources: Brazil.

Background information

As of June 30, 1971 the total inventory of quartz crystals held by General Services Administration was approximately 4,546,840 pounds. The present stockpile objective, established January 17, 1969, is approximately 320,000 pounds. The excess previously authorized for disposal under Public Law 89–310 (approved: Oct. 31, 1965) totals approximately 3,896,840 pounds. The additional excess of 330,000 pounds is covered by S. 756.

The average acquisition cost of the quartz crystals in the national stockpile was $12.37 per pound and in the supplemental stockpile $15.15 per pound. The current estimated market price for standard, commercial type quartz crystals ranges from $2.25 per pound to $50.00 per pound. The annual storage cost is $797. This material has been in the stockpile for a period of 9 to 28 years.

Method of disposal

The General Services Administration proposes to make the quartz crystals available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess quartz crystals available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of previous sales and current market conditions. Quantities of quartz crystals required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the damage will be publicly announced.

Production and consumption

There is no U.S. production of natural quartz crystals suitable for electronic and optical purposes. U.S. production of manufactured (artificially cultured) quartz crystals was 125,423 pounds in 1969. Output of manufactured quartz is expected to increase, thus lessening the dependence on imported natural quartz. Total imports were 285,665 pounds in 1968, decreasing to 237,224 pounds in 1969. Brazil is the principal import source of natural quartz. Actual consumption of raw, electronic grade crystals was 246,673 pounds in 1968, and 187,605 pounds in 1969. The U.S. consumption pattern is 74 percent for oscillator plates and the remaining 26 percent for filter and telephone resonator plates, transducer crystal, and miscellaneous items.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the quartz crystals now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF IRIDIUM FROM THE NATIONAL STOCKPILE

S. 757

An act to authorize the disposal of iridium from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two hundred and fifty-six troy ounces of iridium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–392, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 256 troy ounces of iridium from the national stockpile. In addition, the bill would waive the 6 months' waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of iridium is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of iridium upon enactment of S. 757.

Iridium

Iridium is similar in color to platinum, but with a slight yellow cast. It is the most corrosion-resistant element known, even resistant to aqua regia. It is essentially used for alloying with platinum and palladium to increase hardness and corrosion resistance.

Iridium, palladium, and platinum are used separately and in combination with each other and with other metals; in the electrical field, for electrodes of all kinds, electrical contact points, thermocouples, resistance thermometers, and resistors; in the chemical field for crucibles and other heat and corrosion resistant vessels, cathodes, spinerettes for rayon, bushings, for production of glass fiber, burner nozzles, and catalysts; in the dental field, for castings, wrought dentures, pins, anchors, and reinforcements, in jewelry and the decorative arts and in motors and precision instruments.

Sources: Canada, United Kingdom.

Background information

As of June 30, 1971, the total inventory of iridium held by General Services Administration was approximately 17,256 troy ounces. The present stockpile objective, established April 2, 1964, is 17,000 troy ounces. The total excess of 256 troy ounces is covered by S. 757. The average acquisition cost of the iridium in the national stockpile was $177.29 per troy ounce. The current estimated market price for standard, commercial-type iridium ranges from $150 to $155 per troy ounce. This material has been in the stockpile for a period of 1½ to 24 years.

Method of disposal

The General Services Administration proposes to make the iridium available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess iridium available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of iridium required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

Iridium is used largely for alloying with platinum and palladium and is classified as being in the platinum group of metals. Consumption pattern in 1970 was in jewelry and decorative uses (15 percent), electrical (22 percent), chemical (53 percent), dental and medical (3 percent), and others (7 percent). U.S. consumption was 14,218 troy ounces in 1969 and 10,264 troy ounces in 1970. U.S. general imports of refined metal were 6,026 troy ounces in 1969 and 8,459 troy ounces in 1970.

There is no major U.S. production of iridium although U.S. gold and copper refineries do recover small quantities. Produc-

tion from this source and secondary refining totaled 2,581 troy ounces in 1968, 2,820 troy ounces in 1969, and 2,581 troy ounces in 1970. Import sources in 1970 were United Kingdom (60 percent), Canada (22 percent), and other countries (18 percent). World production of platinum group metals comes mainly from U.S.S.R., Republic of South Africa, and Canada.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the iridium now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF MICA FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 758

An act to authorize the disposal of mica from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one million four hundred twenty-six thousand twenty-five pounds of muscovite block mica; approximately fifty-one thousand eighty-seven pounds of muscovite film mica; approximately three million one hundred ninety-nine thousand eight hundred seventy-five pounds of muscovite mica splittings; and approximately three hundred fifty thousand pounds of phlogopite mica splittings now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 State. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–393, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 5,026,987 pounds of mica from the national stockpile and the supplemental stockpile. In addition, this bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(c) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of mica is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of mica upon enactment of S. 758.

Mica

Mica is a group name for a number of minerals which have a characteristic structure permitting easy separation into thin, tough sheets. They vary from clear to black. Ruby muscovite has the best dielectric properties. Block mica is the thicker sections ranging from seven-thousandths of an inch upward. Film is split from block to a variety of predetermined thickness ranges. The dielectric quality of mica is lowered by the presence of various defects, such as air inclusions, mineral and vegetable stains, waviness, and crystallization anomalies. There are three principal forms of strategic mica (block, film, and splittings) and a number of qualities and grades. Quality refers to various physical properties including the degree of staining, and grade denotes the size of a rectangular area which can be obtained from the block or film.

Uses: Dielectric supporting elements in electron tubes, mica capacitors, as insulation in motors and other electrical apparatus.

Sources: India, Brazil, Malagasy.

Background information

Mica, Muscovite Block (Stained and Better)

As of June 30, 1971, the total inventory of muscovite block, stained and better, held by General Services Administration (GSA) was approximately 18,148,705 pounds. The present stockpile objective established March 13, 1964, is 6,840,700 pounds. The excess muscovite block mica previously authorized for disposal total approximately 9,881,976 pounds, of which 6,308,800 pounds of muscovite block, stained A and better, remain available under authority of the Office of Emergency Preparedness, approved January 14, 1966, and Public Law 89–419, approved May 11, 1966; 2,354,503 pounds of muscovite block scrap, and 1,218,675 pounds of muscovite stained B and lower, remain available under authorities mentioned above. The remaining excess of 1,426,025 pounds is covered by S. 758.

The average acquisition cost of muscovite block, stained and better, in the national stockpile was $2.38 per pound and in the supplemental stockpile $3.44 per pound.

Mica, Muscovite Film, First and Second Qualities

As of June 30, 1971, the total inventory of muscovite film, first and second qualities held by GSA was approximately 2,057,507 pounds. The present stockpile objective, established March 13, 1964, is 2 million pounds. The excess previously authorized for disposal under Public Law 89–419, approved May 11, 1966, totals approximately 6,420 pounds. The remaining excess of 51,087 pounds is covered by S. 758.

The acquisition cost of muscovite film first and second qualities, in the national and supplemental stockpiles was $5.27 per pound.

Mica, Muscovite Splittings

As of June 30, 1971, the total inventory of muscovite splittings held by GSA was approximately 43,204,558 pounds. The present stockpile objective, established January 17, 1969, is 19 million pounds. The excess previously authorized for disposal under Public Law 89–419, approved May 11, 1966, totals approximately 21,004,683 pounds. The remaining excess of 3,199,875 pounds is covered by S. 758.

The acquisition cost of muscovite splittings in the national stockpile was $1.04 per pound and in the supplemental stockpile $1.29 per pound.

Mica, Philogopite Splittings

As of June 30, 1971, the total inventory of phlogopite splittings held by GSA was approximately 4,807,345 pounds. The present stockpile objective established January 17, 1969, is 950,000 pounds. The excess previously authorized for disposal under Public Law 89–418, approved May 11, 1966, totals approximately 3,507,345 pounds. The remaining excess of 350,000 pounds is covered by S. 758.

The average acquisition cost of phlogopite splittings was $1.00 per pound.

The correct estimated market price for standard, commercial type micas range from 10 cents per pound to $20 per pound, depending on color, form, grade, size, thickness and visual quality.

All of the above described micas have been in the stockpile for a period of 5 to 28 years.

The total annual storage cost for these micas is $10,102.

The tabulation set forth below reflects the total inventories of these materials in the stockpiles.

Mica, Muscovite block, stained and better—Uncommitted June 30, 1971

Inventory:	Pounds
National stockpile	7,076,277
Supplemental stockpile	1,952,350
DPA	5,546,896
Total, all inventories	14,575,523
Credited to film objective	840,700
Objective (established Mar. 13, 1964)	6,000,000
Total excess	[1] 7,734,823

[1] This plan applies to approximately 1,426,025 pounds of excesses in the national and supplemental stockpiles. The remaining excess of approximately 6,308,798 pounds was previously authorized for disposal under OEP (DPA) Jan. 14, 1966, and Public Law 89–419, May 11, 1966.

Mica, Muscovite film, first and second qualities—Uncommitted June 30, 1971

Inventory:	Pounds
National stockpile	1,249,745
Supplemental stockpile	116,556
DPA	102,681
840,700 pounds of black credited as film objective	588,525
Total, all inventories	2,057,507
Objective (established Jan. 17 1964)	2,000,000
Total excess	[2] 57,507

[2] This plan applies to approximately 51,087 pounds of the nonstockpile grade excesses in the national and supplemental stockpiles. The remaining excess of approximately 6,420 pounds was previously authorized for disposal under Public Law 89–419, May 11, 1966.

Mica, Muscovite splitting—Uncommitted June 30, 1971

Inventory:	Pounds
National stockpile	38,403,776
Supplemental stockpile	4,800,782
DPA	0
Total all inventories	43,204,588
Objective (established Jan. 17, 1969)	19,000,000
Total excess	[3] 24,204,558

[3] This plan applies to approximately 3,199,875 pounds of the excesses in the national and supplemental stockpiles. The remaining excess of approximately 21,004,683 pounds was previously authorized for disposal under Public Law 89–419, May 11, 1966.

Mica, phlogopite splittings—Uncommitted June 30 1971

Inventory:	Pounds
National stockpile	2,909,723
Supplemental stockpile	1,897,622
DPA	0
Total all inventories	4,807,345
Objective (established Jan. 17, 1969)	950,000
Total excess	[4] 3,857,345

[4] This plan applies to approximately 350,000 pounds of the excesses in the national and supplemental stockpiles. The remaining excess of approximately 3,507,345 pounds was prevously authorized for disposal under Public Law 80–418, May 13, 1966.

Method of disposal

The General Services Administration proposes to make the mica available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of Disposal

GSA proposes to make the excess mica available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of mica required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

U.S. production of sheet mica is negligible. The U.S. import sources in 1969 were India (82 percent), Brazil (14 percent), Malagasy Republic (3 percent), and others (1 per cent). Future demand will rely on imports. U.S. consumption of sheet mica in 1969 and estimated consumption for 1970 for each category are (in pounds):

	1969	1970
Muscovite block	1,387,999	1,100,000
Muscovite film	30,054	25,000
Muscovite splittings	4,799,000	4,400,000
Phlogopite block	79,816	65,000
Phlogopite splittings	278,000	250,000
Total	6,574,869	5,840,000

The consumption pattern for sheet mica in 1969 in the United States was:

Muscovite block: Electronic uses (70 percent), mainly capacitors and tubes; nonelectronics uses (30 percent).

Muscovite film: Electronic uses (100 percent) for capacitors.

Phlogopite block: Electronic uses (5.5 percent). Nonelectronic uses (94.5 percent). Nonelectronic uses are for filler in plastics, in paint, and roofing and asphalt shingles, and glass-bonding powdered natural mica.

Muscovite splittings: Fabricated into built-up mica which is used for insulation in electrical appliances.

Phlogopite splittings: Used largely for electrical insulation where high heat is involved.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the mica now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF METALLURGICAL GRADE MANGANESE FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 759

An act to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four million four hundred and twenty-four thousand eight hundred and forty short dry tons (manganese ore equivalent) of metallurgical grade manganese now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual market; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–394, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 4,424,840 short dry tons (manganese ore equivalent) of metallurgical grade manganese from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6 months' waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(c) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of metallurgical grade manganese is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of metallurgical grade manganese upon enactment of S. 759.

Manganese—Metallurgical grade ore

Metallurgical grade manganese ore should have a relatively high manganese content. The standard grade has a manganese content of 48 percent, although somewhat lower ores are usable. Ores with varying manganese content from 35 to 60 percent are often blended to provide uniform raw material for the production of ferromanganese. The ore must be low in impurities, deleterious in the manufacture of steel, such as sulphur, phosphorus, copper, lead, and zinc.

Manganese—metallurgical grade ore, is used in the manufacture of manganese metal ferromanganese, and special manganese alloys, which in turn are used to neutralize the effects of sulfur and to remove oxygen used as an addition to special steels to contribute toughness and resistance to shock and abrasion.

Sources.—Gabon, Brazil, Republic of South Africa, India, Congo and Australia.

Background information

As of June 30, 1971, the total inventory of metallurgical grade manganese held by General Services Administration was approximately 11,896,167 short dry tons. The present stockpile objective, established May 13, 1969, is 4 million short dry tons.

This disposal, which is covered by S. 759, applies to the excess of 4,424,840 short dry tons (manganese ore equivalent) of metallurgical grade manganese in the national and supplemental stockpiles, of which approximately 3,267,859 short dry tons are ore; approximately 576,060 short tons (1,152,120 short tons manganese ore equivalent) are high carbon ferromanganese and approximately 1,944 short tons (4,860 short tons manganese ore equivalent) are electrolytic manganese metal. Additionally, 3,500,000 short dry tons (manganese ore equivalent) of metallurgical grade manganese remain available for disposal under previous authorizations.

The acquisition cost of metallurgical grade manganese ore in the national stockpile was $39.60 per short dry ton and in the supplemental stockpile, $43.09 per short dry ton. The acquisition cost for high carbon ferromanganese in the national stockpile was $189.79 per short ton and in the supplemental stockpile $186.56 per short ton. The acquisition cost of electrolytic manganese metal in the national stockpile was $520.46 per short ton, and in the supplemental stockpile, $610.42 per short dry ton. The current estimated market price for standard, commercial type material is $28.00 per short dry ton for ore, $151.30 per short ton for high carbon ferromanganese, and $665 per short ton for electrolytic manganese metal.

This material has been in the stockpile for a period of 7 to 29 years. The annual storage cost for this material is $132,745.20.

Method of disposal

The General Services Administration proposes to make the metallurgical grade manganese available (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess metallurgical grade manganese available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of metallurgical grade manganese required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

U.S. production of metallurgical grade manganese amounted to 5,630 short dry tons in 1969, and an estimated 4,000 tons for 1970. U.S. consumption was approximately 2.1 million short tons in 1969 and 2.3 million short tons in 1970.

Imports of metallurgical grade manganese were 1,964,535 short tons in 1969, and 1,735,055 short tons in 1970. Principal import sources in 1970 were Brazil (35 percent), Republic of South Africa (8 percent), India (5 percent), Gabon (28 percent), Ghana (4 percent), and other countries (20 percent).

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the metallurgical grade manganese now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF MANGANESE, BATTERY GRADE SYNTHETIC DIOXIDE FROM THE NATIONAL STOCKPILE

S. 760

An act to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four thousand eight hundred and five short dry tons of manganese, battery grade, synthetic dioxide now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report (No. 92–395) explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 4,805 short dry tons of manganese, battery grade, synthetic dioxide from the national stockpile. In addition, the bill would waive the 6-months waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the

Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of manganese, battery grade, synthetic dioxide is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of manganese, battery grade, synthetic dioxide upon enactment of S. 760.

Manganese, battery grade, synthetic dioxide

Synthetic manganese dioxide is produced from natural manganese ones, either by the electrolysis of pregnant solution of manganese salts, or by chemical reduction of manganese salts. It is much more reactive than natural ore.

Synthetic manganese is used primarily in the manufacture of dry cells for batteries for military use. For such use, it is mixed with natural ore. It is also used in special types of commercial battery cells, such as in hearing aids. For battery use a minimum of 85 percent manganese oxide is required.

Source: Japan.

Background information

As of June 30, 1971, the total inventory of manganese, battery grade, synthetic dioxide held by General Services Administration was approximately 19,667 short dry tons. The present stockpile objective, established May 27, 1969, is 1,900 short dry tons. Of the excess 3,403 short dry tons remain available from Office of Emergency Preparedness authority of March 4, 1966, and 9,559 short dry tons remain available from Public Law 89–726, approved November 2, 1966. The additional excess of 4,805 short dry tons is covered by S. 760.

The average acquisition cost of manganese, battery grade, synthetic dioxide in the national stockpile was $145.52 per short dry ton. The current estimated market price for standard, commercial type manganese, battery grade, synthetic dioxide is $490 per short dry ton. This material has been in the stockpile for a period of 11½ to 16 years. The annual storage cost is $144.

Method of disposal

The General Services Administration proposes to make the manganese, battery grade, synthetic dioxide available: (*a*) for sale; (*b*) for transfer to agencies of the U.S. Government; or (*c*) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess manganese, battery grade, synthetic dioxide available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of manganese, battery grade, synthetic dioxide required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

U.S. production of the material was 12,000 short dry tons in 1969, with 11,000 short dry tons estimated for 1970. Imports in 1970 were 2,773 short dry tons, mainly from Japan, whereas domestic production results from processing ores imported from Ghana, Gabon, and Mexico, as well as from domestic ores. U.S. production and consumption rose steadily in the 4 years through 1969 when consumption was 14,000 short dry tons, with 14,350 short dry tons estimated for 1970.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the manganese, battery grade, synthetic dioxide, now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF DIAMOND TOOLS FROM THE NATIONAL STOCKPILE

S. 761

An act to authorize the disposal of diamond tools from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately sixty-four thousand one hundred seventy-eight diamond tools now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirement of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–396, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 64,178 pieces of diamond tools from the national stockpile. In addition, the bill would waive the 6 months waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposal from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of diamond tools is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of diamond tools upon enactment of S. 761.

Industrial diamond tools

Industrial diamond tools are those that contain diamond stones that because of structure, color, flaws, or impurities, are unsuitable as gems and are mostly composed of a group of small interlocked crystals of exceptional toughness.

These industrial stones are used in tools and are usually classified on the basis of size, shape, and specification uses.

BACKGROUND INFORMATION

As of June 30, 1971, the total inventory of industrial diamond tools held by General Services Administration was approximately 64,178 pieces. Since no stockpile objective was established for industrial diamond tools, the total quantity is covered by S. 761. The average acquisition cost of the industrial diamond tools in the national stockpile was $15.82 per piece, or a total acquisition cost of $1,015,000. The current estimated market value of the tools is $12.00 per piece, for a total market value of $700,000. This material has been in the national stockpile for 28 years.

Method of disposal

The General Services Administration proposes to make the diamond tools available (*a*) for sale; (*b*) for transfer to agencies of the United States Government; or (*c*) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) or acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b), and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093(d)).

Rate of disposal

GSA proposes to make the diamond tools available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of diamond tools required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and Consumption

There are no published statistics pertaining to production or consumption of diamond tools.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the diamond tools now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF CHROMIUM METAL FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 762

An act to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four thousand two hundred thirty-eight short tons of chromium metal now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–397, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 4,238 short tons of chromium metal from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of chromium metal is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of chromium metal upon enactment of S. 762.

Chromium metal

Chromium metal is hard, brittle, and steel gray in color. Electrolytic and aluminothermic chromium metals differ, generally, only in the proportions of the minor amounts of the impurities in the metal. The metal usually consists of at least 98.75 percent chromium for the aluminothermic type and 99.20 percent for the electrolytic type. Electrolytic chromium metal is produced from metallurgical grade chromite and aluminothermic from chemical grade.

Chromium metal is used in the production of both ferrous and nonferrous alloys. These alloys are used for products requiring such, qualities as electric resistance, ability to withstand high temperatures or corrosion resistance. Chromium metal is also used in alloys for nonferrous metal cutting tools, chromium bronzes, hard facing materials, welding electrode tips, and high-strength aluminum alloys.

Sources: United Kingdom and Japan.

Background information

As of June 30, 1971, the total inventory of chromium metal held by General Services Administration was approximately 8,013 short tons. The present stockpile objective, approved June 9, 1971, is 3,775 short tons. The total excess of 4,238 short tons is covered by S. 762.

The average acquisition cost of the chromium metal in the national stockpile and in the supplemental stockpile was $2,200 per short ton.

The current estimated market price for standard, commercial type chromium metal is $2,300 per short ton. This metal has been in the stockpile for a period of 6 to 13 years. The annual storage cost is $297.

Method of disposal

The General Services Administration proposes to make the chromium metal available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section

303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. app. 2093(d).

Rate of disposal

GSA proposes to make the excess chromium metal available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of chromium metal required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

Data on the U.S. production and consumption of chromium metal are company confidential, U.S. estimated consumptions for 1969 was 5,000 short tons and has been estimated at 4,000 tons for 1970. U S. imports were 1,491 short tons (gross weight) for 1969 and 1,892 short tons (gross weight) for 1970. Principal import sources for chromium metal in 1970 were United Kingdom (67 percent), Japan (22 percent), Canada (4 percent), and other countries (7 percent).

Fiscal Data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the chromium metal now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF AMOSITE ASBESTOS FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 763

An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately thirty-two thousand eight hundred and thirty-nine short tons of amosite asbestos now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–398, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 32,839 short tons of amosite asbestos from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of amosite asbestos is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of amosite asbestos upon enactment of S. 763.

Amosite asbestos

Amosite asbestos is a class of South African asbestos characterized by long, coarse, resilient fibers, which are difficult to spin. It comes in both light and dark grades, with fiber length up to 2 inches.

This material is used in manufacturing insulating felt, heat insulation (pipe covering, block and segments) and marine insulating board. The long fiber amosite is used principally in the manufacture of thermal insulation.

Sources: The only known commercial source is located in the Republic of South Africa. It is imported as crude asbestos. The fiberizing and processing into blankets and shapes is done domestically.

Background information

As of June 30, 1971, the total inventory of amosite asbestos held by General Services Administration was approximately 59,315 short tons. The present stockpile objective, established February 9, 1971, is approximately 18,400 short tons. The excess previously authorized for disposal under P.L. 89–422, enacted May 11, 1966, totals approximately 8,076 short tons. The remaining 32,839 short tons are exceess and are covered by S. 763.

The average acquisition cost of the amosite asbestos in the national stockpile was $225.35 per short ton and in the supplemental stockpile $249.79 per short ton. The current estimated market price for standard commercial type amosite asbestos is $211.80 per short ton. The annual storage cost for this material is $47,091.41. This material has been in the stockpile for a period of 4 to 22 years.

Method of disposal

The General Services Administration proposes to make the amosite asbestos available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess amosite asbestos available for commercial sale over a period of years. The quantity and timing of disposal will be determined upon evaluation of previous sales and current market conditions. Quantities of amosite asbestos required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

There is no production of amosite asbestos in the U.S. Imports in 1968 were 20,603 short tons, 14,619 short tons in 1969, and 14,261 short tons for 1970. U.S. consumption declined from 18,000 short tons in 1968 to 15,000 short tons in 1969 and is estimated to

have been 15,000 short tons in 1970. The Republic of South Africa supplies virtually all imports of this material.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the Amosite Asbestos now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF ANTIMONY FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 765

An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately six thousand short tons of antimony now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in futherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–399, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 6,000 short tons of antimony from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of antimony is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of antimony upon enactment of S. 765.

Antimony

Antimony is a bluish-white, brittle metal, neither malleable nor ductile, which is easily reduced to powder. It has the general physical properties of a metal and the chemical properties of a nonmetal. It has no important use alone as a metal. The principal ore of antimony is sibnite which also contains sulfur. Antimony ore is produced by roasting the ore to remove the sulfur and reducing the remaining white oxide in a carbon mixture with strong heat. Antimony is also recovered as a byproduct of silica-lead-copper ores.

Antimony has wide applications in many industries. Its chief uses in metals are for lead hardening, solder, battery plates, cable coverings, type metal, and to impart hardness and a smooth surface to soft metal alloys such as babbit bearings. Nonmetallic uses are for frits (enamel-making powder) and ceramic enamels; paints and lacquers, flameproofing of textiles, marine antifouling paints, and ammunition primers.

Sources: Yugoslavia, United Kingdom, Belgium, Mexico, Republic of South Africa, and Bolivia.

Background information

As of June 30, 1971, the total inventory of antimony held by General Services Administration was approximately 46,747 short tons. The present stockpile objective, established April 8, 1970, is 40,700 short tons. The remaining 6,047 short tons are excess and are covered by S. 765.

The average acquisition cost of antimony metal in the national stockpile was $695.46 per short ton and in the supplemental stockpile $596.32 per short ton. The current estimated market price for standard, commercial type antimony is $1,140 per short ton. The annual storage cost for the antimony metal presently in the stockpile inventory is $4,260. This material has been in the stockpile for a period of 6½ to 24 years.

Method of disposal

The General Services Administration proposes to make the antimony available: (*a*) For sale; (*b*) for transfer to agencies of the U.S. Government; or (*c*) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. app. 2093(d).

Rate of disposal

GSA proposes to make the excess antimony available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of previous sales and current market conditions. Quantities of antimony required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Disposal procedure

Industry representatives expressed concern regarding the timing, method of sale, and rate at which the Government might dispose of the stockpile excess antimony. It was agreed that GSA's method of sale and rate of disposal would be coordinated with all segments of the industry prior to any release of material and every precaution would be exercised to protect producers, processors, and consumers against avoidable disruption of their usual market.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

In 1970 U.S. production was 1,013 short tons from mines, 12,337 short tons from smelters, and 22,000 short tons from secondary plants. U.S. consumption of antimony from both primary and secondary sources was 42,219 short tons in 1968, 41,683 short tons in 1969, and an estimated 38,000 short tons in 1970.

U.S. imports of antimony ore, metal, and oxide were 17,343 short tons in 1968, 17,032 short tons in 1969, and 19,933 short tons in 1970. Principal import sources for metal in 1970 were Yugoslavia (8 percent), United Kingdom (23 percent), Japan (9 percent), and Mexico (28 percent), and other countries (32 percent). Imports of ores and concentrates during 1970 were: Mexico (29 percent), Republic of South Africa (44 percent), Bolivia (16 percent), and other countries (11 percent).

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial

return to the Federal Treasury as a consequence of the proceeds of the sale of the antimony now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF RARE-EARTH MATERIALS FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 767

An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately eight thousand two hundred and thirty-three short dry tons (rare-earth oxides content) or rare-earth materials now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–400, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 8,233 short dry tons (rare-earth oxides content) of rare-earth material from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of rare-earth materials is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of rare-earth materials upon enactment of S. 767.

Rare earth materials

The rare earths comprise a group of 15 closely associated and similar elements, which are notable for their peculiar electron-sensitive and light-sensitive nature. The separation of the individual elements from the ore is extremely difficult and costly, and for this reason, some applications use the rare earths as a group in the form of misch metal rather than as individual elements or compounds. Monazite and bastnasite ores are the principal sources of rare-earth metals. Other ores containing rare earths are mined chiefly for other metallic elements. Thorium always occurs with monazite and bastnasite, but is not a rare earth.

About 60 percent of U.S. rare-earth compound consumption goes into the making of cracking catalysts for petroleum refining. The most familiar use is for sparking metal in cigarette lighters. The addition of rare earths to the steel bath in the form of misch metal improves the hot working qualities of certain steels which are difficult to forge and roll. Additions of rare earths are made to some armor plate and heavy forgings, to stainless steel and to magnesium castings. Rare earths are also used in the glass industry as a coloring agent and polishing medium and also constitute the core in arc carbons used in projectors and search lights. Rare earths are also used in electronic equipment.

Sources. Australia, India, Malaysia, and Brazil.

Background information

As of June 30, 1971, the total inventory of rare-earth materials held by General Services Administration was 12,241 short dry tons. Of this total 4,008 short dry tons remain available for sale under authority of Public Law 90–152 (approved Nov. 24, 1967). The additional excess of 8,233 short dry tons is covered by S. 767.

The Office of Emergency Preparedness approved a new review of the stockpile objective for rare-earth materials on March 4, 1970. At that time, the objective for rare-earth material was reduced from 6,500 short dry tons to zero, and rare-earth materials was deleted from the list of strategic and critical materals. The reduction of this objective to zero was due to a change in stockpile policy in February 1970, which eliminated the concentration discounts which had been applied by the major U.S. producer. The zero objective was concurred in by the interested departments and agencies, including the Department of Defense.

The average acquisition (rare-earth oxides content) of rare-earth materials in the national and supplemental stockpiles was $804.77 per short dry ton. The current estimated market price for standard, commercial type rare-earth materials ranges from $45 to $700 per short dry ton. This material has been in the stockpile for a period of 6½ to 26½ years. The annual storage cost is $20,089.

Method of disposal

The General Services Administration proposes to make the rare-earth materials available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the said quantity of excess rare-earth materials available for commercial sale over a period of years. Quantities and timing of disposal will be determined upon evaluation of previous sales and current market conditions. Quantities of rare-earth materials required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

The U.S. produces half of the world's rare earth oxides in concentrates and is the main market for rare earth products. Imports of monazite concentrates were 4,206 short tons in 1969 and 3,448 tons for 1970.

Australia accounted for about 59 percent of U.S. imports in 1969. U.S. industrial consumption of rare-earth oxides increased from 5,700 short tons in 1966 to 8,820 tons in 1969, and estimated at 10,000 tons for 1970. Major world producers besides the United States are Australia, India, Malaysia, and Brazil.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the rare-earth materials now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF CHEMICAL GRADE CHROMITE FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 768

An act to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately three hundred and twenty-four thousand five hundred short dry tons of chemical grade chromite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against available disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–401, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 324,500 short dry tons of chemical grade chromite from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6 months waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of chemical grade chromite is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of chemical grade chromite upon enactment of S. 768.

Chemical grade chromite

Chemical grade chromite is a mineral which, so far as the chemical industry of the United States is concerned, is exclusively of South African ore commonly known as Transvaal, Grade B, friable, for which the standard Cr_2O_3 content is 44 percent. While the industry could use other grades of ore of higher or lower specification, operations for a considerable period of years have been based solely on this one type.

Chrome chemicals are used in a wide variety of applications; the largest being metal protection (plating and anodizing), manufacture of pigments for paint (as green chrome oxide), and the tanning of leather (for shoes). Other applications include uses in the textile and chemical industries. There are also many industrial applications where resistance to wear, corrosion and heat is important, e.g., in engines, marine equipment, and military items.

Source: The entire United States supply of chemical grade chromite is imported from the Republic of South Africa.

Background information

As of June 30, 1971, the total inventory of chemical grade chromite held by General Services Administration was approximately 574,500 short dry tons. The present stockpile objective, established June 9, 1971, is 250,000 short dry tons. The additional excess of 324,500 short dry tons is covered by S. 768.

The average acquisition cost of chemical grade chromite in the national and supplemental stockpiles was $19.84 per short dry ton. The current estimated market price of standard, commercial type chemical grade chromite is $22.32 per short dry ton. This material has been in the stockpile for a period of 7 to 22½ years. Annual storage cost is $22,715.

Method of disposal

The General Services Administration proposes to make the chemical grade chromite available: (a) for sale; (b) for transfer to agencies of the United States Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess chemical grade chromite available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of chemical grade chromite required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

The U.S. does not produce chemical grade chromite but obtains its entire supply from the Republic of South Africa. U.S. consumption of chemical grade chromite by the chemical industry has fluctuated during the last few years, but averaged 197,300 short tons during the 1967–69 period and was 209,842 in 1970.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the Chemical Grade Chromite now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF INDUSTRIAL DIAMOND STONES FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 769

An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four million nine hundred and sixty-one thousand carats of industrial diamond stones now held in the national stockpile established pursuant to the Strategic and

Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–402, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 4,961,000 carats of industrial diamond stones from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6 months' waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sales or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of industrial diamond stones is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of industrial diamond stones upon enactment of S. 769.

Industrial diamond stones

Industrial diamond stones are those that, because of structure, color, flaws, or impurities, are unsuitable as gems, and are mostly composed of a group of small interlocked crystals of exceptional toughness. Industrial diamond stones are usually classified on the basis of size and shape for specific uses. Stones to be used for diamond dies are examined in polarized light to determine any internal stresses and are then drilled, or pierced electrically, with the die-hold axis parallel to the cleavage planes.

Industrial diamond stones are used in grinding wheels to shape and sharpen tungsten carbide cutting tools, and as the cutting edges of tools used for turning, grinding, and drilling hard metals.

Sources.—Africa is the only important source of industrial diamonds, Congo being the principal producer. Minor amounts (less than 2 percent of U.S. consumption) come from Brazil, Venezuela, and British Guiana. The initial sale of virtually all diamonds is rigidly controlled by a foreign cartel.

Background information

As of June 30, 1971, the total inventory of industrial diamond stones held by General Services Administration was approximately 25,141,634 carats. The present stockpile objective, established December 3, 1969, is approximately 20 million carats. The excess previously authorized for disposal under Public Law 89–723, approved November 2, 1966, totals approximately 177,840 carats. The additional excess of 4,961,000 carats of industrial diamond stones is covered by S. 769.

The average acquisition cost of industrial diamond stones in the national and supplemental stockpiles was $11.12 per carat. The current estimated market price for standard, commercial type diamond stones ranges from $3 per carat to $55 per carat. This material has been in the stockpile for a period of 3 to 28 years.

Method of disposal

The General Services Administration proposes to make the industrial diamond stones available: (*a*) for sale; (*b*) for transfer to agencies of the U.S. Government; or (*c*) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. app. 2093(d).

Rate of disposal

GSA proposes to make the excess industrial diamond stones available for commercial sale over a period of years.

The quantities and timing of disposals will be determined upon evaluation of previous sales and current market conditions. Quantities of this material required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Disposal procedure

Industry representatives expressed concern that sizable sales of the stockpile excesses could disrupt both domestic and foreign markets. It was agreed that sales by GSA should not exceed 10 percent of the domestic and foreign consumption of that particular type of the industrial diamond materials being offered from the Government excesses. Industry representatives currently estimate that sales should be at a rate of about 90,000 carats for domestic consumption and 150,000 carats for foreign consumption. It was understood that any sales abroad would preclude reimport into the United States. It was also agreed that the GSA sales offerings could be adjusted upward if there was evidence of increased domestic or foreign consumption. Any revision made by GSA in the disposal offering rate would be preceded by discussion and approval of the industrial diamond working group.

Periodic review of program

This disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

Production of natural industrial diamond stones is from the Republic of South Africa, Ghana, and the Republic of the Congo (Kinshasa), although import sources of the United States include Brazil, Venezuela, and Guyana. There is no U.S. production. U.S. demand for industrial diamonds has been strong and should be sustained in the foreseeable future. Consumption in the United States in 1969 was 2,350,000 carats, with 3 million for 1970. U.S. imports during 1969 were 5.5 million carats, and 1970 imports were 6 million carats.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the industrial diamond stones now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF COLUMBIUM FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 770

An act to authorize the disposal of columbium from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately five million ten thousand seven hundred and sixteen pounds (Cb content) of columbium now held in the national stockpile established pursuant to the Strategic and Critical Mate-

rials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from report No. 92–403, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 5,010,716 pounds (Cb content) of columbium from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-months' waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National Stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental Stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of [columbium] is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of [columbium] upon enactment of S. 770.

Columbium

Columbium is the metal produced from columbite ore. Columbite ore is an ore of columbium which occurs in combination with tantalum. The material is called columbite or tantalite, depending upon which metal predominates. Predominantly-columbium concentrates are usually employed to produce ferrocolumbium, which is the form used to introduce columbium into steel alloys. To a lesser extent, columbite is used to produce pure columbium metal and columbium carbides.

Columbium is used as ferrocolumbium (55 percent columbium, 5 percent tantalum) and as ferrotantalum-columbium (40 percent columbium, 20 percent tantalum) to stabilize the carbon content of stainless steel. The addition of columbium inhibits intergranular corrosion and improves creep, impact and fatigue strength. These qualities of columbium treated steel are important for jet engine and gas turbine parts. Columbium is also a constituent of high temperature nonferrous alloys of cobalt and nickel. Columbium carbides are used in cutting tools.

Sources: Brazil, Nigeria, Canada, and various other countries.

Background information

As of June 30, 1971, the total inventory of columbium held by General Services Administration was approximately 9,408,496 pounds. The present stockpile objective, established April 17, 1964, is approximately 1,176,000 pounds.

This disposal is limited to the approximately 5,010,716 pounds (Cb content) of columbium in the national and supplemental stockpiles, of which approximately 4,376,758 pounds are concentrates, approximately 1,614 pounds are columbium carbide powder, approximately 95,383 pounds are columbium oxide powder and approximately 536,961 pounds are ferrocolumbium. The excess quantity of approximately 935,685 pounds (Cb content) of concentrates in the Defense Production Act inventory was authorized for disposal by OEP on December 30, 1965. The additional excess of 5,010,716 pounds (Cb content) is covered by S. 770.

The average acquisition cost of columbium concentrates in the national and supplemental stockpiles and Defense Production Act inventory was $3.96 per pound of contained columbium. The average acquisition costs of columbium carbide powder, columbium oxide powder, and ferrocolumbium in the national stockpile were $10.14 per pound, $7.85 per pound, and $4.27 per pound respectively. The current estimated market price for standard, commercial type columbium concentrates ranges from $1.22 to $1.29 per pound of contained columbium, while columbium carbide powder is $14 per pound, columbium oxide powder $2.60 per pound and ferrocolumbium (high purity) $5.47 per pound of contained columbium.

The annual storage cost is $3,356. This material has been in the stockpile for a period of 12 to 22½ years.

Method of disposal

The General Services Administration proposes to make the columbium available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess columbium available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of columbium required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such consultation advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

The United States does not produce columbium. Consumption of columbium concentrates in the United States amounted to 3,997,000 pounds (contained Cb) in 1968, 2,918,000 pounds (contained Cb) in 1969, and estimated at 3,000,000 pounds (contained Cb) in 1970. The primary use of columbium, in making ferrocolumbium, decreased 16 percent in 1970. Import sources for concentrates during calendar year 1970 were Brazil (59 percent), Nigeria (11 percent), Canada (22 percent), and various other countries (8 percent).

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the columbium now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF SELENIUM FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 771

An act to authorize the disposal of selenium from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four hundred and seventy-five thousand pounds of selenium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50

U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–404, explaining the purpose of this measure.

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 475,000 pounds of selenium from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(c) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of selenium is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of selenium upon enactment of S. 771.

Selenium

Selenium is a metal generally found in combination with sulphur, iron and copper pyrites, and uranium. Nearly all commercial selenium is now produced from residual sludges in electrolytic copper refining. Some is found native, in volcanic tuffs, shales and alluvial soils, but economic means have not yet been found to recover selenium from these sources. Commercial selenium is generally in the form of a grayish black metallic powder or pellets having a slight reddish cast. Selenium in any form is poisonous.

Selenium is used in the manufacture of rectifiers, photoelectric cells and exposure meters, cathode ray tubes, photosynthesized goods, stainless steels, and in xerography. It serves as a decolorizer in glass making and also imparts color. It is also used in paints as an inhibitor and antifunding agent; in rubber as an accelerator and to increase abrasion resistance; in the manufacture of biologicals, cortisone and niacin; as an inhibitor in lubricants and other petroleum products and as a reagent chemical.

Sources: Canada, Japan, and West Germany.

Background information

As of June 30, 1971, the total inventory of selenium held by General Services Administration was approximately 475,000 pounds. The total excess of 475,000 pounds is covered by S. 771. The Office of Emergency Preparedness, on March 4, 1970, approved a review of the stockpile objective for selenium. At that time, the objective for selenium was reduced from 475,000 pounds to zero, and selenium was deleted from the list of strategic and critical materials. The elimination of the selenium objective was due to the removal of the discount for domestic concentration and was concurred in by the interested departments and agencies, including the Department of Defense.

The average acquisition cost of selenium in the national and supplemental stockpiles was $5.78 per pound. The current estimated market price of standard, commercial type selenium is $9 per pound. This material has been in the stockpile for a period of 3½ to 23½ years. The annual storage cost is $1,190.

Method of disposal

The General Services Administration proposes to make the selenium available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess selenium available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of selenium required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

Primary production in the United States increased from 540,000 pounds in 1965 to 1,005,000 pounds in 1970. Imports of metal and compounds for consumption increased from 286,000 pounds in 1966 to 546,000 pounds in 1969, but decreased to 462,000 pounds in 1970. Apparent consumption in 1970 including exports, was 1,486,000 pounds. Of the total imports for 1970, 99 percent came from Canada, and the rest from Japan and West Germany.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the selenium now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF CELESTITE FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 772

An Act to authorize the disposal of celestite from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately twelve thousand two hundred and seventy short dry tons of celestite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the materials covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–405, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 12,270 short dry tons of celestite from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6 months' waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the Act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act, which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss of the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 450), provided that materials shall be released from the supplemental stockpile, only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of celestite is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of celestite upon enactment of S. 772.

Celestite

Celestite is a strontium sulfate material used as the principal source of strontium in the production of strontiums chemicals. These chemicals impart a brilliant red color to the flame and, consequently, have found extensive use of tracer bullets, rockets, flares, fuses, fireworks, etc.

The strontium compounds are used in ceramics, and to a minor extent in pharmaceutical and electron tube manufacture.

Sources: England, Mexico, and Spain.

Background information

As of June 30, 1971, the total inventory of celestite held by GSA was 25,849 short dry tons, all of which is excess. Of this amount, 12,270 short tons is covered by the proposed bill. The remaining excess falls within the category of nonstockpile grade material and was authorized for disposal by House Concurrent Resolution 473, 87th Congress.

The average acquisition cost of celestite in the national stockpile was $48.68 per short dry ton and in the supplemental stockpile was $43.91 per short dry ton. The current estimated market price for standard, commercial-type celestite ranges from $20 to $33.40 per short dry ton.

The Office of Emergency Preparedness, on June 8, 1970, approved a review of the stockpile objective for celestite. At that time, the objective for celestite was reduced from 23,750 short dry tons to zero, and celestite was deleted from the list of strategic and critical materials. The elimination of the celestite objective was due to the development by Kaiser Aluminum of an extremely large celestite ore body on Cape Breton Island, Nova Scotia. Production began in 1970.

The annual storage cost for celestite is $2,822. This material has been in the stockpile for a period of 5½ to 20½ years.

Method of disposal

The General Services Administration proposes to make the celestite available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess celestite available for commercial sale over a period of years. The quantity and timing of disposal will be determined upon evaluation of sales under the program and current market conditions. Quantities of celestite required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such consultation advisable, or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

Free world production of strontium minerals in 1970 was approximately 19,685 short tons (strontium content), a 25-percent increase over the 15,716 short tons produced in 1969. Most of the increase occurred in Mexico and was shipped to the United States. There is no domestic production of celestite. U.S. imports in terms of strontium content in 1969 were 12,595 short tons; 1970 imports were 16,876 short tons, of which 78 percent came from Mexico; 13 percent from the United Kingdom; and 9 percent from Spain.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the celestite now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF VANADIUM FROM THE NATIONAL STOCKPILE

S. 774

An act to authorize the disposal of vanadium from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one thousand two hundred short tons of vanadium (V content) now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–406, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 1,200 short tons (V content) of vanadium from the national stockpile. In addition, the bill would waive the 6 months waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a),

the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of vanadium is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of vanadium upon enactment of S. 774.

Vanadium

Vanadium is a pale-gray metal with a silvery luster. It occurs in combination with other minerals or metals, including uranium and phosphate rock. Vanadium readily alloys with iron. When added to steel, it toughens and strengthens it—forming hard carbides which are retained at high temperatures. Vanadium increases tensile strength without lowering ductility.

Ferro-vanadium is the most important single vanadium product and it is used in the manufacture of high strength structural steels, tool steels, high speed steel and related products requiring toughness and strength at high temperatures. It is also used in welding electrode castings on an oxidizer.

Sources: Austria, West Germany, Belgium, United Kingdom, and Sweden.

Background information

As of June 30, 1971, the total inventory of vanadium held by General Services Administration was approximately 3,306 short tons, of which 1,200 short tons was vanadium ferro, and 2,106 short tons was vanadium pentoxide. The present stockpile objective, established March 4, 1970, is 540 short tons. Of the excess previously authorized for disposal under Public Law 89-424, approved May 11, 1966, approximately 1,566 short tons V of vanadium pentoxide remain available for disposal. The additional excess of 1,200 short tons (V content) of ferro vanadium, is covered by S. 774.

The average acquisition cost of the ferrovanadium in the national stockpile was $4,798 per short ton. The current estimated market price for standard, commercial type ferrovanadium is $8,240 per short ton (V content).

This material has been in the stockpile for a period of 8½ to 22½ years. The annual storage cost is $3,360.

Method of disposal

The General Services Administration proposes to make the vanadium available: (a) for sale; (b) for transfer to agencies of the U.S. Government; (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093 (d).

Rate of disposal

GSA proposes to make the excess vanadium available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of vanadium required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such consultation advisable, or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

Production of ferrovanadium in the United States increased from 5,775 short tons (of contained vanadium) in 1969 to an estimated 6,353 tons for 1970. Consumption of vanadium in ferrovanadium was 5,193 short tons (of contained vanadium) in 1969 and an estimated 4,251 short tons for 1970. The major import source for ferrovanadium in 1970 was West Germany. United States exports of ferrovanadium increased from 644 short tons in 1969 to an estimated 2,154 short tons for 1970.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal treasury as a consequence of the proceeds of the sale of the vanadium now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF MAGNESIUM FROM THE NATIONAL STOCKPILE

S. 775

An Act to authorize the disposal of magnesium from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately seventy-eight thousand short tons of magnesium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92-407, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 78,000 short tons of magnesium from the national stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Material Stock Piling Act.

Disposal from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of magnesium is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of magnesium upon enactment of S. 775.

Magnesium

Magnesum is the lightest of the commercial metals produced in quantity at relatively low cost. The metal is ductile and easily machineable and imparts these qualities to iron and steel in alloys. It is silvery in color, but oxidizes and tarnishes in moist air. In finely divided form, it is easily ignited and burns with an intense white light. The solid form must be heated above its melting point before it will burn.

Magnesium is used in aircraft chiefly in structural forms and sheet. It enters into alloys of iron, zinc, and aluminum, and serves in castings, forgings, and extrusions. It is also used for recovery processing for titanium, scavenger and deoxidizing applications in metallurgy.

Sources: Canada, United Kingdom, and West Germany.

Background information

As of June 30, 1971, the total inventory of magnesium held by General Services Administration was approximately 98,774 short tons, all of which is excess. Of this quantity approximately 20,800 short tons were authorized for disposal by the Congress in Public Laws 90–604 and 91–321, dated October 18, 1968, and July 10, 1970, respectively. The additional excess of 78,000 short tons is covered by S. 775.

The Office of Emergency Preparedness, on March 4, 1970, approved a review of the stockpile objective for magnesium. At that time, the objective for magnesium was reduced from 78,000 short tons to zero, and magnesium was deleted from the list of strategic and critical materials. The elimination of the magnesium objective was due to the removal of the domestic concentration discount and increased U.S. capacities, and was concurred in by the interested departments and agencies, including the Department of Defense.

The average acquisition cost of magnesium was $726 per short ton. The current estimated market price for standard commercial type magnesium ranges from $725 to $765 per short ton. This material has been in the stockpile for a period of 13½ to 24½ years. The annual storage cost is $49,140.

Method of disposal

The General Services Administration proposes to make the magnesium available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. app. 2093(d).

Rate of disposal

GSA proposes to make the 78,000 short tons of excess magnesium available for commercial sale over a period of years. The quantities and timing of disposals will be determined upon evaluation of previous sales and current market conditions. Quantities of this material required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

The United States is the world's largest producer of magnesium. Demand for magnesium is increasing at a significant rate, due to new commercial uses. The U.S. productive capacity is on the increase as the new facilities continue to come on stream. U.S. production of primary magnesium was 99,886 short tons in 1969 and 112,007 short tons in 1970. U.S. consumption in 1970 was about 100,000 short tons. Only 2,948 short tons were imported in 1969. Major import sources are Canada, West Germany, and the United Kingdom.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the magnesium now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF ABACA FROM THE NATIONAL STOCKPILE

S. 776

An Act to authorize the disposal of abaca from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately twenty-five million pounds of abaca now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–408, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 25 million pounds of abaca from the national stockpile. In addition, the bill would waive the 6 months waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of abaca is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United Sates against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of abaca upon enactment of S. 776.

Abaca

Abaca fiber (Manila hemp) is decorticated or stripped from the long leaves of the *Musa textiles,* a plant of the banana family growing only in humid tropical climates. The plant is propagated from root stock and requires 2 to 3 years to mature.

The major military use of abaca is for marine cordage, but its use has been declining because of growing competition from synthetic cordage fibers, such as nylon, polypropylene and terylene. It is also used for guy ropes, construction uses and miscellaneous paper products.

Source: Philippines.

Background information

As of June 30, 1971, the total inventory of abaca held by GSA was approximately 64.8 million pounds. The present stockpile objective established April 8, 1970, is 25 million pounds. Of the 39.8 million pounds of excess, approximately 14.9 million pounds are available for sale under a previous authorization (Public Law 89–279) and approximately 25 million pounds are covered by the proposed bill. The average acquisition cost of the abaca in the national stockpile was 25 cents per pound. The current estimated market price for standard, commercial type abaca is about 24 cents per pound.

This material has been in the stockpile for a period of 7½ to 13½ years. The annual storage cost is $60,500.

Method of disposal

The General Services Administration proposes to make the abaca available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b), and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 209d(d)).

Rate of disposal

GSA proposes to make the excess abaca available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the present program and current market conditions. Quantities of abaca for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

The Philippines account for approximately 95 percent of world production of abaca. Philippine production, as well as exports, have been declining because of growing competition from synthetic cordage fibers, such as nylon, polypropylene and terylene. Prices, however, have increased over last year. Partially offsetting a long-range decline in demand for abaca in cordage is increased usage of the material in the manufacture of paper products. U.S. consumption has dropped from 85 million pounds during 1968 to 75 million pounds in 1969, with 75 million pounds estimated for 1970. Imports of abaca, mainly from the Philippines, have declined in recent years to a low of approximately 47,915,840 pounds in 1969.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the abaca now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF SISAL FROM THE NATIONAL STOCKPILE

S. 777

An act to authorize the disposal of sisal from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred million pounds of sisal now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT, Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–409, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 100 million pounds of sisal from the national stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(c) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of [sisal] is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of [sisal] upon enactment of S. 777.

Sisal

Sisal fiber is decorticated or stripped from the large leaves of the *Agave sisalana,* a tropical plant which grows best in semiarid regions. The plant is cut for fiber after 3 years and continues to produce for 5 years.

Major uses in addition to rope, are for baler, binder, and wrapping twine, upholstery and padding, wire rope centers, and reinforcement for paper and plastics.

Sources: Brazil, Tanzania, Haiti, East Africa, and other countries 49 percent.

Background information

As of June 30, 1971, the total inventory of sisal (cordage fiber) held by General Services Administration was approximately 198,800,000 pounds. The present stockpile objective, established April 8, 1970, is 100 million pounds. The total excess of approximately 100 million pounds is covered by S. 777.

The average acquisition cost of the sisal in the national stockpile was 13½ cents per pound. The current estimated market price for standard, commercial-type sisal is 8 cents per pound. This material has been in the stockpile for a period of 7½ to 11½ years. The annual storage cost is $242,000.

Method of disposal

The General Service Administration proposes to make the sisal available: (*a*) for sale; (*b*) for transfer to agencies of the U.S. Government; or (*c*) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d)

of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess sisal available for commercial sale over a period of years. The quantities and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Qualities of sisal required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

The United States does not produce sisal. World production for sisal was approximately 1.4 billion pounds for 1970. Over the past year, world production has dropped. Tanzania, Brazil, and Kenya are the major producers. Prices have declined from 17 cents per pound in 1964 to about 8.10 cents in June 1971.

Import sources are Brazil, 21 percent; Tanzania, 12 percent; Haiti, 12 percent; east Africa, 6 percent; and other countries 49 percent.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the sisal now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF KYANITE-MULLITE FROM THE NATIONAL STOCKPILE

S. 778

An act to authorize the disposal of kyanite-mullite from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four thousand eight hundred twenty short dry tons of kyanite-mullite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–410, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 4,820 short dry tons of kyanite-mullite from the national stockpile. In addition, the bill would waive the 6-months waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of kyanite-mullite is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of kyanite-mullite upon enactment of S. 778.

Kyanite-mullite

Kyanite is a natural silicate of aluminium, which is important to the refractoring industry. When heated above its decomposition temperature, kyanite is changed to mullite which is less affected by high temperatures than fire clay refractories. Mullite refractories, although relatively expensive, are used for certain super-duty purposes; for example in glass melting furnaces; for melting high-copper brasses and bronzes, copper nickel alloys and some steels and ferrous alloys; for zinc smelting and gold refining; and the manufacture of ceramics. Pouring ladles and electric arc furnaces often require mullite refractories exclusively. Kyanite is also used to some extent as a material in manufacture of glass and high quality porcelain.

Sources: India.

Background information

As of June 30, 1971, the total inventory of kyanite-mullite held by General Services Administration was approximately 4,820 short tons. The Office of Emergency Preparedness approved a review of the stockpile objective for kyanite-mullite on March 4, 1970. At that time, the objective for kyanite-mullite was reduced from 4,820 short dry tons to zero, and kyanite-mullite was deleted from the list of strategic and critical materials. The elimination of the kyanite-mullite objective was due to the removal of the domestic concentration discount and was concurred in by all the interested departments and agencies, including the Department of Defense. The total excess of 4,820 short tons is covered by S. 778.

The average acquisition cost of kyanite-mullite in the national stockpile was $86.45 per short dry ton. The current market price for standard, commercial type material ranges from $63 to $70 per short dry ton for natural Indian kyanite to $132 per short ton for electrically fused synthetic mullite.

The annual storage cost is $4,145. The kyanite has been in the stockpile for a period of 21 years; mullite for a period of 19 to 20½ years.

Method of disposal

The General Services Administration proposes to make the kyanite-mullite available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating material pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess kyanite-mullite available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of kyanite-mullite required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

Four U.S. companies, each with complete mining and processing facilities, supplied 100 percent of marketable kyanite production in 1970. Production statistics are considered company confidential information and are not published. Synthetic mullite output amounted to 48,588 short tons in 1969 and is estimated at 48,000 tons for 1970. Apparent consumption of kyanite-mullite for the period 1965 through 1969 was more than 100,000 short tons per year. Imports of kyanite decreased to 2,088 in 1969 and 1,200 tons for 1970. The bulk of imports in 1970 came from India. Other suppliers were the Republic of South Africa, Canada, and Mozambique. Exports of kyanite and mullite amounted to 10,200 short tons in 1965 and increased to 19,696 tons in 1969 are estimated at 25,000 tons for 1970.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the kyanite-mullite now held in the national stockpile.

The sundry bills listed were ordered to be read a third time, were read the third time, and passed, and a motion to reconsider was laid on the table.

INTERSTATE AGREEMENT REGARDING CERTAIN MOTOR VEHICLE FEES

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I ask unanimous consent for the immediate consideration of the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles.

The Clerk read the title of the bill.

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

Mr. MIKVA. I object.

The SPEAKER. Objection is heard.

AMENDING THE ACT REGULATING THE PRACTICE OF PODIATRY IN THE DISTRICT OF COLUMBIA

Mr. STUCKEY. Mr. Speaker I ask unanimous consent for the immediate consideration of the bill (H.R. 2595) to amend the act entitled "An act to regulate the practice of podiatry in the District of Columbia," approved May 23, 1918, as amended.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to regulate the practice of podiatry in the District of Columbia", approved May 23, 1918 (40 Stat. 560), as amended (see 2–705, D.C. Code 1961 edition), is amended by designating the first paragraph as subsection (a), by redesignating the second and third paragraphs as subsections (b) and (c), respectively, and by adding at the end of the second paragraph, redesignated herein as subsection (b), the following: "The Board of Podiatry Examiners may, in its discretion, waive both the written and oral tests or either such test and accept in lieu thereof the satisfactory completion by an applicant of an examination given by the National Board of Podiatry Examiners: *Provided,* That such applicant shall pass a practical examination given by the Board of Podiatry Examiners: *Provided further,* That in exercising its discretion to waive the written and oral tests or either such test the Board of Podiatry Examiners shall satisfy itself that the examination given by the National Board of Podiatry Examiners was as comprehensive as that required in the District of Columbia. Notwithstanding the foregoing provisions of tihs subsection, the Board of Podiatry Examiners may, in its discretion, require an applicant to satisfactorily complete an examination which supplements the examination given by the National Board of Podiatry Examiners."

SEC. 2. The amendments made by this Act shall not be considered as affecting the functions of the Commissioner of the District of Columbia and the District of Columbia Council under such Act of May 28, 1918.

Mr. STUCKEY. Mr. Speaker, the purpose of this bill is to provide the District of Columbia Board of Podiatry Examiners with the discretionary authority to accept the written theoretical examination given by the National Board of Podiatry Examiners to virtually all graduates of the recognized podiatry colleges, in lieu of the local board's own theoretical examinations for licensing of podiatrists in the District. However, a satisfactory performance on a practical demonstration test administered by the District of Columbia Board will continue to be required of all applicants for such license.

The National Board of Podiatry Examiners consists of 12 members, representing such nationally recognized professional organizations as the Federation of Podiatry Boards, the American Podiatry Association, and the American Association of Colleges of Podiatry. In addition, 13 groups of prominent educational testing specialists assist the national board in the development of its testing program, which is presently recognized and accepted by the U.S. Army and the U.S. Navy, as well as by 34 States and three provinces of Canada, as follows: Alberta, Arkansas, Arizona, British Columbia, Colorado, Connecticut, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota Mississippi Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Ontario, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, Wisconsin, and Wyoming.

Our committee does not intend that the authority granted in this legislation will in any way involve or require membership on the part of any applicant in and professional organization whatever.

Our committee is advised that the District of Columbia Board of Podiatry Examiners favors the adoption of the national board theoretical examinations as the standard for licensing of podiatrists in the District. Further, all expenses incident to the preparation and administration of these tests are sustained by the National Board of Podiatry Examiners.

We are informed that the examination given by the national board is at least as comprehensive and as difficult as that conducted by the District of Columbia board, if not more so. However, this bill charges the District of Columbia Board with the responsibility of satisfying itself that this is indeed true in all cases. Also, the Board is authorized to require any applicant to supplement his national board examination with whatever further theoretical test or tests they may deem necessary.

PRECEDENT

H.R. 6350 of the 88th Congress, which was passed by the House on July 23, 1963, and which was approved on August 19, 1964 (Public Law 88–460), extended an identical discretionary authority to the District of Columbia Board of Dental Examiners, enabling them to accept a national board examination in connection with the licensing of dental hygienists in the District of Columbia.

Your committee is of the opinion that this same authority should be granted with regard to the licensing of podiatrists in the District of Columbia, for the same reasons, namely, the elimination of a needless duplication of theoretical testing with a consequent saving of time and expense on the part of the District of Columbia Board, and also the alleviation of needless hardship on the part of applicants who may have been out of school for some years and yet can demonstrate professional competence by satisfactory performance on the practical demonstration test, which would still be required of all applicants.

HISTORY OF LEGISLATION

Proposed legislation substantially identical to H.R. 2595 has been approved by the House in each of the past four Congresses. These bills were H.R. 9962 of the 88th Congress, approved by the House on March 9, 1964; H.R. 1699 of the 89th Congress, approved by the House on February 8, 1965; H.R. 3370 of the 90th Congress, passed by the House on April 24, 1967; and H.R. 9549 of the 91st Congress, approved by the House on July 14, 1969.

COST

No additional cost to the District of Columbia government will result from the enactment of this proposed legislation.

Mr. NELSEN. Mr. Speaker, the purpose of this bill is to provide the District of Columbia Board of Podiatry Examiners with the discretionary authority to accept the written theoretical examination given by the National Board of Podiatry Examiners to virtually all graduates of the recognized podiatry colleges, in lieu of the local board's own theoretical examinations for licensing of podiatrists in the District. However, a satisfactory performance on a practical demonstration test administered by the District of Columbia Board will continue to be required of all applicants for such license.

The National Board of Podiatry Examiners consists of 12 members, repre-

senting such nationally recognized professional organizations as the Federation of Podiatry Boards, the American Podiatry Association, and the American Association of Colleges of Podiatry. In addition, 13 groups of prominent educational testing specialists assist the national board in the development of its testing program, which is presently recognized and accepted by the U.S. Army and the U.S. Navy, as well as by 34 States and three Provinces of Canada.

The bill is not intended in any way to involve or require membership on the part of any applicant in any professional organization.

Among those favoring the bill is the District of Columbia Board of Podiatry Examiners and they do this for the reason that the inclusion of the national board theoretical examinations as a standard offers a uniform and consistent measure of academic achievement because the national board program is recognized or utilized in the following States or Provinces: Alberta, Arkansas, Arizona, British Columbia, Colorado, Connecticut, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Ontario, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, Wisconsin, and Wyoming.

In addition, the expenses incident to the national board examinations are sustained by the National Board of Podiatry Examiners so that, taking into consideration that the national board examinations are at least as comprehensive as that required in the District, and that the District is charged with the responsibility of insuring that this continues to be the case, there should be no objection to the enactment of this legislation.

Similar legislation was authorized in 1963 with respect to the District of Columbia Board of Dental Examiners. Meanwhile, the Commissioner of the District of Columbia recognizes the value of this legislation and his principal observation is that he hopes eventually to revise and modernize all licensing procedures for professional groups that touch upon professions, businesses, and certain occupations.

The legislation is substantially the same as that passed in the 88th, 89th, 90th, and 91st Congresses and since there is not any additional cost to the District resulting from enactment of this legislation, I can see no reason why the Congress should fail to act favorable on H.R. 2595.

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.

HEALTH STANDARDS FOR EMPLOYEES OF FOOD ESTABLISHMENTS

Mr. STUCKEY. Mr. Speaker, by direction of the Committee on the District of Columbia, I ask unanimous consent for the immediate consideration of the bill (H.R. 7096) to direct the establishment of health standards for employees of food service establishments in the District of Columbia.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 7096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asssembled, That no person may be employed by any food service establishment in the District of Columbia (including the restaurants of the United States Senate and House of Representatives and any other food service establishment on real property owned or leased by the United States Government) (excluding any food service facility in the House of Representatives Office Buildings, the Senate Office Buildings, and the United States Capitol) unless he meets such health standard as the District of Columbia Council shall by regulation prescribe. Such regulation shall require that (1) each employee of a food service establishment in the District of Columbia undergo, at least annually, an examination to determine if he meets such standard; and (2) such examination include a tuberculin test, X-ray of the chest (uncovered), a serology, and examination of hands, skin, nose, throat, and body orifices, including a culture (where appropriate).

With the following committee amendments:

Page 1, starting on line 4, strike out the parenthetical phrase beginning with "including", and insert in lieu thereof the following: (excluding any food service facility in the House of Representatives Office Buildings, the Senate Office Buildings, and the U.S. Capitol).

Page 2, after line 5, add the following new section:

"Sec. 2. There is authorized to be appropriated a sum not to exceed $331,500 for each of the fiscal years 1972 and 1973 to carry out the purposes of this act."

The committee amendments were agreed to.

Mr. STUCKEY. Mr. Speaker, the purpose of the legislation—H.R. 7096—is to provide health standards for personnel in food service establishments in the District of Columbia.

Historically, the District of Columbia government has exercised delegated authority to issue and enforce regulations relating to health standards in food service businesses. The most recent general restatement of this delegation of authority was in the act of December 20, 1944. D.C. Code, sec. 6–1101 (58 Stat. 826), which gave the Commissioner of the District broad powers to establish and enforce regulations relating to private and public food service places, including government facilities but excluding those operating under the Senate and House of Representatives.

Regulations were drawn and were enforced for a period of years. As a part of such regulations, health certificates were required from food service employees based on periodic examinations for contagious diseases. House District Committee investigations of the operations of the Department of Public Health for the District in 1957 disclosed that such examinations of personnel had been discontinued.

Testimony before the committee indicated a purposeful discontinuance of the practice of requiring a showing of freedom from infectious diseases for food handlers was based on the contention that such examinations gave a "false sense of security" to the public. The contention was that a person who had qualified and was certified as being disease free might become infected in a matter of days or weeks later. Despite the expression of dissatisfaction with this viewpoint of providing no examinations because occasional examinations could not guarantee disease free personnel engaged in food handling, the District government has continued the no examination policy to this date.

Other authority to the Commissioner and the Council of the District of Columbia was delegated by Congress in the act of Aug. 4, 1946, District of Columbia Code, section 6–119a (60 Stat. 919) as amended by the act of Aug. 1, 1950 (64 Stat. 393), while not directed to food service personnel specifically, would be applicable and require action by the Director of Public Health in removing persons from places and employment where the public might be exposed to a communicable disease. However, this action was premised on discovery of the diseased condition by observation rather than by routine examination.

THE PRESENT PROBLEM

Food establishment personnel in the District have been free from the necessity of meeting any health examination standards before employment for more than 13 years. The District has become one of the worst, if not the worst, city in incidence of tuberculosis and venereal infection in the Nation. However, no significant public voice was raised until a number of tuberculosis cases appeared on Capitol Hill during the 91st Congress.

The alarm generated brought about a renewed feeling of insufficient protection to the public for lack of reasonable health standards for food service establishment workers. This led to action setting up health-protective measures on a temporary basis on Capitol Hill and led to the introduction of legislation to deal generally with the issue.

PROVISIONS OF THE BILL

The bill, H.R. 7095, as introduced, called upon the District of Columbia Council to establish regulations prohibiting employment of any person in a food service establishment, including those on Capitol Hill, unless he presents a certificate showing a physical examination meeting the standards set. As part of such health check, chest X-ray, tuberculin test, serology, and examination of the skin, nose, throat, and body orifices would be required.

COMMITTEE AMENDMENTS

As amended, the bill would exclude any of the food services in the Senate Office Buildings, the House Office Buildings and the Capitol Building from the supervision of District government employees enforcing District Council standards. This area of the problem is dealt with separately in other legislation which expresses a specific purpose of the Congress to assure good health standards at all facilities operated on Capitol Hill un-

der the jurisdiction of the House and Senate.

A second amendment adds a new section 2 to the bill. This section authorizes an appropriation not to exceed $331,500 for each of the fiscal years 1972 and 1973, which funds are for the specific purpose of effecting the provisions of section 1 of the bill.

Section 2 was added to the bill to assure that the health officials of the District use any funds provided only for examinations of food service employees. Health supervisors for the District of Columbia testified that they considered such a program of examination of such employees to be of such low priority that they would not devote attention to it within funds requested in the budget or expected to be granted by Congress. The section is the strongest legislative expression possible by the Committee and which can be made fully effective within the discretion of the Committee on Appropriations in its recommendations to the House on the District of Columbia budget.

The clear hope of the committee is that the necessary funds to carry out the program be appropriated and, in such event, used solely for the purposes specified in the act.

HEARINGS

On July 26, 1971, the Subcommittee on Health, Welfare, Housing, and Youth Affairs held public hearings on several similar bills which were pending. The report of the Commissioner of the District of Columbia and the testimony of the representative from the Office of the Corporation Counsel expressed general approval of the provisions of the bill placing the House and Senate under the supervision of the District enforcement of health regulations. Otherwise, the proposed program was placed in low category of need and beyond the reach of present personnel and funding.

The Director of the Health Services Administration of the District government testified in detail and responded to detailed questioning. In view of the firm support of the Commissioner's position that no program would be undertaken except by special provision of the Congress, our committee decided to authorize specifically certain funds to be used only for the examination and certification of personnel in food establishments in the District.

COST OF PROGRAM

In response to request by the committee, the District government provided estimated costs for the operation of the program established by the legislation. The items indicated as necessary indicated a total cost of $331,500 for the health testing program. No more suitable figures appeared available to the committee or from other sources. The total cost of the program authorized by the bill would be $663,000 for the 2-year trial period of the health protective procedures.

Mr. NELSEN. Mr. Speaker, the purpose of this legislation is to provide health standards for personnel in food service establishments in the District of Columbia. The newspapers over recent months have been filled with articles concerning the problems involved in the enforcement of regulations, principally the question of the cleanliness of the establishments and whether or not they are adhering to the health regulations. Of course, we all know that the food services establishments here in the Capitol area itself were subjected to a scare when it came to light that a number of individuals who were employed in the service and preparation of food were exposing the eating public to certain communicable diseases.

The legislative background and problems involved in the legislation are set out below:

LEGISLATIVE BACKGROUND

Historically, the District of Columbia government has exercised delegated authority to issue and enforce regulations relating to health standards in food service businesses. The most recent general restatement of this delegation of authority was in the act of December 20, 1944, District of Columbia Code, section 6–1101 (58 Stat. 826), which gave the Commissioners of the District broad powers to establish and enforce regulations relating to private and public food service places excluding Government facilities but excluding those operating under the Senate and House of Representatives.

Regulations were drawn and were enforced for a period of years. As a part of such regulations, health certificates were required from food service employees based on periodic examinations for contagious diseases. House District Committee investigations of the operations of the Department of Public Health for the District in 1957 disclosed that such examinations of personnel had been discontinued.

THE PRESENT PROBLEM

Food establishment personnel in the District have been free from the necessity of meeting any health examination standards before employment for more than 13 years. The District has become one of the worst, if not the worst, city in incidence of tuberculosis and venereal infection in the Nation. However, no significant public voice was raised until a number of tuberculosis cases appeared on Capitol Hill during the 91st Congress.

The alarm generated brought about a renewed feeling of insufficient protection to the public for lack of reasonable health standards for food service establishment workers. This led to action setting up health-protective measures on a temporary basis on Capitol Hill and led to the introduction of legislation to deal generally with the issue.

PROVISIONS OF THE BILL

The bill, H.R. 7096, as introduced, called upon the District of Columbia Council to establish regulations prohibiting employment of any person in a food service establishment, including those on Capitol Hill, unless he presents a certificate showing a physical examination meeting the standards set. As part of such health check, chest X-ray, tuberculin test, serology, and examination of the skin, nose, throat, and body orifices would be required.

COMMITTEE AMENDMENTS

As amended, the bill would exclude any of the food services in the Senate Office Buildings, the House Office Buildings, and the Capitol Building from the supervision of District government employees enforcing District Council Standards. This area of the problem is dealt with separately in other legislation which expresses a specific purpose of the Congress to assure good health standards at all facilities operated on Capitol Hill under the jurisdiction of the House and Senate.

A second amendment adds a new section 2 to the bill. This section authorizes an appropriation not to exceed $331,500 for each of the fiscal years 1972 and 1973, which funds are for the specific purpose of effecting the provisions of section 1 of the bill.

Section 2 was added to the bill to assure that the health officials of the District use any funds provided only for examinations of food service employees. Health supervisors for the District of Columbia testified that they considered such a program of examination of such employees to be of such low priority that they would not devote attention to it within funds requested in the budget or expected to be granted by Congress. The section is the strongest legislative expression possible by the committee and which can be made fully effective within the discretion of the Committee on Appropriations in its recommendations to the House on the District of Columbia budget.

The clear hope of the committee is that the necessary funds to carry out the program be appropriated and, in such event, used solely for the purposes specified in the act.

The Commissioner of the District of Columbia and others in the District government who testified with regard to this bill expressed general approval of the provisions. While the cost of the program in the District is estimated at approximately $331,500 for the first year, there is no indication of how it will be funded but I am sure that with the priority we place on this program, the Appropriations Committee will give this matter full consideration.

Mr. HALL. Mr. Speaker, I commend the House Committee on the District of Columbia for bringing before this body, H.R. 7096 which will establish and provide health standards for personnel in food service establishments within the District of Columbia. I originally introduced this bill nearly 1 year ago on August 13, 1970.

The bill came about as a reaction to the six cases of tuberculosis that appeared on Capitol Hill early last year. Without going into a detailed history of this tragedy, it goes without saying that the outbreak of TB exposed defects, not only in the law pertaining to general health standard regulations in the District of Columbia, but more specifically those affecting food handlers.

The present District of Columbia code contains a provision stating that no person afflicted with any communicable disease can work "with food." The code goes no further, and H.R. 7096 would put "teeth" in the present health code. These

new "teeth" would require that no person can be employed by any food establishment in the District, unless he meets such minimal health standards prescribed by the District council in pursuant to the tests outlined in the bill. The bill calls for annual examinations which include a tuberculin test, X-ray of the chest—uncovered—serological tests and an examination of the hands, skin, nose, throat, and body orfices, including a culture where appropriate. These standards would provide, in my opinion and that of other experts, minimal sufficient protection against further outbreaks of communicable diseases such as tuberculosis, dysenteries, and other common or rare diseases ordinarily associated with food handling and preparation.

Mr. Speaker, I did not hastily draft the proposed tests in this legislation. My office, with the help of the American Medical Association, compiled and examined the health codes of other large municipalities. In addition, we contacted the District of Columbia Medical Society, and with the help of its then president, Dr. Frank S. Pellegrini, M.D., came up with the four examinations that are enumerated in the bill. I might add that the capitol physician and his staff have been cooperative as has the House Restaurant Committee.

Finally, Mr. Speaker, the District of Columbia ranks fifth in the incidence of active new tuberculosis cases among the more than 50 cities in the Nation with a population of 250,000 or more. The new case rate is nearly three times the national average and the death rate is more than triple that of the rest of the Nation, according to the District of Columbia Tuberculosis and Respiratory Disease Association. Given this record, the passage and signing into law of H.R. 7096 is more than a necessity. It should be borne in mind that although the concept and discovery originated from the infamous Capitol Hill TB outbreak, the lack of law, and the exclusion of Capitol Hill applies to all diseases transmissible by food handlers.

As one of the "doctors in the house" who has done preventive, as well as extensive curative surgery for this chest disease and its near-end results, as well as old-fashioned typhoid and other epidemics, we in the Congress can do no less than passing into final law H.R. 7096 if we wish to protect the health of Government employees, visitors to and citizens of the District of Columbia.

Mr. RANDALL. Mr. Speaker, I rise at this time to commend my distinguished colleague from Missouri, Dr. HALL, for his sponsorship of H.R. 7096 which we consider today on the Consent Calendar.

Less than a month ago, I would not have been knowledgeable enough to make a judgment on the need or the benefits of a piece of legislation of this kind. However, within the past 2 weeks, the Special Studies Subcommittee, which I am privileged to chair, of the House Government Operations Committee, has conducted several days of hearings on the sanitary conditions of food service establishments in the District of Columbia.

Mr. Speaker, I take this time not only to commend our able colleague from Missouri, Dr. HALL, but also to let it be known that our subcommittee will resume its deliberations following its August recess.

During our hearings it developed that here in the District of Columbia there are no requirements for physical examinations of employees who handle food in our supermarkets, restaurants, delicatessens, and other food-handling establishments. It was my opinion then and it is the opinion of many observers more expert than myself that this was and is a glaring weakness that should be corrected at the earliest possible time. That is why I am so glad to see H.R. 7096 considered today under the Consent Calendar. It would be difficult to believe there can be any opposition to this bill. It has been endorsed by the District of Columbia government.

The bill requires that no person be employed by any food establishment unless he meets certain health standards. It calls for annual examinations which include tuberculin tests, X-ray of the chest, serological tests, examination of the hands, skin, nose, throat, and body orifices including cultures where appropriate.

These standards should provide minimal protection against further outbreaks of communicable diseases such as tuberculosis, dysentery, and other diseases ordinarily associated with food handling and preparation.

It has been suggested that tuberculin tests may be costly. Those on the District of Columbia Council who have estimated that the cost of this program would be at least $225,000 per year have neglected and omitted to explain how they arrived at this figure. Without being absolutely certain, I feel that it is a reasonable assumption worthy of exploration to proceed in the belief that there could be financial and administrative assistance in the establishment of these health standards and the tests that might be implemented from the U.S. Public Health Service. It is even possible that the U.S. Public Health Service might make the District of Columbia a demonstration area.

Now, Mr. Speaker, I have been reliably advised that a person can have a fairly advanced case of tuberculosis, venereal disease, or other contagious diseases without these conditions being apparent to other people or especially to nonprofessional persons. Infected individuals can work in the preparation, handling, and dispensing of food in Washington because there is no requirement for their condition to be detected by a preentry health examination, followed by regular examinations thereafter. An average active case of tuberculosis, it is estimated, can be the source of infection for 15 persons before it is detected. This is an incredible situation.

It may be hard to believe but it is true that a TB victim can begin infecting others well before his own symptoms force him to seek medical advice for himself. Now let us make no mistake about it. Tuberculosis can be spread through food and can be spread beyond person-to-person contact.

We are all indebted to Dr. HALL for his testimony before the District of Columbia Committee, where he pointed out that the mere sneezing or coughing on a piece of apple pie can spread the tuberculosis germ.

During the hearings before our Special Studies Subcommittee it was developed that there may be differences of opinion among the medical profession as to the value of annual physical examinations or tests for TB and syphilis. But even if there is a difference of opinion, as long as it remains possible that persons can become ill from food handling by infected personnel, then the public should and must be protected by requiring that infected persons be screened out from employment in the food-serving establishments of Washington.

One of the doctors in the District of Columbia Environmental Health Services Administration during our hearings opposed compulsory health examinations because he said there had been no outbreak of tuberculosis traceable to food handlers. Well, maybe we have been fortunate or I should say, blessed, that there has been no such outbreak. Even so why should we wait until there is an epidemic before taking action in this area to protect the consuming public? These examinations may cost some money but good health is always worth its cost.

As chairman of a subcommittee that has recorded over 1,100 pages of testimony during the past two weeks, I am convinced of the benefits to be derived from health standards to be provided for employees of our food service establishments. We must require an annual examination to include a tuberculin test, blood test, and a careful examination of the hands, skin, nose, throat, and body orifices of those who handle food. I am sure of the need. The time to act is now.

Once again, let me suggest that the House is indebted to Dr. HALL for the introduction of H.R. 7096 and for his earlier testimony before the District Committee. Also those thousands of residents who live or work in the District of Columbia and those thousands upon thousands of tourists who visit this capital city annually are in debt to him for his contribution to their health and well-being.

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

AMENDING POLICE AND FIREMEN'S SALARY ACT

Mr. STUCKEY. Mr. Speaker, by direction of the Committee on the District of Columbia, I ask unanimous consent for the immediate consideration of the bill (H.R. 8744) to amend the District of Columbia Police and Firemen's Salary Act of 1958.

The Clerk read the title of the bill.

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

Mr. MIKVA. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

GENERAL LEAVE

Mr. STUCKEY. Mr. Speaker, I ask unanimous consent that prior to passage of each of the District bills, the subcommittee chairman and other Members may be permitted to extend their remarks in explanation of the bill.

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

There was no objection.

CONFERENCE REPORT ON H.R. 9272, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. ROONEY of New York. Mr. Speaker, I call up the conference report on the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 28, 1971.)

Mr. ROONEY of New York. Mr. Speaker, the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary and related agencies for the fiscal year ending June 30, 1972, and for other purposes, as agreed to by the conferees, contains a total of $4,067,116,000 in new obligational authority.

It also contains an additional $240,544,000 for liquidation of contract authorizations.

However, the bill is $149,686,000 below the total amount of the budget estimates. These are real savings.

The bill is $382,933,000 above the bill as originally passed by the House, due primarily to the fact that $352,615,000 was deleted on the House floor upon valid points of order sustained by the Chair.

The Senate also considered budget amendments totaling $11,805,000 not considered by the House. If you deduct the total of those two figures from the total increase, the increase is only $18,513,000.

The bill is $30,967,000 below the Senate bill.

In passing I must also point out that the bill now is $243,763,700 over the total appropriation for the fiscal year 1971.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from New York for yielding this time to me.

Even though this conference report, I am sure, will be accepted by the House today, I want to advise my colleagues that the issue is really not finished. This report may very well be defeated in the Senate for the same reason that 141 of us voted to instruct the conferees to accept Senator ERVIN's amendment when the bill was before the House of Representatives last week.

Mr. ROONEY of New York. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. ROONEY of New York. At that time 246 Members voted the other way, did they not?

Mr. EDWARDS of California. Yes; that is true. But I would point out to the gentleman that no debate was allowed by the gentleman from New York on this very important constitutional issue, so really the House Members had no way to find out what the issue was.

Mr. ROONEY of New York. Mr. Speaker, will the gentleman further yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. ROONEY of New York. The gentleman should know that on such a motion as was pending, no debate was permissible.

Mr. EDWARDS of California. I might point out to the gentleman that my motion would have been debated for an hour, but the gentleman from New York, by his motion to table, made this impossible.

Many House Members were terribly disappointed there was no debate. How did this intolerable situation come to pass? On June 28, 1971, the House passed H.R. 9272, the appropriations bill for State, Justice, and Commerce. Funds were provided for the SACB in the amount of $450,000 to allow that Board to continue to function within its prescribed limits. After the House acted, the President, on July 2, by Executive order, greatly expanded the power and authority of the Board, in direct violation of article I, section 1 of the Constitution wherein all legislative power is vested in Congress. The Senate acted to correct this flagrant abuse of congressional authority and under the leadership of Senator SAM ERVIN, amended the bill to limit the authority of the SACB by prohibiting any of its funds being used to carry out the new duties assigned under the President's Executive order of July 2. And so, last week when the bill was sent to conference, the House was once again prevented from hearing debate on this important issue by the motion of the gentleman from New York. Yet, half of the Democratic Members of the House voted to instruct the conferees to accept the Senate amendment.

Let me point out what is going to happen over in the Senate, where many Members on both sides of the aisle feel the White House has usurped the legislative powers of the Congress by issuing a Presidential order in an area where only Congress can act.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. ROONEY of New York. Does the gentleman realize, as a Member of the House Judiciary Committee, that the Appropriations Committees of the House and Senate would be usurping the authority of the Judiciary Committees of the House and Senate by inserting legislation on an appropriation bill?

Mr. EDWARDS of California. I would respectfully suggest to the gentleman from New York, the distinguished chairman of the subcommittee, that in blindly accepting this Presidential order, we here in the House are appropriating funds without proper legislative authority.

Indeed, the White House knows very well what it is doing, because on July 15 a bill to do just what was done in the Executive order was introduced by Senators HRUSKA and EASTLAND on behalf of the President, of course, if the conference report is approved by both Houses, the legislation will become unnecessary. We will have no hearings or witnesses, but it will have been accomplished by Presidential fiat without hearings or debate in Congress.

Mr. ROONEY of New York. Will the gentleman further yield?

Mr. EDWARDS of California. Yes. I yield to the gentleman.

Mr. ROONEY of New York. These are the very prerogatives of the committee to which the gentleman belongs. They belong to the Judiciary Committees of both Houses. The Senator who inserted this language in the other body is a member of the Judiciary Committee of that body. The gentleman presently in the well of the House is a member of the Judiciary Committee of the House.

Mr. EDWARDS of California. That is correct.

Mr. ROONEY of New York. This is their baby and not ours.

Mr. EDWARDS of California. That is correct. Apparently in the Senate 28 Members announced over the weekend that when this conference report gets back to the Senate and is considered on the floor of the Senate they will recommend and vote to return it to the conferees.

I might say that the letter of Senator ERVIN—the Senate's leading constitutional authority—to majority leader MANSFIELD says that the Executive order—is to us an outrageous assertion of unauthorized Presidential power. I want my colleagues to hear that letter in its entirety:

U.S. SENATE,
Washington, D.C., July 29, 1971.

Hon. MIKE MANSFIELD,
U.S. Senate, Washington, D.C.

DEAR MIKE: We are writing to express our concern that the conference committee on H.R. 9272, the State, Justice, Commerce appropriations bill, may delete the Senate amendment limiting the authority of the Subversive Activities Control Board. That amendment, you will recall, was proposed by Sam Ervin on July 19 and adopted 51–37.

In recent years the SACB has become the object of growing controversy in the Senate because of its inactivity. Whereas last year Bill Proxmire's effort to eliminate all funds gathered only 28 votes, this year he had the support of 41 Senators and his effort to delete the $450,000 appropriation failed by only 6 votes. At a time when the economy is weak and many citizens are unemployed, opposition in both parties to the Congress giving $36,000 a year salary to men who do nothing has naturally increased.

There is also much concern over the spectre of a group of five men determining what is "American" and "un-American" and creating an official blacklist which slanders those who hold unpopular or even outrageous views. The cost in personal suffering to thousands of citizens who may have what the Board regards as "sympathetic associations" with fringe political groups is too high for a nation which prides itself on freedom of thought, association and expression. The Board is a negation of the high ideals upon which this country was founded and upon which it has thrived.

The Senate amendment does not abolish the Board or deprive it of funds. It became necessary because of a peculiar move on the part of the Justice Department just prior to the time the bill came to the floor. On July 8, under what the Department has asserted is the President's "constitutional statutory authority," an Executive Order was issued expanding the Board's powers beyond what Congress has defined in the statute creating the Board. Under the Constitution, only the Congress has legislative power. Only it may amend statutes. The new Executive Order represents an assertion of executive power which the Congress must not let pass. In recent years we have seen the tragic results of unchecked Presidential power in foreign affairs. This is merely another example on a domestic issue.

In a normal case the issue of the unilateral expansion of a statute's terms might be left to the courts. But the Justice Department has made it quite clear that it will regard passage of the Board's appropriation as an express ratification and approval of the principle that the President may change the terms of a statute by Executive Order.

This is to us an outrageous assertion of unauthorized executive power It is made even more outrageous by the fact that the order was not even issued until after the House had passed the appropriation, and was not published until two days after the Senate hearings. Congress cannot allow itself to be put in a position of approving in advance and in ignorance executive usurpations of authority which the Constitution gives exclusively to Congress and denies to the executive branch.

Since the amendment was supported by Senators of both parties and holding a broad range of views, we earnestly hope that the conference will preserve the Senate's repudiation of this Justice Department position. Should they not, we feel we have no alternative but to support Sam Ervin's declared intention to oppose the report and return the bill to conference with instructions to insist upon its inclusion in the final product.

In view of our concern, we hope you will make no unanimous consent arrangements regarding the disposition of the conference report. We would appreciate your informing us when you intend to schedule the report so that we can be present when it comes to the floor.

Sincerely,

Sam J. Ervin, Jr., Bob Packwood, Charles McC. Mathias, Daniel K. Inouye, Philip A. Hart, Edward Kennedy, Quentin Burdick, Vance Hartke, Edward W. Brooke, Henry M. Jackson, Bill Proxmire, John V. Tunney.

George S. McGovern, Mark O. Hatfield, Walter F. Mondale, Stuart Symington, Fred R. Harris, Alan Cranston, Birch Bayh, Gale W. McGee, Harold E. Hughes.

Edmund S. Muskie, Thomas F. Eagleton, Hubert H. Humphrey, Clifford P. Case, Harrison A. Williams, Gaylord Nelson.

And so, Mr. Speaker, I want to point out that I am very disappointed and chagrined at this blatant usurpation of legislative authority by the executive branch.

Mr. ROONEY of New York. I am confident the House will overwhelmingly reject the gentleman's position on amendment numbered 35 and adopt the pending conference report.

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

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Will the gentleman state for the RECORD the reason why this conference report is $243,763,000 above the appropriation for similar purposes in 1971?

Mr. ROONEY of New York. This is primarily due to the increases which are set forth in a table which I have in my hand. Mr. Speaker, I ask unanimous consent to insert this table at this point in the RECORD.

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

There was no objection.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES, 1972

Department or agency	New budget (obligational) authority, fiscal year 1971	Budget estimates of new (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1971	Budget estimates of new (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Department of State	$462,234,800	$509,598,000	$491,673,000	$505,539,000	$495,363,000	+$33,128,200	−$13,235,000	+$3,690,000	−$10,176,000
Department of Justice	1,250,862,000	1,587,806,000	1,552,696,000	1,563,990,000	1,563,322,000	+312,460,000	−24,484,000	+10,626,000	−668,000
Department of Commerce	1,054,976,000	1,258,020,000	892,811,000	1,204,775,000	1,190,674,000	+135,698,000	−67,346,000	+297,863,000	−14,101,000
The Judiciary	153,665,100	178,679,000	100,877,000	170,233,000	169,531,000	+15,865,900	−10,148,000	+68,654,000	−702,000
American Battle Monuments Commission	2,815,000	3,247,000	3,247,000	3,247,000	3,247,000	+432,000			
Arms Control and Disarmament Agency	8,645,000	9,064,000	9,000,000	9,000,000	9,000,000	+355,000	−64,000		
Commission on American Shipbuilding	50,000	660,000	450,000	550,000	450,000	+400,000	−210,000		−100,000
Commission on Civil Rights	3,397,000	3,960,000	3,400,000	3,400,000	3,400,000	+3,000	−560,000		
Office of Education: Civil Rights education	19,218,000					−19,218,000			
Equal Employment Opportunity Commission	16,185,000	27,620,000	22,000,000	27,620,000	23,000,000	+6,815,000	−4,620,000	+1,000,000	−4,620,000
Federal Maritime Commission	4,658,000	5,412,000	5,300,000	5,300,000	5,300,000	+642,000	−112,000		
Foreign Claims Settlement Commission	975,000	888,000	850,000	850,000	850,000	−125,000	−38,000		
National Commission on Fire Prevention and Control	50,000	770,000		400,000	300,000	+250,000	−470,000	+300,000	−100,000
National Commission on Reform of Federal Criminal Laws	100,000					−100,000			
National Tourism Resources Review Commission	50,000	700,000		300,000	300,000	+250,000	−400,000	+300,000	
Small Business Administration	650,352,000	425,287,000	398,787,000	399,487,000	399,137,000	−251,215,000	−26,150,000	+350,000	−350,000
Special representative for trade negotiations	638,000	968,000	800,000	800,000	800,000	+162,000	−168,000		
Subversive Activities Control Board	401,400	467,000	450,000	450,000	450,000	+48,600	−17,000		
Tariff Commission	4,495,000	5,526,000	5,036,000	5,336,000	5,186,000	+691,000	−340,000	+150,000	−150,000
U.S. Information Agency	189,585,000	198,130,000	196,806,000	196,806,000	196,806,000	+7,221,000	−1,324,000		
Total, new budget (obligational) authority	3,823,352,300	4,216,802,000	3,684,183,000	4,098,083,000	4,067,116,000	+243,763,700	−149,686,000	+382,933,000	−30,967,000
Memoranda:									
Appropriations to liquidate contract authorizations	(274,453,000)	(240,544,000)		(240,544,000)	(240,544,000)	(−33,909,000)		(+240,544,000)	
Total appropriations, including appropriations to liquidate contract authorizations	(4,097,805,300)	(4,457,346,000)	(3,684,183,000)	(4,338,627,000)	(4,307,660,000)	(+209,854,700)	(−149,686,000)	(+623,477,000)	(−30,967,000)

Mr. ROONEY of New York. The foregoing table shows the action of the House and Senate conferees with regard to the various departments and agencies contained in the bill. Much of the increase is for Pay Act money.

Then, of course, for the Department of Justice alone there is a very substantial increase of $312,460,000.

For the Department of Commerce there is an increase of $135,698,000.

I shall be glad to permit the gentleman from Iowa to see this table at this point if he so desires.

Mr. GROSS. I will say that the gentleman's staff was kind enough to provide me with a copy of the chart a few moments ago. I appreciate the information, but I have not had the time to peruse it.

I did notice in the report that this bill is more than $243 million above spending last year for similar purposes. I merely rose to ask the gentleman what the main increases were.

Mr. ROONEY of New York. Well, they would have been a great deal more if we had appropriated the full amounts authorized by the legislative committees. We carefully inspect these budgets, and it almost always turns out that the agency is well off, when we are finished, with our substantial savings. We must not forget that the bill is $30,967,000 below the amount of the Senate bill and it is $149,686,000 below the amounts of the budget requests.

Mr. GROSS. While I am, of course, pleased to see that the other body did not have its way in this instance, I am concerned by the continual spending above the figures for last year, when we so badly need drastic cuts. Yes, we badly need drastic cuts in expenditures and we are not getting them.

I thank the gentleman from New York for his response.

Mr. ROONEY of New York. Mr. Speaker, I yield such time as he may consume to the distinguished ranking minority member, the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Speaker, this is a good conference report, in my opinion.

It has been pointed out that we are $149 million under the budget, which is rather unusual these days.

The increases to which the gentleman from Iowa has directed a great many questions are for automatic pay raises, and in addition to that there was a rather substantial increase in the appropriation for the LEAA in the Department of Justice. I think that is about the only one over the House figure.

I am sure the Members of the House will recall that the Maritime Commission appropriation was stricken on the floor of the House on a point of order as not having been authorized.

Mr. Speaker, in my opinion this is a good conference report and I urge its adoption.

Mr. ROONEY of New York. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 337, nays 35, not voting 61, as follows:

[Roll No. 228]

YEAS—337

Abbitt	Flood	Martin
Adams	Flowers	Mathias, Calif.
Alexander	Foley	Matsunaga
Anderson, Calif.	Ford, Gerald R.	Mayne
Anderson, Ill.	Forsythe	Meeds
Anderson, Tenn.	Fountain	Melcher
Andrews, Ala.	Frelinghuysen	Metcalfe
Andrews, N. Dak.	Frenzel	Michel
Annunzio	Frey	Miller, Calif.
Archer	Fulton, Pa.	Miller, Ohio
Arends	Fulton, Tenn.	Mills, Ark.
Ashbrook	Fuqua	Mills, Md.
Ashley	Galifianakis	Minish
Aspinall	Garmatz	Mink
Baker	Gaydos	Minshall
Baring	Gettys	Mizell
Barrett	Giaimo	Mollohan
Begich	Gibbons	Monagan
Bennett	Goldwater	Moorhead
Bergland	Gonzalez	Morgan
Betts	Goodling	Morse
Bevill	Grasso	Mosher
Biaggi	Gray	Moss
Biester	Green, Oreg.	Murphy, Ill.
Blanton	Green, Pa.	Murphy, N.Y.
Boggs	Griffin	Myers
Bolling	Griffiths	Natcher
Bow	Grover	Nedzi
Brademas	Gude	Nelsen
Brasco	Hagan	Nichols
Bray	Haley	Obey
Brinkley	Hamilton	O'Konski
Brooks	Hammer-schmidt	O'Neill
Broomfield	Hanley	Passman
Brotzman	Hansen, Idaho	Patman
Brown, Mich.	Hansen, Wash.	Patten
Brown, Ohio	Harsha	Pelly
Broyhill, N.C.	Harvey	Pepper
Broyhill, Va.	Hathaway	Perkins
Buchanan	Hays	Pettis
Burke, Fla.	Hébert	Pickle
Burke, Mass.	Hechler, W. Va.	Pirnie
Burleson, Tex.	Heckler, Mass.	Poage
Byrne, Pa.	Henderson	Podell
Byrnes, Wis.	Hicks, Mass.	Poff
Byron	Hicks, Wash.	Powell
Cabell	Hillis	Preyer, N.C.
Caffery	Hogan	Price, Ill.
Carey, N.Y.	Holifield	Price, Tex.
Carney	Horton	Pryor, Ark.
Carter	Hosmer	Pucinski
Casey, Tex.	Howard	Quie
Cederberg	Hull	Quillen
Celler	Hungate	Railsback
Chamberlain	Hunt	Randall
Chappell	Hutchinson	Rees
Clancy	Ichord	Reid, Ill.
Clark	Jacobs	Reid, N.Y.
Clawson, Del	Jarman	Reuss
Cleveland	Johnson, Calif.	Rhodes
Collier	Johnson, Pa.	Roberts
Collins, Ill.	Jonas	Robinson, Va.
Collins, Tex.	Jones, Ala.	Robison, N.Y.
Colmer	Jones, N.C.	Rodino
Conable	Karth	Roe
Corman	Kazen	Rogers
Cotter	Keating	Roncalio
Coughlin	Keith	Rooney, N.Y.
Culver	King	Rooney, Pa.
Daniel, Va.	Kluczynski	Rosenthal
Daniels, N.J.	Kuykendall	Rostenkowski
Danielson	Kyros	Roush
Davis, Ga.	Landgrebe	Rousselot
Davis, Wis.	Lennon	Roy
Delaney	Lent	Roybal
Dellenback	Link	Runnels
Denholm	Lloyd	Ruth
Dent	Long, Md.	St Germain
Dickinson	Lujan	Sarbanes
Dingell	McClory	Satterfield
Dow	McCloskey	Scherle
Dowdy	McCollister	Schneebeli
Downing	McCormack	Schwengel
Dulski	McDade	Scott
Duncan	McDonald, Mich.	Sebelius
du Pont	McEwen	Shipley
Dwyer	McFall	Shriver
Eilberg	McKay	Sikes
Erlenborn	McKevitt	Sisk
Eshleman	McMillan	Skubitz
Evans, Colo.	Macdonald, Mass.	Slack
Fascell	Madden	Smith, Calif.
Findley	Mahon	Smith, Iowa
Fish	Mailliard	Snyder
Fisher	Mann	Springer
		Stafford
		Staggers
Stanton, J. William	Thompson, N.J.	Wiggins
Stanton, James V.	Thomson, Wis.	Williams
Steed	Thone	Wilson, Bob
Steele	Tiernan	Winn
Steiger, Ariz.	Udall	Wolff
Stephens	Ullman	Wright
Stratton	Vander Jagt	Wyatt
Stubblefield	Veysey	Wydler
Stuckey	Vigorito	Wylie
Sullivan	Waggonner	Wyman
Symington	Wampler	Yates
Talcott	Ware	Yatron
Taylor	Watts	Young, Fla.
Teague, Calif.	Whalen	Young, Tex.
Teague, Tex.	White	Zablocki
	Whitehurst	Zion
	Widnall	Zwach

NAYS—35

Abourezk	Gross	Mikva
Abzug	Hall	Mitchell
Badillo	Harrington	Nix
Bingham	Hawkins	Rangel
Burton	Helstoski	Rarick
Camp	Kastenmeier	Ryan
Crane	Koch	Scheuer
Derwinski	Kyl	Schmitz
Drinan	Latta	Shoup
Eckhardt	Leggett	Stokes
Edwards, Calif.	McClure	Vanik
Fraser	Mathis, Ga.	

NOT VOTING—61

Abernethy	Dorn	Montgomery
Addabbo	Edmondson	O'Hara
Aspin	Edwards, Ala.	Peyser
Belcher	Edwards, La.	Purcell
Bell	Esch	Riegle
Blackburn	Evins, Tenn.	Ruppe
Blatnik	Flynt	Sandman
Boland	Ford, William D.	Saylor
Burlison, Mo.	Gallagher	Seiberling
Chisholm	Gubser	Smith, N.Y.
Clausen, Don H.	Halpern	Spence
Clay	Hanna	Steiger, Wis.
Conte	Hastings	Terry
Conyers	Jones, Tenn.	Thompson, Ga.
Davis, S.C.	Kee	Van Deerlin
de la Garza	Kemp	Waldie
Dellums	Landrum	Whalley
Dennis	Long, La.	Whitten
Devine	McCulloch	Wilson, Charles H.
Diggs	McKinney	
Donohue	Mazzoli	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Conte.
Mr. Burlison of Missouri with Mr. Esch.
Mr. Montgomery with Mr. Blackburn.
Mr. Edmondson with Mr. Belcher.
Mr. Charles H. Wilson with Mr. Gubser.
Mr. Blatnik with Mr. Halpern.
Mr. Boland with Mr. Devine.
Mr. Jones of Tennessee with Mr. McKinney.
Mr. Purcell with Mr. Dennis.
Mr. Davis of South Carolina with Mr. Spence.
Mr. Evins of Tennessee with Mr. Riegle.
Mr. Kee with Mr. Hastings.
Mr. Aspin with Mr. Bell.
Mr. Seiberling with Mr. Diggs.
Mr. Dellums with Mr. William D. Ford.
Mr. Gallagher with Mr. Kemp.
Mr. Flynt with Mr. Peyser.
Mr. Dorn with Mr. Edwards of Alabama.
Mr. O'Hara with Mr. Clay.
Mr. Waldie with Mr. Conyers.
Mr. Van Deerlin with Mrs. Chisholm.
Mr. Hanna with Mr. Don H. Clausen.
Mr. Whitten with Mr. Ruppe.
Mr. Landrum with Mr. Smith of New York.
Mr. Long of Louisiana with Mr. Sandman.
Mr. Donohue with Mr. Saylor.
Mr. Edwards of Louisiana with Mr. Steiger of Wisconsin.
Mr. Abernethy with Mr. Terry.
Mr. de la Garza with Mr. Thompson of Georgia.
Mr. Mazzoli with Mr. Whalley.

Messrs. ECKHARDT and BINGHAM changed their votes from "yea" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

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

The Clerk read as follows:

Senate amendment numbered 20: Page 32, line 5, insert:

"SHIP CONSTRUCTION

"For construction-differential subsidy and cost of national-defense features incident to construction of ships for operation in foreign commerce (46 U.S.C. 1152, 1154); for construction-differential subsidy and cost of national-defense features incident to the reconstruction and reconditioning of ships under title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1154); and for acquisition of used ships pursuant to section 510 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160); to remain available until expended, $229,687,000."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment numbered 21: Page 32, line 16, insert:

"OPERATING-DIFFERENTIAL SUBURBS (LIQUIDATION OF CONTRACT AUTHORITY)

"For the payment of obligations incurred for operating-differential subsidies granted on or after January 1, 1947, as authorized by the Merchant Marine Act, 1936, as amended, and in appropriations heretofore made to the United States Maritime Commission, $239,145,000, to remain available until expended: *Provided*, That no contracts shall be executed during the current fiscal year by the Secretary of Commerce which will obligate the Government to pay operating-differential subsidy on more than one thousand seven hundred voyages in any one calendar year, including voyages covered by contracts in effect at the beginning of the current fiscal year."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 22: Page 33, line 5, insert the following:

"RESEARCH AND DEVELOPMENT

"For expenses necessary for research, development, fabrication, and test operation of experimental facilities and equipment; collection and dissemination of maritime technical and engineering information; studies to improve water transportation systems; $23,750,000, to remain available until expended: *Provided*, That transfers may be made from this appropriation to the 'Vessel operations revolving fund' for losses resulting from expenses of experimental ship operations."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 23: Page 33, line 15, insert the following:

"SALARIES AND EXPENSES

"For expenses necessary for carrying into effect the Merchant Marine Act, 1936, and other laws administered by the Maritime Adminstration, including not to exceed $1,125 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; not to exceed $1,250 for representation allowances; $22,210,000."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 24: Page 33, line 22, insert the following:

"MARITIME TRAINING

"For training cadets as officers of the Merchant Marine at the Merchant Marine Academy at Kings Point, New York; not to exceed $2,500 for contingencies for the Superintendent, United States Merchant Marine Academy; to be expended in his discretion; and uniform and textbook allowances for cadets midshipmen, at an average yearly cost of not to exceed $475 per cadet; $7,513,000: *Provided*, That except as herein provided for uniform and textbook allowances, this appropriation shall not be used for compensation or allowance for cadets: *Provided further*, That reimbursement may be made to this appropriation for expenses in support of activities financed from the appropriations for 'Research and development', 'Ship construction', and 'Salaries and expenses'."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 25: Page 34, line 12, insert the following:

"STATE MARINE SCHOOLS

"For financial assistance to State marine schools and the students thereof as authorized by the Maritime Academy Act of 1958 (72 Stat. 622–624), $2,200,000, to remain available until expended, of which $801,000 is for maintenance and repair of vessels loaned by the United States for use in connection with such State marine schools, and $1,399,000, is for liquidation of obligations incurred under authority granted by said Act, to enter into contracts to make payments for expenses incurred in the maintenance and support of maritime schools, and to pay allowances for uniforms, textbooks, and subsistence of cadets at State marine schools."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 26: Page 39, line 21, insert the following:

"SALARIES OF SUPPORTING PERSONNEL

"For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $69,296,000: *Provided*, That the salaries of secretaries to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code for General Schedule grade (GS) 5, 6, 7, 8, 9, or 10, and that the salaries of law clerks to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code for General Schedule grade (GS) 7, 8, 9, 10, 11, or 12: *Provided further*, That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed $49,642 and $30,089 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $61,159 and $38,671 per annum, respectively."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"SALARIES OF SUPPORTING PERSONNEL

"For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $68,654,000; *Provided*, That the salaries of secretaries to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 5, 6, 7, 8, 9, or 10, and that the salaries of law clerks to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 7, 8, 9, 10, 11, or 12: *Provided further*, That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, and of compensation paid for temporary assistance heeded because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed $39,172 and $30,089 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $50,689 and $38,671 per annum, respectively."

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 27: Page 41, line 3, insert the following: ": *Provided*, That not to exceed $100,000 shall be available for liquidation of obligations incurred in prior years.

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein.

The motion was agreed to.

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

GENERAL LEAVE

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just adopted.

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

There was no objection.

CONFERENCE REPORT ON H.R. 9417, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1972

Mrs. HANSEN of Washington. Mr. Speaker, I call up the conference report on the bill (H.R. 9417) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 27, 1971.)

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

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

There was no objection.

Mrs. HANSEN of Washington. Mr. Speaker, the conference amount of the bill, for new obligational authority, is $2,223,980,035. The amount agreed to in conference is over the House figure by $64,472,000. However, please bear in mind that the House passed over without prejudice the budget estimate for the saline water program, which had not been authorized at the time of the passage of the House bill. Funding for this program, which is included in the conference amount is $27,025,000.

Other increases over the House bill include: $20,503,500 for various Indian programs; $3,510,500 for forest management activities; and $11,500,000 for the land and water conservation fund.

This conference amount is $29,386,000 over the budget, but considering the programs that have been endorsed for the American Indians, and the increasing demands on the management of our natural resources, I think the additional funding recommended in this conference report is justified.

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

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

Mr. HALL. Mr. Speaker, I appreciate the gentlewoman yielding, and I appreciate the report, and particularly her staff for providing a copy of the breakout, which compares with the conference totals on page 10 of the conference report.

May I inquire as to how much this conference report recommendation, which, as I understand it, is $2,224,000,000 in round figures, including the Indian Health Service bill, and the water salinity, not yet authorized when passed by the House, compares with last year's appropriation?

Mrs. HANSEN of Washington. It is $189,759,135 over the amount available for 1971.

May I point out a few areas where these increases occur? Programs for Indians are receiving $86,723,300 more. The National Park Service will receive $32,163,000 more. There is an increase of $34,100,000 for the land and water conservation fund. Geological Survey will have additional funding of $15,797,000. There are also sizable increases for the arts and humanities, and coal research.

Those are the principal programs where the increases have occurred.

If I may say to the gentleman, the increase over 1971 is not surprising, particularly in programs where we have construction items. Construction costs are escalating at the rate of about 10 percent a year. And in some areas, particularly Alaska, the escalation rate is higher than that.

This bill funds programs involving land acquisition, services, and construction, which are particularly susceptible to the inflationary trend.

Mr. HALL. Mr. Speaker, I appreciate the gentlewoman's answer. She, indeed, has anticipated some of my further questions—and I have only one in addition; and that is whether or not there will be expended from so-called indefinite appropriations an amount which would add roughly another $190 million, or not.

These are figures that appear on the tally sheet, I will say for the gentlewoman's information, below the recapitulation.

Mrs. HANSEN of Washington. The gentleman is correct. This amount is for the liquidation of contract authority and does not represent new obligational authority.

Mr. HALL. And they are not necessarily revolving funds or trust funds?

Mrs. HANSEN of Washington. No; this does not involve revolving or trust funds. The liquidation of contract authority, as you are well aware, is at the completion of a contract.

Mr. HALL. Such things as contract liquidation authority and such things as authorization to spend from public fund receipts and other indefinite appropriations that must be considered for continued operation of good government?

Mrs. HANSEN of Washington. That is correct.

Mr. HALL. I thank the gentlewoman.

Mrs. HANSEN of Washington. Mr. Speaker, I include at this point pertinent tables relating to the funds provided in this conference report:

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, FISCAL YEAR 1972 (H.R. 9417)

Agency and item	New budget (obligational) authority appropriated, 1971	Budget estimates of new (obligational) authority, 1972	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1972	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I—DEPARTMENT OF THE INTERIOR								
Public Land Management								
Bureau of Land Management								
Management of lands and resources	$84,060,000	$76,080,000	$76,080,000	$69,930,000	$71,035,000	−$5,045,000	−$5,045,000	+$1,105,000
Construction and maintenance	3,310,000	4,430,000	4,627,000	4,627,000	4,627,000	+197,000		
Public lands development roads and trails (appropriation to liquidate contract authority)	(3,500,000)	(3,200,000)	(3,200,000)	(3,200,000)	(3,200,000)			
Oregon and California grant lands (indefinite, appropriation of receipts)	18,000,000	19,000,000	19,000,000	19,000,000	19,000,000			
Range improvements (indefinite, appropriation of receipts)	1,795,000	2,514,000	2,514,000	2,514,000	2,514,000			
Total, Bureau of Land Management	107,165,000	102,024,000	102,221,000	96,071,000	97,176,000	−4,848,000	−5,045,000	+1,105,000

Agency and item	New budget (obligational) authority appropriated, 1971	Budget estimates of new (obligational) authority, 1972	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1972	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Bureau of Indian Affairs								
Education and welfare services	$243,440,000	$270,221,000	$271,987,000	$273,162,000	$272,287,000	+$2,066,000	+$300,000	−$875,000
Education and welfare services (appropriation to liquidate contract authority)	(835,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)			
Resources management	70,847,000	76,691,000	71,866,000	71,667,000	71,226,000	−5,465,000	−640,000	−441,000
Construction	19,885,000	36,385,000	37,206,000	43,055,500	42,315,500	+5,930,500	+5,109,500	−740,000
Road construction (appropriation to liquidate contract authority)	(20,200,000)	(25,000,000)	(25,000,000)	(25,600,000)	(25,600,000)	(+600,000)	(+600,000)	
General administrative expenses	6,148,000	6,257,000	6,057,000	6,057,000	6,057,000	−200,000		
Payment to the Ute Tribe of the Uintah and Ouray Reservation	3,561,700							
Tribal funds (definite)	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000			
Tribal funds (indefinite)	13,204,000	13,173,000	13,173,000	13,173,000	13,173,000			
Total, Bureau of Indian Affairs	360,085,700	405,727,000	403,289,000	410,114,500	408,058,500	+2,331,500	+4,769,500	−2,056,000
Bureau of Outdoor Recreation								
Salaries and expenses	4,170,000	3,999,000	3,999,000	3,949,000	3,949,000	−50,000	−50,000	
Land and Water Conservation Fund								
Appropriation of receipts (indefinite)	327,400,000	362,500,000	350,000,000	366,000,000	361,500,000	−1,000,000	+11,500,000	−4,500,000
General fund		17,500,000				−17,500,000		
(Appropriation out of the fund to liquidate contract authority)	(30,000,000)							
Total, Land and Water Conservation Fund	327,400,000	380,000,000	350,000,000	366,000,000	361,500,000	−18,500,000	+11,500,000	−4,500,000
Office of Territories								
Administration of territories	17,414,000	21,930,000	21,537,000	21,699,000	21,699,000	−231,000	+162,000	
Permanent appropriation (special fund)	(118,000)	(367,000)	(367,000)	(367,000)	(367,000)			
Transferred from other accounts (special fund)	(367,000)	(458,360)	(458,360)	(458,360)	(458,360)			
Trust Territory of the Pacific Islands	59,864,000	59,980,000	59,980,000	59,980,000	59,980,000			
Total, Office of Territories	77,278,000	81,910,000	81,517,000	81,679,000	81,679,000	−231,000	+162,000	
Total, Public Land Management	876,098,700	973,660,000	941,026,000	957,813,500	952,362,500	−21,297,500	+11,336,500	− $5,451,000
Mineral Resources								
Geological Survey								
Surveys, investigations, and research	114,603,000	126,182,000	130,000,000	131,175,000	130,400,000	+4,218,000	+400,000	−775,000
Bureau of Mines								
Conservation and development of mineral resources	49,260,000	48,029,000	49,000,000	47,700,000	48,700,000	+671,000	−300,000	+1,000,000
Health and safety	58,029,000	73,643,000	73,630,000	74,630,000	74,630,000	+987,000	+1,000,000	
General administrative expenses	1,942,000	1,970,000	1,970,000	1,970,000	1,970,000			
Helium fund (authorization to spend from public debt receipts)	29,277,000							
Helium fund (portion applied to liquidate contract authority)	(35,800,000)							
Total, Bureau of Mines	138,508,000	123,642,000	124,600,000	124,300,000	125,300,000	+1,658,000	+700,000	+1,000,000
Office of Coal Research								
Salaries and expenses	17,160,000	21,030,000	21,880,000	20,080,000	25,530,000	+4,500,000	+3,650,000	+5,450,000
Office of Oil and Gas								
Salaries and expenses	1,273,000	1,570,000	1,570,000	1,570,000	1,570,000			
Total, Mineral Resources	271,544,000	272,424,000	278,050,000	277,125,000	282,800,000	+10,376,000	+4,750,000	+5,675,000
Fish and Wildlife and Parks								
Bureau of Sport Fisheries and Wildlife								
Management and investigations of resources	59,804,000	64,724,000	64,794,000	65,180,000	65,184,000	+460,000	+390,000	+4,000
Construction	5,144,000	4,440,000	6,225,000	7,890,000	7,126,000	+2,686,000	+901,000	−764,000
Migratory bird conservation account (definite, repayable advance)	7,500,000	7,500,000	7,500,000	7,500,000	7,500,000			
Anadromous and Great Lakes fisheries conservation	2,326,000	2,332,000	2,332,000	2,332,000	2,332,000			
General administrative expenses	2,117,000	2,205,000	2,155,000	2,155,000	2,155,000	−50,000		
Total, Bureau of Sport Fisheries and Wildlife	76,891,000	81,201,000	83,006,000	85,057,000	84,297,000	+3,096,000	+1,291,000	−760,000
National Park Service								
Management and protection	65,921,000	70,882,000	71,077,000	70,961,000	70,895,000	+13,000	−182,000	−66,000
Maintenance and rehabilitation of physical facilities	50,547,000	56,226,000	56,230,000	56,507,000	56,457,000	+231,000	+227,000	−50,000
Construction	19,557,000	37,859,000	37,849,000	39,307,000	39,307,000	+1,448,000	+1,458,000	
Parkway and road construction (appropriation to liquidate contract authority)	(17,650,000)	(18,500,000)	(18,500,000)	(19,204,000)	(19,092,000)	(+592,000)	(+592,000)	(−112,000)
Preservation of historic properties	6,878,000	8,205,000	8,325,000	8,205,000	8,325,000	+120,000		+120,000
General administrative expenses	3,874,000	4,006,000	3,956,000	3,956,000	3,956,000	−50,000		
Total, National Park Service	146,777,000	177,178,000	177,437,000	178,936,000	178,940,000	+1,762,000	+1,503,000	+4,000
Total, Fish and Wildlife and Parks	223,668,000	258,379,000	260,443,000	263,993,000	263,237,000	+4,858,000	+2,794,000	−756,000

Footnotes at end of table.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, FISCAL YEAR 1972 (H.R. 9417)—Continued

Agency and item	New budget (obligational) authority appropriated, 1971	Budget estimates of new (obligational) authority, 1972	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1972	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Office of Saline Water								
Saline water conversion	$28,573,000	$27,025,000	----	$27,025,000	$27,025,000	----	+$27,025,000	----
Office of Water Resources Research								
Salaries and expenses	13,242,000	14,490,000	$14,290,000	14,290,000	14,290,000	−$200,000	----	----
Office of the Solicitor								
Salaries and expenses	7,626,000	6,881,000	6,800,000	6,800,000	6,800,000	−81,000	----	----
Office of the Secretary								
Salaries and expenses	12,472,000	14,475,000	13,975,000	13,975,000	13,975,000	−500,000	----	----
Salaries and expenses (special foreign currency program)	----	500,000	500,000	----	500,000	----	----	+$500,000
Total, Office of the Secretary	12,472,000	14,975,000	14,475,000	13,975,000	14,475,000	−500,000	----	+500,000
Total, new budget (obligational) authority, Department of the Interior	1,433,223,700	[1] 1,567,834,000	1,515,084,000	1,561,021,500	1,560,989,500	−6,844,500	+45,905,500	−32,000
Consisting of—								
Appropriations	1,403,946,700	1,567,834,000	1,515,084,000	1,561,021,500	1,560,989,500	−6,844,500	+45,905,500	−32,000
Definite appropriations	(1,043,547,700)	(1,170,647,000)	(1,130,397,000)	(1,160,334,500)	(1,164,802,500)	(−5,844,500)	(+34,405,500)	(+4,468,000)
Indefinite appropriations	(360,399,000)	(397,187,000)	(384,687,000)	(400,687,000)	(396,187,000)	(−1,000,000)	(+11,500,000)	(−4,500,000)
Authorization to spend from public debt receipts	29,277,000	----	----	----	----	----	----	----
Memoranda—								
Appropriations to liquidate contract authority	(107,985,000)	(48,200,000)	(48,200,000)	(49,504,000)	(49,392,000)	(+1,192,000)	(+1,192,000)	(−112,000)
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(1,541,208,700)	(1,616,034,000)	(1,563,284,000)	(1,610,525,500)	(1,610,381,500)	(−5,652,500)	(+47,097,500)	(−144,000)
TITLE II—RELATED AGENCIES								
Department of Agriculture								
Forest Service								
Forest protection and utilization:								
Forest land management	281,502,000	233,508,000	238,718,000	236,178,300	238,678,300	+5,170,300	−39,700	+2,500,000
Forest research	48,891,000	49,868,000	54,208,000	51,685,000	54,325,000	+4,457,000	+117,000	+2,640,000
State and private forestry cooperation	24,163,000	24,241,000	27,741,000	27,741,000	27,741,000	+3,500,000	----	----
Total, forest protection and utilization	354,556,000	307,617,000	320,667,000	315,604,300	320,744,300	+13,127,300	+77,300	+5,140,000
Construction and land acquisition	15,933,700	25,338,000	31,858,000	31,821,200	35,291,200	+9,953,200	+3,433,200	+3,470,000
Youth Conservation Corps	2,500,000	----	----	----	----	----	----	----
Forest roads and trails (appropriation to liquidate contract authority)	(120,220,000)	(138,740,000)	(138,740,000)	(138,740,000)	(138,740,000)	----	----	----
Acquisition of lands for national forests:								
Special acts (special fund, indefinite)	80,000	80,000	80,000	80,000	80,000	----	----	----
Acquisition of lands to complete land exchanges	----	26,035	26,035	26,035	26,035	----	----	----
Cooperative range improvements (special fund, indefinite)	700,000	700,000	700,000	700,000	700,000	----	----	----
Assistance to States for tree planting	1,020,000	1,028,000	1,028,000	1,028,000	1,028,000	----	----	----
Total, new budget (obligational) authority, Forest Service	374,789,700	334,789,035	354,359,035	349,259,535	357,869,535	+23,080,500	+3,510,500	+8,610,000
Commission of Fine Arts								
Salaries and expenses	115,000	121,000	121,000	121,000	121,000	----	----	----
Department of Health, Education, and Welfare								
Health services and mental health administration								
Indian health services	125,974,000	141,903,000	147,404,000	158,293,000	153,027,000	+11,124,000	+5,623,000	−5,266,000
Indian health facilities	18,715,000	[2] 21,789,000	20,289,000	36,400,000	30,400,000	+8,611,000	+10,111,000	−6,000,000
Total, Health Services and Mental Health Administration	144,689,000	163,692,000	167,693,000	194,693,000	183,427,000	+19,735,000	+15,734,000	−11,266,000
Indian Claims Commission								
Salaries and expenses	1,000,000	1,025,000	1,025,000	1,025,000	1,025,000	----	----	----
National Capital Planning Commission								
Salaries and expenses	[3] 968,000	1,351,000	1,300,000	1,300,000	1,300,000	−51,000	----	----
National Foundation on the Arts and the Humanities								
Salaries and expenses								
Endowment for the arts	12,590,000	26,500,000	26,500,000	25,500,000	26,250,000	−250,000	−250,000	+750,000
Endowment for the humanities	11,060,000	26,500,000	24,500,000	24,500,000	24,500,000	−2,000,000	----	----
Administrative expenses	2,660,000	3,561,000	3,460,000	3,460,000	3,460,000	−101,000	----	----
Subtotal, salaries and expenses	26,310,000	56,561,000	54,460,000	53,460,000	54,210,000	−2,351,000	−250,000	+750,000

Footnotes at end of table.

Agency and item	New budget (obligational) authority appropriated, 1971	Budget estimates of new (obligational) authority, 1972	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1972	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Matching Grants								
Endowment for the arts	$2,500,000	$3,500,000	$3,500,000	$3,500,000	$3,500,000			
Endowment for the humanities	2,500,000	3,500,000	3,500,000	3,500,000	3,500,000			
Subtotal, matching grants	5,000,000	7,000,000	7,000,000	7,000,000	7,000,000			
Total, National Foundation on the Arts and the Humanities	31,310,000	63,561,000	61,460,000	60,460,000	61,210,000	−$2,351,000	−$250,000	+$750,000
Public Land Law Review Commission								
Salaries and expenses	171,000							
Smithsonian Institution								
Salaries and expenses	36,895,000	46,259,000	45,259,000	44,681,000	44,701,000	−1,558,000	−558,000	+20,000
Museum programs and related research (special foreign currency program)	2,500,000	5,500,000	3,500,000	3,500,000	3,500,000	−2,000,000		
Science information exchange		1,400,000	1,300,000	1,400,000	1,300,000	−100,000		−100,000
Construction and improvements, National Zoological Park	200,000	200,000	200,000	200,000	200,000			
Restoration and renovation of buildings	1,725,000	1,050,000	550,000	550,000	550,000	−500,000		
Construction		1,900,000	1,900,000	1,900,000	1,900,000			
Construction (appropriation to liquidate contract authority)	(5,200,000)	(3,697,000)	(3,697,000)	(3,697,000)	(3,697,000)			
Salaries and expenses, National Gallery of Art	4,136,000	4,713,000	4,713,000	4,713,000	4,713,000			
Salaries and expenses, Woodrow Wilson International Center for Scholars	750,000	695,000	565,000	695,000	695,000		+130,000	
Total, Smithsonian Institution	46,206,000	61,717,000	57,987,000	57,639,000	57,559,000	−4,158,000	−428,000	−80,000
Executive Office of the President								
Salaries and expenses, National Council on Marine Resources and Engineering Development	400,000							
Federal Field Committee for Development Planning in Alaska								
Salaries and expenses	224,000							
Historical and Memorial Commissions								
Franklin Delano Roosevelt Memorial Commission		37,000	37,000	37,000	37,000			
American Revolution Bicentennial Commission								
Salaries and expenses	670,000							
National Council on Indian Opportunity								
Salaries and expenses	287,500	300,000	275,000	300,000	275,000	−25,000		−25,000
Federal Metal and Nonmetallic Mine Safety Board of Review								
Salaries and expenses	167,000	167,000	167,000	167,000	167,000			
Total, new budget (obligational) authority, related agencies	600,997,200	[1] 626,760,035	644,424,035	665,001,535	662,990,535	+36,230,500	+18,566,500	−2,011,000
Consisting of—								
Appropriations	600,997,200	626,760,035	644,424,035	665,001,535	662,990,535	+36,230,500	+18,566,500	−2,011,000
Definite appropriations	(600,217,200)	(625,980,035)	(643,644,035)	(664,221,535)	(662,210,535)	(+36,230,500)	(+18,566,500)	(−2,011,000)
Indefinite appropriations	(780,000)	(780,000)	(780,000)	(780,000)	(780,000)			
Memoranda—								
Appropriations to liquidate contract authority	(125,420,000)	(142,437,000)	(142,437,000)	(142,437,000)	(142,437,000)			
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(726,417,200)	(769,197,035)	(786,861,035)	(807,438,535)	(805,427,535)	(+36,230,500)	(+18,566,500)	(−2,011,000)
RECAPITULATION								
Grand total, new budget (obligational) authority, all titles	2,034,220,900	[4] [5] 2,194,594,035	2,159,508,035	2,226,023,035	2,223,980,035	+29,386,000	+64,472,000	−2,043,000
Consisting of—								
1. Appropriations	2,004,943,900	2,194,594,035	2,159,508,035	2,226,023,035	2,223,980,035	+29,386,000	+64,472,000	−2,043,000
Definite appropriations	(1,643,764,900)	(1,796,627,035)	(1,774,041,035)	(1,824,556,035)	(1,827,013,035)	(+30,386,000)	(+52,972,000)	(+2,457,000)
Indefinite appropriations	(361,179,000)	(397,967,000)	(385,467,000)	(401,467,000)	(396,967,000)	(−1,000,000)	(+11,500,000)	(−4,500,000)
2. Authorization to spend from public debt receipts	29,277,000							
Memoranda—								
Appropriations to liquidate contract authority	(233,405,000)	(190,637,000)	(190,637,000)	(191,941,000)	(191,829,000)	(+1,192,000)	(+1,192,000)	(−112,000)
Grand total, new budget (obligational) authority and appropriations to liquidate contract authority	(2,267,625,900)	(2,385,231,035)	(2,350,145,035)	(2,417,964,035)	(2,415,809,035)	(+30,578,000)	(+65,664,000)	(−2,155,000)

[1] Excludes budget amendments of $15,426,000 contained in H. Doc. No. 92–119.
[2] In addition, $229,000 transferred from "Land Acquisition, National Capital Park, Parkway, and Playground System."
[3] Excludes budget amendment of $1,900,000 contained in H. Doc. No. 92–119.
[4] Excludes budget amendments of $17,326,000 contained in H. Doc. No. 92–119.
[5] Includes $3,000,000, S. Doc. No. 92–20.

Mr. McDADE. Mr. Speaker, I rise in support of the conference report.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

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

The Clerk read as follows:

Senate Amendment No. 3, page 6, line 3: Strike out "$71,866,000" and insert "$71,667,000."

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

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

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$71,226,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate Amendment No. 5: page 6, line 25, insert "*: Provided further*, That not to exceed $2,728,500 shall be for assistance to the East Charles Mix School District 102, Wagner, South Dakota, for construction of school facilities".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

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

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 5 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate Amendment No. 6, page 7, line 3, insert "*: Provided further*, That not to exceed $1,048,000 shall be for construction of additional high school facilities on the Rocky Boy Indian Reservation, Montana."

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

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

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House receded from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$608,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 15: Page 15, line 6, insert the following: "including the use of the Government-owned site donated for the Earth Resources Observation Systems Data Center for lease construction;"

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

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

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 18: Page 17, line 2: Strike "$21,880,000" and insert $20,080,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

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

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$25,530,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 19: Page 17, line 22: Strike "$64,794,000" and insert "$65,180,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

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

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows; In lieu of the sum proposed by said amendment, insert "$65,184,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 21: Page 20, line 5: Strike "$71,077,000" and insert "$70,961,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

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

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$70,895,000."

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 28: Page 22, line 13, insert the following:

"OFFICE OF SALINE WATER

"SALINE WATER CONVERSION

"For expenses necessary to carry out the provisions of the Act of July 3, 1952, as amended (42 U.S.C. 1951 et seq.), authorizing studies for the conversion of saline water for beneficial consumptive uses, including not to exceed $2,540,000 for administration and coordination expenses during the current fiscal year, $27,025,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon enactment into law of S. 991, Ninety-second Congress, or similar legislation."

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

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

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 31: Page 27, line 9: Strike "$54,208,000" and insert "$51,685,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

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

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$54,325,000".

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 32: Page 27, line 24: Strike "$31,858,000" and insert "$31,821,200".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

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

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$35,291,200".

The motion was agreed to.

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

GENERAL LEAVE

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

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

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

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

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

There was no objection.

DIRECTING THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE TO FURNISH CERTAIN DOCUMENTS TO THE HOUSE OF REPRESENTATVES

Mr. COLLINS of Texas. Mr. Speaker, I move to discharge the Committee on Education and Labor from the further consideration of House Resolution 539, to direct the Secretary of Health, Education, and Welfare to furnish certain documents to the House of Representatives, a resolution of inquiry which has been pending before that committee for at least 7 legislative days without action being taken thereon.

The Clerk read the resolution as follows:

H. RES. 539

Resolved, That the Secretary of Health, Education, and Welfare, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than sixty days following the adoption of this resolution, any documents containing a list of the public school systems in the United States which, during the period beginning on August 1, 1971, and ending on June 30, 1972, will be receiving Federal funds and will be engaging in the busing of schoolchildren to achieve racial balance, and any documents respecting the rules and regulations of the Department of Health, Education, and Welfare with respect to the use of any Federal funds administered by the Department for the busing of schoolchildren to achieve racial balance.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. COLLINS), to discharge the Committee on Education and Labor from further consideration of House Resolution 539.

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 252, nays 129, not voting 52, as follows:

[Roll No. 229]

YEAS—252

Abbitt	Burke, Fla.	Delaney
Anderson, Calif.	Burke, Mass.	Dellenback
	Burleson, Tex.	Dent
Anderson, Tenn.	Byrnes, Wis.	Derwinski
	Byron	Dickinson
Andrews, Ala.	Cabell	Dorn
Archer	Caffery	Dowdy
Arends	Camp	Downing
Ashbrook	Carter	Dulski
Aspinall	Casey, Tex.	Duncan
Baker	Cederberg	du Pont
Baring	Chamberlain	Edwards, Ala.
Bennett	Chappell	Eilberg
Betts	Clancy	Erlenborn
Bevill	Clark	Eshleman
Blanton	Clausen, Don H.	Findley
Bow		Fisher
Bray	Clawson, Del	Flood
Brinkley	Cleveland	Flowers
Brooks	Collier	Ford, Gerald R.
Broomfield	Collins, Tex.	Forsythe
Brotzman	Colmer	Fountain
Brown, Mich.	Conable	Fraser
Brown, Ohio	Crane	Frelinghuysen
Broyhill, N.C.	Daniel, Va.	Frenzel
Broyhill, Va.	Davis, Ga.	Frey
Buchanan	Davis, Wis.	Fulton, Pa.
Fulton, Tenn.	Lent	Ruth
Fuqua	Link	Sandman
Galifianakis	Lloyd	Satterfield
Garmatz	Lujan	Scherle
Gettys	McCloskey	Scheuer
Giaimo	McClure	Schmitz
Gibbons	McCollister	Schneebeli
Goldwater	McDonald, Mich.	Schwengel
Goodling		Sebelius
Grasso	McEwen	Shipley
Green, Oreg.	McFall	Shoup
Griffin	McKay	Shriver
Griffiths	McKevitt	Sikes
Gross	McMillan	Skubitz
Grover	Mahon	Slack
Gubser	Mailliard	Smith, Calif.
Gude	Mann	Smith, N.Y.
Hagan	Martin	Snyder
Haley	Mathias, Calif.	Springer
Hall	Mathis, Ga.	Stanton, J. William
Hamilton	Mayne	
Hammer-schmidt	Michel	Stanton, James V.
	Miller, Ohio	
Hanley	Mills, Ark.	Steed
Hansen, Idaho	Mills, Md.	Steele
Hansen, Wash.	Minshall	Steiger, Ariz.
Harsha	Mizell	Steiger, Wis.
Harvey	Mollohan	Stephens
Hays	Monagan	Stubblefield
Hébert	Moorhead	Stuckey
Hechler, W. Va.	Myers	Talcott
Henderson	Natcher	Taylor
Hicks, Mass.	Nelsen	Teague, Calif.
Hicks, Wash.	Nichols	Teague, Tex.
Hillis	O'Konski	Terry
Hogan	Passman	Thomson, Wis.
Hosmer	Pelly	Ullman
Hull	Pettis	Vander Jagt
Hungate	Pickle	Veysey
Hunt	Pike	Waggonner
Hutchinson	Pirnie	Wampler
Ichord	Poage	Ware
Jacobs	Powell	Watts
Jarman	Preyer, N.C.	White
Johnson, Calif.	Price, Tex.	Whitehurst
Johnson, Pa.	Pryor, Ark.	Wiggins
Jonas	Quie	Williams
Jones, Ala.	Quillen	Wilson, Bob
Jones, N.C.	Railsback	Winn
Kazen	Randall	Wright
Keating	Rarick	Wydler
Keith	Reid, Ill.	Wylie
Kemp	Riegle	Wyman
King	Roberts	Young, Fla.
Kluczynski	Robinson, Va.	Young, Tex.
Kuykendall	Rogers	Zablocki
Kyl	Roush	Zion
Landgrebe	Rousselot	Zwach
Latta	Runnels	
Lennon	Ruppe	

NAYS—129

Abourezk	Gonzalez	Patten
Abzug	Gray	Pepper
Adams	Green, Pa.	Perkins
Anderson, Ill.	Halpern	Podell
Andrews, N. Dak.	Harrington	Price, Ill.
	Hathaway	Pucinski
Annunzio	Hawkins	Rangel
Ashley	Heckler, Mass.	Rees
Aspin	Helstoski	Reid, N.Y.
Badillo	Holifield	Reuss
Barrett	Horton	Rhodes
Begich	Howard	Robison, N.Y.
Bergland	Karth	Rodino
Biaggi	Kastenmeier	Roe
Biester	Koch	Roncalio
Bingham	Kyros	Rooney, N.Y.
Boggs	Leggett	Rooney, Pa.
Bolling	Long, Md.	Rosenthal
Brademas	McClory	Rostenkowski
Brasco	McCormack	Roy
Burton	McDade	Roybal
Byrne, Pa.	Macdonald, Mass.	Ryan
Carey, N.Y.		St Germain
Carney	Madden	Sarbanes
Celler	Matsunaga	Seiberling
Collins, Ill.	Meeds	Sisk
Corman	Melcher	Smith, Iowa
Cotter	Metcalfe	Stafford
Coughlin	Mikva	Stokes
Culver	Miller, Calif.	Stratton
Daniels, N.J.	Minish	Sullivan
Danielson	Mink	Symington
Dellums	Mitchell	Thompson, N.J.
Denholm	Morgan	Thone
Dingell	Morse	Tiernan
Dow	Mosher	Udall
Drinan	Moss	Vanik
Dwyer	Murphy, Ill.	Vigorito
Edwards, Calif.	Murphy, N.Y.	Whalen
Evans, Colo.	Nedzi	Wolff
Fascell	Nix	Wyatt
Fish	Obey	Yates
Foley	O'Hara	Yatron
Gaydos	O'Neill	

NOT VOTING—52

Abernethy	Donohue	Mazzoli
Addabbo	Eckhardt	Montgomery
Alexander	Edmondson	Patman
Belcher	Edwards, La.	Peyser
Bell	Esch	Poff
Blackburn	Evins, Tenn.	Purcell
Blatnik	Flynt	Saylor
Boland	Ford, William D.	Scott
Burlison, Mo.		Spence
Chisholm	Gallagher	Staggers
Clay	Hanna	Thompson, Ga.
Conte	Hastings	Van Deerlin
Conyers	Jones, Tenn.	Waldie
Davis, S.C.	Kee	Whalley
de la Garza	Landrum	Whitten
Dennis	Long, La.	Widnall
Devine	McCulloch	Wilson, Charles H.
Diggs	McKinney	

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Abernethy for, with Mr. Van Deerlin against.

Mr. Montgomery for, with Mr. Clay against.

Mr. Flynt for, with Mr. Waldie against.

Mr. Davis of South Carolina for, with Mrs. Chisholm against.

Mr. Whitten for, with Mr. Addabbo against.

Mr. Spence for, with Mr. Conyers against.

Mr. Thompson of Georgia for, with Mr. Diggs against.

Mr. Blackburn for, with Mr. William D. Ford against.

Mr. Saylor for, with Mr. Gallagher against.

Mr. Devine for, with Mr. Eckhardt against.

Mr. Hastings for, with Mr. Charles H. Wilson against.

Mr. Belcher for, with Mr. Hanna against.

Mr. Dennis for, wiht Mr. Donohue against.

Until further notice:

Mr. Burlison of Missouri with Mr. Bell.

Mr. Evins of Tennessee with Mr. Conte.

Mr. Edmondson with Mr. Widnall.

Mr. Jones of Tennessee with Mr. Scott.

Mr. Staggers with Mr. McKinney.

Mr. Kee with Mr. Whalley.

Mr. Landrum with Mr. Peyser.

Mr. Blatnik with Mr. Poff.

Mr. Purcell with Mazzoli.

Mr. Patman with Mr. Edwards of Florida.

Mr. Alexander with Mr. de la Garza.

Mr. Esch with Mr. Boland.

Messrs. ABOUREZK, ROONEY of Pennsylvania, DINGELL, ANDERSON of Illinois, and COUGHLIN changed their votes from "yea" to "nay."

Messrs. FORSYTHE, GOLDWATER, and CLARK changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

Mr. COLLINS of Texas. Mr. Speaker, I move the previous question on House Resolution 539.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

PARLIAMENTARY INQUIRY

Mr. O'NEILL. Mr. Speaker, a parliamentary inquiry: In view of the fact that there was no debate on this, is a Member entitled to 20 minutes if he asks for time?

The SPEAKER. He is.

Mr. O'NEILL. Mr. Speaker, I am asking for the 20 minutes. I have some questions I would like to ask on this and have the chairman of the Committee on Education and Labor explain it.

Mr. HALL. Mr. Speaker, has not the previous question been moved and accepted?

The SPEAKER. Yes, it has.

Mr. O'NEILL. Mr. Speaker, I was on my feet seeking recognition.

Mr. HALL. Regular order, Mr. Speaker.

The SPEAKER. Inasmuch as there has been no debate on the resolution, the 40-minute rule applies, 20 minutes to each side. The gentleman from Texas is entitled to 20 minutes and the gentleman from Massachusetts is entitled to 20 minutes.

Does the gentleman from Texas desire to be recognized?

Mr. COLLINS of Texas. No, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. O'NEILL. Mr. Speaker, many Members came in who were confused as to exactly what the question was, and what they were voting on, which was a motion to discharge the Committee on Education and Labor in view of the fact that the committee had not acted in 7 days, and the House has voted to discharge the Committee on Education. I am wondering if this is going to create a trend so that any time a bill has not been reported, we will find ourselves faced with a privileged resolution to bring it out. It can work on both sides of the street, Mr. Speaker. It can work on the Democratic side and on the Republican side.

I for one voted to oppose the discharge petition. I am opposed to the filing of a resolution to discharge a committee, because the gentleman from Texas has to go home and he wants to have an argument with regard to the busing bill and he can play a game, that he is opposed to busing. That is not the question—he merely wants information from the Secretary of Education.

What does the resolution do? Is there anything wrong? Is it a serious resolution? Is it something we should have had up today? Is it of that import?

I should like to have an answer from the chairman of the committee as to why this was not acted on and how he intends to vote as the chairman of the committee.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I thank the distinguished whip for yielding to me.

The resolution was called to my attention a couple of weeks ago by the House Parliamentarian. He told me at the time it was a privileged resolution.

Last Friday was the date that the gentleman from Minnesota (Mr. QUIE) and I had agreed to call up this resolution before the House Committee on Education and Labor, and we encountered much difficulty in obtaining a quorum. We were in the process of marking up the Economic Opportunity Act.

To be perfectly truthful and frank, both he and I forgot about it. Neither of us, I believe, took the resolution too seriously because it was of the nature that the sponsor of the resolution could have picked up the telephone and gotten the information from HEW.

But the gentleman feels he is entitled to this information, and the right to move the resolution is privileged. I voted against discharging the committee because I believe that the committee would have considered the resolution if we had a few more days. I do not believe we have been very inattentive to our responsibilities.

But it is before the House now as to whether or not to approve the resolution. The resolution simply provides that the Secretary must make public all school districts in the Nation that receive Federal funds which will be required to bus schoolchildren. That is the effect of the resolution.

Mr. O'NEILL. I thank the gentleman.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I should like to ask the gentleman a question.

Is it not against the law to use Federal money to bus students to bring about racial balance?

Mr. PERKINS. The gentleman has been here longer than I, and I am sure he knows the law. They do have provisions of law.

Mr. ANDREWS of Alabama. I could not understand the gentleman.

Mr. PERKINS. I said there was a provision of that type in the law.

Mr. ANDREWS of Alabama. So if they use any at all they are violating the law; is that not right?

Mr. PERKINS. The gentleman can put his own construction on it.

Mr. ANDREWS of Alabama. That is the construction I put on it, and I believe the gentleman agrees.

Mr. PERKINS. The courts have ruled otherwise, which the gentleman is aware of.

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

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

Mr. PUCINSKI. I voted against the motion to discharge the committee, simply because the resolution had been introduced on the 14th of July, and our subcommittee had been working diligently on reporting from our subcommittee the President's request for a desegregation bill. We have reported that bill out. It is now waiting before the full committee for action. Furthermore, our full committee has been preoccupied with final markup of the antipoverty bill.

My record of opposition to busing goes back many years.

Those Members who feel very strongly against using Federal funds to bus children to overcome racial imbalance will have an opportunity to vote for such a prohibition, as we did last December, when the bill comes to the floor.

I intend to vote for the resolution before us today simply because I believe that this is important information for the Members; information we ought to have before we take up the desegregation bill which the administration has requested.

When we were marking up the desegregation bill in subcommittee, we suggested to the Secretary that he provide us with information on busing and how much money has been used for busing as well as information about all the programs being funded under the temporary desegregation bill. The Secretary advised my staff and myself that to provide that information would require in excess of 100,000 pages of various applications and requests for funds.

I believe the House ought to know and be apprised of exactly how the administration is implementing the present $75 million program which will come up for renewal later today in the House when we have to vote on a continuing resolution containing that $75 million. Perhaps we ought to defer action on the vote today until we get the information being sought by the gentleman from Texas, who has asked that this information be supplied to the House by approximately October 2. This is particularly so since many of us have said in the present bill that there is an opportunity for excessive use of Federal funds for busing. Secretary Richardson very strongly denied this. So Mr. Richardson will be given ample opportunity to present all of the facts to the House so that we can make an intelligent decision with regard to the desegregation bill when it comes to the floor of the House for final action after the recess.

I appreciate the time that our distinguished majority whip has taken to discuss this issue today, because the motion to discharge the committee, I believe, was not really necessary. I believe we tried to move deliberately as we could on this legislation. Nevertheless, since the House voted to discharge the committee, I shall vote for the resolution.

Mr. O'NEILL. Mr. Speaker, may I say this: I think it is a bad precedent to have discharge petitions as the gentleman from Texas had.

Second, in addressing my comments to the other side of the aisle, may I say I have known Elliot Richardson, the Secretary of Health, Education, and Welfare, for many, many years. He is an able and talented gentleman. I believe he will never do anything against the Federal laws and Federal standards. He is such an honorable man that if the gentleman from Texas had personnally called him, he would have given him all the information he needed. After all, he is a Republican and a member of your party—your Secretary of Health, Education, and Welfare. I feel certain that there is enough cooperation between your majority leader and those on your side and Mr. Richardson's that he would have given you everything that you could have asked for without your having embarrassed him as you did today.

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

Mr. COLLINS of Texas. Mr. Speaker, I yield 5 minutes to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, the distinguished majority whip has been quite critical of this action today on the ground that it would establish a bad precedent. I wonder if the gentleman from Massachusetts remembers that on July 7, 1971, he in effect voted to have a resolution of inquiry come to the floor of the House. This was a resolution—and I am quoting from the CONGRESSIONAL RECORD—entitled "directing the Secretary of State to furnish to the House certain information respecting U.S. operations in Laos."

I think the gentleman from Massachusetts established the precedent used here today by his vote on July 7. He is a little tardy in his complaint about the use of this parliamentary procedure. If he felt as strongly then as he does now, he would not have voted against tabling the resolution.

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

Mr. GERALD R. FORD. I am glad to yield to the gentleman.

Mr. BOGGS. I would like to see if I understand this clearly.

My recollection is that the privileged resolution that we voted on came from the Committee on Armed Services and the Committee on Foreign Affairs.

Mr. GERALD R. FORD. The first one came from the Committee on Foreign Affairs and it had been before the committee and the committee had acted, which makes some sense. The Committee on Foreign Affairs had rejected the resolution. However, this committee has not acted in this instance so the circumstances are different.

Mr. BOGGS. The committee had not been discharged, had it?

Mr. GERALD R. FORD. No, because that committee held hearings and this committee has not.

Mr. BOGGS. What about the Foreign Affairs Committee? Was that committee discharged?

Mr. GERALD R. FORD. I just said that the Committee on Foreign Affairs was involved in the resolution that the gentleman from Massachusetts was concerned about.

Mr. BOGGS. Did not the committee act on the resolution?

Mr. GERALD R. FORD. Yes; they did, but it was a rejection of the resolution.

Mr. BOGGS. Well, the gentleman has acknowledged that in all instances the respective legislative committees had acted, but in this case nothing like that has occurred.

Mr. GERALD R. FORD. There is one distinct difference, I might say to my good friend from Louisiana in the case of the resolution from the Committee on Foreign Affairs. The committee had acted adversely. That makes some difference too.

In this case, the one before us at the present time, the committee did not act. Whether it was through negligence or forgetfulness or lack of concern, I am not sure. The Committee on Education and Labor will probably explain it later, but the point is that the committee did not act.

The gentleman from Massachusetts was quite critical about the fact that it would be establishing a bad precedent. Well, the gentleman should have known that on July 7 when he was not apparently concerned about it.

Mr. COLLINS of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I thank the gentleman for yielding and I do not want to butt in front of the majority leader, but I wanted to get some time, since my name was brought into the discussion. I did not realize that the ranking minority member of the committee had a responsibility to bring out the resolution. I talked to the chairman of the Education and Labor Committee about the resolution before we convened last Friday. It was my understanding that he was going to bring it up during markup that day. It did not bother me that the committee took no action, because I think the resolution which has been offered by the gentleman from Texas is one asking for information that should be readily available to him so the House could act without the committee acting. If we authorize and appropriate money for the emergency school aid bill, there will be some money going to school districts between August 1, 1971 and June 30, 1972, but that information is not available to show its distribution.

I do not believe that the gentleman from Texas is asking the Secretary of the Department of Health, Education, and Welfare to define how that money is going to be utilized but, rather, he wants information on money that has already been authorized and appropriated, the $75 million, plus a continuing resolution on the $75 million. All of that is available now.

I think that information is readily available. The Secretary of the Department of Health, Education, and Welfare needed to secure some information from the various school districts which took some time. If the authorizing committee did not take action, I do not see anything wrong with discharging them now and passing the resolution to secure this information. That is why I voted as I did. I think there will be cooperation on the part of the parties involved to make available the information.

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

Mr. QUIE. I yield to the gentleman from Louisiana.

Mr. BOGGS. I want to address a question to the gentleman from Minnesota.

Mr. QUIE. I will be glad to answer, but the gentleman from Texas has the time.

Mr. BOGGS. Well, either one will be sufficient. Did I understand the gentleman from Minnesota to say that this information is available and is being forwarded to the committee?

Mr. QUIE. I am not speaking for the Secretary of the Department of Health, Education, and Welfare. I am saying that I expect the information the gentleman from Texas (Mr. COLLINS) is asking for has to do with the utilization of funds that have already been appropriated and there should be no trouble for the Department of Health, Education, and Welfare to furnish it.

Again I do not expect the Secretary to define how he is going to distribute the money that has not been authorized as yet, but that information, it seems to me, is now available to determine which schools have now received funds and the rules and regulations which apply.

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

Mr. O'NEILL. I yield to the gentleman from Louisiana (Mr. BOGGS) such time as he may consume.

Mr. BOGGS. Mr. Speaker, I shall take only a minute or two. While I support the intent of the resolution, I must say that I find myself in complete agreement with the gentleman from Massachusetts (Mr. O'NEILL) when he says that we are at the very least setting a very bad precedent here today.

Mr. Speaker, if each one of us whenever we get the notion introduces a privileged resolution, and then comes here with a motion to discharge the legislative committee, I would say that the legislative processes in this body would have become very chaotic.

From the viewpoint of the administration it is even more dangerous, because we could have resolution after resolution requesting privileged information from the executive branch of the Government, the Department of Justice, the Department of State, Health, Education, and Welfare, and every other department of Government. If the leadership on the other side wants to see that happen then I must say that they are doing a fine job of opening the door.

Insofar as this being comparable to what occurred here several weeks ago with respect to the so-called Pentagon papers, and other documents that we were seeking access to, in both cases, if I remember correctly, they were resolutions presented to two committees. In all of the instances the committees reported the resolutions unfavorably. Again, if I remember correctly, a motion to table was made, I believe, by the chairman of the respective committees, and in each case the motion to table carried.

In the meantime, the executive branch did make available the so-called Pentagon papers, and other documents that the various Members of the House were asking for.

But, Mr. Speaker, if we open this Pandora's box in every agency and every department of the Government, and if we suddenly start using these privileged resolutions, over which the leadership on either side have no control whatsoever, we will in my judgment have abrogated our own functions as leaders and done something that I think each one of us will live to regret.

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

Mr. BOGGS. I yield to the distinguished dean of the House.

Mr. CELLER. Mr. Speaker, I can say as the chairman of the Committee on the Judiciary that this would emphasize a most abominable practice. If all individual members on a committee, independently of the committee and independently of the chairman of that committee can successfully ask for information of the type involved in this resolution I would certainly deplore such a practice. It would create confusion worse confounded not only in the committee. It would have the same effect in all committees. Orderly procedure in committee would go out the window. It would be difficult for the committee chairman to maintain discipline in the committee. With large committees like my Judiciary Committee there would be difficulty of control. Someone must be in the driver's seat. This resolution would set a bad precedent and be hurtful to all committees. I hope the resolution will be rejected. I say this despite the merits or demerits of the substance of the resolution.

Mr. BOGGS. Mr. Speaker, I would also

like to point out that there are any number of discharge petitions filed, and of the members who have voted here for this type of discharge would not think about signing a discharge petition, although the effect is exactly the same.

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

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

Mr. GROSS. Mr. Speaker, the gentleman is doing a lot of deploring over this issue. It seems to me that his deploring comes quite late. How did the gentleman from Louisiana vote on the reorganization bill that provided for this procedure?

Mr. BOGGS. I would say to the gentleman from Iowa that this has been in the rules for many, many years, and it was not new in the reorganization bill.

But to answer the gentleman's question, I voted "yea."

Mr. GROSS. That is what I thought.

Mr. COLLINS of Texas. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, this resolution which is before us now, since the committee has been discharged, is simply a request for information. It seems to me that every Member of this House is entitled to the best information each Member can possibly have before each one of us is required to vote on a bill.

This is not a bill to legislate. It does not require any school district to do anything. It just simply seeks information from the Secretary. In my judgment it is no slap at the Secretary at all, and should not be interpreted that way. It really places confidence in the Secretary, and seeks through him some information that will help us make a judgment on a bill that is going to be before this body in about a month or 6 weeks. I would hope that he would be able to speed up the information so that we would have it at that time or that bill would be postponed till we do have it.

So I join with the gentleman from Illinois (Mr. PUCINSKI) in saying that this is information that is needed by Mr. PUCINSKI's subcommittee, so as to make the best judgment we can on the legislation that will be scheduled for floor action after we return in September.

Now I say this because the bill that was voted out is $1.5 billion and it certainly has something to do with busing. In fact it has a great deal to do with busing. There may be a substitute bill which will be offered which is broader in scope and would go to the heart of what is wrong with our schools today.

If you read the Washington Post this morning you read of schools that are not going to open their doors in September, about teachers who are not going to be hired, about programs that are going to be curtailed and the widespread chaos that exists.

It seems to me this is simply a request for information and is indeed in order. I would think the House would be derelict in its duty if we were to take up a bill that involves over a billion dollars and have no idea of how much money is being spent at the present time on busing and how many districts are involved.

May I also say that a great deal has been done in this House about freedom of information and I am always intrigued by various people who want information on certain subjects. Now if we really believe in freedom of information and if we really believe in the right of Members of this House to know what is happening, then for the life of me I cannot understand what is wrong when we now ask the Secretary of Health, Education, and Welfare in a perfectly orderly fashion to supply within 60 days the amount of money that is now being spent and in which districts for busing and the guidelines, rules and regulations which HEW has drawn up to enforce this busing to achieve some magical racial balance.

When this bill comes before the House it is my judgment—and Mr. PUCINSKI has already told you this—it is from his committee that the bill comes—that this information would be vital in making a valid judgment. So, after the committee has already been discharged by the previous vote I would hope that this "right to know" this freedom of information request would be approved by this House.

Mr. COLLINS of Texas. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, if I may I would like to tell you a little bit about our busing situation.

This is a new development that has come in in the past few years and in some of your communities you might not yet have experienced it. But usually the way it develops is that a representative of the civil rights section of HEW approaches a school board and tells them that they are not in compliance. The school board asks what they should do. It is suggested to this school board that they try to have some kind of a plan and bring it back to HEW for approval. In a small school area it is very difficult for them to understand why they are not in compliance. We have a little city named Grand Prairie that only has one elementary school where HEW said there was not a racial balance. The board could not understand why. But HEW kept asking them for alternate after alternate. And this kind of thing goes up to Washington and the answer comes back from Washington.

In Irving we have a little school that was closed. HEW never did explain to them what the complete rules and regulations are. After all, to achieve racial balance, they always put the burden on the school district.

Now, what we are asking in this resolution, is to let a school district have the right of knowing just what are the rules and regulations.

When I was down home 2 weeks ago I had the opportunity to visit many of our citizens. They asked who runs our country today—does Congress run it or do the bureaucrats run it.

It is a very real question that all of us need to ask. If you have had any questions come up at any time, you have realized that in these Government departments they have become autonomous. The law is made by Congress. In this resolution, we ask that HEW give us their rules and regulations on this particular subject.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. ZION).

Mr. ZION. I thank the gentleman for yielding. The example the gentleman has just presented applies also to the Evansville-Vanderburgh School Corp. in southern Indiana. The bureaucrats in Chicago came down and said that we were going to be deprived of a million dollars in Federal funds because our program on integration was not adequate. I think it is important for those people who try to run a school district to know why, and also—particularly pertinent to this resolution—I think they have the right to know how much of their money that has been set aside for improving neighborhood schools, is being diverted. They have a right to know how much plant and equipment they will not get as a result of money spent to buy buses. I think they have a right to know whether teachers' salaries will suffer so that students can ride back and forth in buses to attend classes. I think they have a right to know all this before September while they are making their plans. I believe it is very important that these people who are trying to do a good job in the neighborhood schools, and are trying to improve the quality of education, have the facts and figures necessary for them to make rational decisions.

So I strongly support the gentleman from Texas and would like to associate myself with the good comments by the gentlewoman from Oregon.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. O'NEILL. Mr. Speaker, I think it is regrettable that a Member comes into the Speaker's office 1 minute before the House convenes and informs the leadership that he is going to call up a bill or a resolution as soon as he gets a chance to obtain the floor.

The issue was explained in this way: As Members appeared on the floor they were told, "Well, if you are for busing, you vote 'nay.' If you are against busing, you vote 'yea.' "

That explanation is inaccurate. What the gentleman says in the resolution is that he wants certain information. He wants certain information from the Secretary of Health, Education, and Welfare, who happens to be Mr. Richardson. I know Mr. Richardson. He is one of the most able and talented men in the Nixon administration. I have known him for 30 years. We in Massachusetts are proud of him. There is no question in my mind that Mr. Richardson would ever refuse the gentlewoman from Oregon any information that she should desire. I hate to think there is politics involved in this matter—that the gentleman from Texas cannot go home unless he has some answer about busing.

If it is that serious a question, I do not believe that the gentleman cannot pick up the telephone and say to Mr. Richardson or any of the aides in HEW, "This is the information I want. This is the information that I seek." If he cannot do that, then I feel sorry for him. I have never seen a department from which I have been unable to obtain information which I needed for legislative purposes.

The gentleman has the right of this floor. He does not have the right to use

the floor in the manner in which it has been used. The departments respect Members of Congress regardless of the department involved. When a congressional message goes over to a department, it gets first preference. I think he would be better off if he used that system than the system that he has used today.

I indicate that I will, and I hope all other Members will vote for the resolution. It is a simple resolution providing information which the gentleman could have gotten without confronting the House in the manner in which he has.

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

Mr. O'NEILL. I yield to the gentleman from Florida.

Mr. FASCELL. What confuses me on this question—and I shall certainly support the resolution—I cannot believe nor do I understand that the rules and regulations of the Department of HEW are secret or not already public, and that they are, therefore, unavailable to the gentleman from Texas.

Nevertheless, the purport of the resolution is to require, by the will of the House, that the Secretary of HEW make available to the gentleman from Texas the rules and regulations of the Department on this particular problem. If that is the case, that is, if the assumption is that the gentleman has been denied the rules and regulations of one of our departments of Government in the administration of a program, then by all means this House should act.

I just cannot believe the Secretary of Health, Education, and Welfare has acted in that fashion with respect to this program. Neither can I believe that a list of the public school systems receiving funds for busing is not publicly available, or that if it is not, it ought to be.

I cannot believe the subcommittee having jurisdiction of the bill would come to the floor of this House not already knowing this information, so obviously it is more than a simple request to get information, because the information is available to everyone.

Nevertheless, having gotten this far in discharging the committee, I see no alternative but to vote for the resolution as a matter of principle, and making this information available specifically to the gentleman from Texas, the sponsor of the resolution.

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

Mr. O'NEILL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I was pleased to hear the distinguished majority whip say he was going to vote for this resolution—as I will—but I think the minority leader ought to know the consequences of what has been done here. We have discharged the Committee on Education and Labor and we are going to bring this resolution up for immediate consideration—and I intend to support it. But may I call the attention of the gentleman to the fact that the President has been urging early action on his desegregation bill. It would seem to me we cannot schedule that bill in the House until the intent of this resolution has been fulfilled by the Department, and the information has been supplied the Members. Surely the information being sought by the gentleman from Texas will have an impact on how Members will vote on the President's desegregation proposal. Surely we need that information before we can go further. So it would seem to me we will not be able to call up the desegregation bill for at least 60 days.

More important, we are going to have a continuing resolution this afternoon to provide $75 million for this program. That also would come within the purview of this resolution. It would seem to me that those who intend to vote for this resolution today ought in good faith to vote against the continuing resolution, until we have this information. We will be involving $75 million today, and we are going to involve the desegregation bill, which the President has asked early consideration of. I will use every resource I have to make sure that bill does not come to the floor until the intent of this resolution has been fulfilled, and the information has been supplied.

This is the consequence of this action to discharge the committee on this legislation. We knew these consequences, and that is why we did not bring this resolution to the floor, but if the gentleman wants to go ahead in this way, go ahead and take the consequences.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I take exception to the charges that have been made on the floor this afternoon by the distinguished majority whip and by others that the minority leader on this side of the aisle is somehow responsible for this kind of procedure. I do not cherish this kind of procedure myself. I do not like to come to the floor and have to vote on a resolution where there is not even a report and where I have to go to the telephone and call the Department of HEW—as I did—and ask whether or not this information is available.

But the trouble is, it could have been avoided if the chairman of the House Education and Labor Committee had held a hearing on this resolution and not treated the gentleman from Texas in this cavalier fashion. I am fed up with the suggestion that this side of the aisle is to blame.

I do not happen to believe the resolution is necessary. I have been informed by Mr. Poole in the Department of HEW that the information is available from the Office of the Commissioner on Education and from HEW. But maybe the next time the chairman of the Committee on Education and Labor would not have a moment of forgetfulness and forget to have a hearing on the resolution—which would have avoided all this trouble—so that the facts could have been brought out in orderly fashion.

Mr. HOGAN. Mr. Speaker, I rise in support of House Resolution 539. I believe that a crisis exists in our educational system which demands the serious attention of the House.

The Department of Health, Education, and Welfare, acting under its interpretation of the decisions of the Supreme Court, are engaged in a scheme to institute a massive busing plan to integrate our country's schools from kindergarten through high school.

They are also doing so with total disregard to the consequences that their action will have on education and upon the communities affected.

They are falsely raising the hopes of the black people of this country that such schemes will improve the quality of education for black people. Their manipulation would require an extraordinary expenditure for buses, maintenance, and personnel which could result in double and triple shifts of the school day and would seriously curtail such educational programs as field trips and athletic programs.

In my district busing to comply with HEW edicts would cost millions of dollars. Existing bus service in some areas is being discontinued to make more money available for racial busing.

There is no educational value to be gained by busing children simply to achieve an arbitrary racial balance.

If we are honest with ourselves, then we must admit that the problem does not lie with our schools but with our communities. No effective form of integration will succeed until black and white people learn to share a common interest within a common community. If we must expend our resources in enforcing some form of integration, it would be far wiser to focus on the problems of the whole community rather than to burden the schools with social experiments which proffer the vague and unsubstantial hope that somehow everything will be better some day.

Recently, in Prince Georges County, Md., under the threats and intimidation of HEW, the board of education was presented with a foolish plan which would have jeopardized the education of thousands of children.

Fortunately, the board was wise enough to reject the plan. HEW will now undoubtedly threaten to cut off Federal funds if the county fails to comply with a plan acceptable to HEW.

Mr. Speaker, in an effort to reinforce the severity of the problem, I insert the statement which I presented on July 29, 1971, before the Prince Georges County Board of Education:

Mr. President, Ladies and Gentlemen of the Board: I urge that this Board reject entirely the proposal prepared by your staff to implement a plan of massive busing for Prince George's County.

Further, I urge that you stand up to the pressures being exerted by the Department of Health, Education, and Welfare in its notice of non-compliance and insist that the matter be resolved in the courts.

I need not remind this Board that its primary obligation is the education of the children of Prince Georges County. Any plan adopted by the Board should have as its primary consideration the creation of quality education for the children of Prince Georges County and, secondarily, to get maximum benefit from the money invested by the taxpayers for education. The plan presently before you would seriously hamper these objectives. Money which should be spent for education would be spent for buses.

It makes no sense whatsoever to bus some 7,000 elementary children up to 14 miles at a cost of possibly a million dollars, particularly when over 5,000 of those students are

now within walking distance of their schools.

The Supreme Court has *not* ruled that a school system is under any compulsion to initiate a massive busing plan where de facto segregation exists. In fact, they have specifically said that such school systems are not obligated to do so. This is the situation we have in Prince Georges County, not de jure but de facto segregation. It is not illegal. The Prince George's County School Board should stand by its principles and resist the idiocy of HEW.

If HEW persists in regarding every state which had de jure segregation prior to the decision in *Brown* v. *Board of Education* (1954) as continuing to have such a system, despite the best efforts of the school system to comply and in complete disregard to the changes which have occurred since 1954 in residential patterns, no state affected by the Court's 1954 decision could ever satisfy HEW's criteria. The consequence would be a continual redrawing of school boundaries and increased busing to the point that the school system would be driven to bankruptcy and the taxpayers into poverty.

Furthermore, children would have to attend numerous different schools during the course of their education just to satisfy the misguided zeal of social experimenters and manipulators. This is not good educational policy.

In my opinion, the attorney for the School Board erred in identifying any elementary schools as de jure schools until that could be determined by the courts. The fact of their construction prior to 1954 is not sufficient to reach such a conclusion and I don't believe the evidence would indicate that the School Board has gerrymandered districts in order to keep them segregated subsequent to the 1954 Supreme Court ruling.

I am aware that the actions of HEW carry with it the implied threat to deny funds unless the Board complies. I will do everything within my power to assure that such a threat is never carried out. I am of the opinion that, if this School Board decides to challenge HEW's order in court, as they should (and I urge that they do so) HEW can be restrained from denying funds until the courts resolve the question.

I want to stress that I am vehemently opposed to segregation, not only of our schools but also of our communities. I further believe that the problems that black people of this nation face in jobs, housing, and education will not be eliminated until we eradicate all remnants of racial prejudice in this land. All Americans should have the right to live where they wish, work where they are qualified to work, and go to the schools in their own neighborhoods. I will vigorously support programs to achieve real equality in all aspects of our lives, but I will not support schemes that will undermine the fabric of our educational system by requiring that schools bear the full brunt of social experimentation.

I repeat my conviction that this Board should reject its staff plan and insist that the questions of de jure segregation be resolved by the courts. In that way the decision will be final and doubt will be removed.

We should not allow a handful of bureaucrats to dictate what we know is ridiculous. The members of this Board have a responsibility to assure the best education possible for our children. In this instance, this means rejecting the proposal before you.

Mr. Speaker, this issue is tearing our Nation apart. The Congress must solve the problem. The courts and HEW have virtually preempted the voice of Congress in the decision.

The President himself cannot escape responsibility for this problem. He has said he opposes busing to achieve racial balance and yet officials of his administration take actions which directly contradict the President's statements. Why cannot he transfer these idiotic bureaucrats who work counter to his policies someplace where they cannot do as much harm if he is unable to fire them outright?

I urge that the Congress consider a resolution that HEW cannot enforce its will upon a school system until a court has interpreted in a hearing of fact whether or not a school system is in violation of the law—whether it is de jure or de facto. I, for one, am unwilling to allow the same agency who disburses funds to also determine the law.

I will support House Resolution 539 introduced by the gentleman from Texas in the hopes that it might possibly help in this ridiculous situation which HEW has created and is creating in our school systems.

By making HEW define its rules on busing we might be able to expose the vicious shell game they are now playing by putting the blame for busing plans on local school systems.

Mr. RARICK. Mr. Speaker, I certainly support House Resolution 539. I see nothing wrong with directing the Secretary of Health, Education, and Welfare to furnish the House with the list of public school systems receiving Federal funds and engaged in the busing of schoolchildren and the rules and regulations of HEW with respect to the use of these funds.

If, as the Supreme Court has ruled, the peoples' "right to know" must be protected, even to smoking out the so-called secrets of the Pentagon papers, then certainly there should be no harm in telling the people how the Government is using their tax dollars to attempt to do what God Himself would not do—make people equal.

Furthermore, the people have the right to know how this Congress is yielding to judicial fiat by appropriating funds to what the Congress itself has specifically said could not be done—bus children to overcome racial imbalance—definition (b) of 42 U.S.C. 2000 C. This congressional protection of freedom from busing is the law of the land—the Supreme Court has chosen to ignore the law of the land but has never declared it unconstitutional.

Just last week this House appropriated funds specifically designed to enforce the Swann-Mecklenburg decision over my objections and contrary to existing law. It is the right and privilege of the Members of this House to know how this money is going to be spent so that they can inform their constituents of the extent of Federal discrimination.

I intend to cast my people's vote in support of House Resolution 539.

Mr. BINGHAM. Mr. Speaker, I believe passage of this resolution is totally unnecessary. We have been advised by the gentleman from Illinois (Mr. ANDERSON) that the information requested in this resolution is readily available from the Department of Health, Education, and Welfare.

The extraordinary preference granted to resolutions of inquiry may be justified in certain cases, especially where the Department concerned has refused an informal request to provide the information to Members of Congress or has responded to such requests in an inadequate manner. That is not the case here. To use this procedure indiscriminately is to invite a chaotic situation in which the systematic and orderly conduct of the business of the House may well be impeded.

Finally, I sense from the resolution and from the remarks made on the floor by its sponsor, the gentleman from Texas (Mr. COLLINS) that this resolution represents a part of a campaign to discredit and interfere with the efforts of the Department of Health, Education, and Welfare to achieve integration in American education.

Accordingly, while on its face the resolution appears harmless enough, I am constrained to vote against it.

Mr. PICKLE. Mr. Speaker, the gentleman from Texas (Mr. COLLINS) has introduced a timely resolution which should have our support.

I will admit that it is a very unusual practice that we follow today by voting to discharge the committee and thus allow a vote on the pending resolution here on the floor. It is not a good practice to circumvent committee function, and I think we will all agree that only in extreme circumstances would we take from the committee a resolution which has been pending such a short time.

The fact is, however, that we have voted to discharge the committee and thus make in order a vote on the pending resolution. It is, therefore, a moot question to debate whether the House is wise thus to suspend its rules. The question is should the information be given to the Congress by the Secretary of Health, Education, and Welfare.

I think it should be given to the Congress.

Some have contended HEW would give to the Congress such information and documents as it has regarding rules and regulations on any school where the Federal Government attempts to withhold funds in attempts to achieve racial balance. This is supposed to be the law anyway, for this is what the Congress has already voted.

It is not enough, therefore, to contend that HEW gives to the Congress all the information necessary and pertinent to these rules and regulations. I submit, further, that this was not done in the Austin school board case. Here, the court had directed HEW and the Austin independent school system to negotiate in an effort to work out differences of school busing plans. But I must advise the House that on three or four instances HEW actually broke engagement dates with our school officials and thus kept them in the dark as to what HEW specifically wanted or intended.

I must further say that the lack of needed information was not entirely HEW's fault, but came about because they in turn did not known the "party line"—that is, Justice waited until the 11th hour to decide which way it would go. In either event, both were slow in giving us direction, and I presume that would mean rules and regulations we should have known.

Therefore, though this may be an unusual route, I find it a serious proposition that there should even be any need for such a resolution.

For these reasons I support this resolution and I trust that the House will support it.

GENERAL LEAVE TO EXTEND

Mr. COLLINS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the resolution.

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

There was no objection.

Mr. COLLINS of Texas. Mr. Speaker, I move the previous question.

The SPEAKER. The previous question has been ordered.

The question is on the resolution.

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

Mr. PUCINSKI. 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 three Members are present, not a quorum.

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

The question was taken; and there were—yeas 351, nays 36, not voting 46, as follows:

[Roll No. 230]

YEAS—351

Abbitt	Carey, N.Y.	Findley
Abourezk	Carney	Fish
Adams	Carter	Fisher
Alexander	Casey, Tex.	Flood
Anderson, Calif.	Cederberg	Flowers
	Chamberlain	Foley
Anderson, Ill.	Chappell	Ford, Gerald R.
Anderson, Tenn.	Chisholm	Forsythe
	Clancy	Fountain
Andrews, Ala.	Clark	Fraser
Andrews, N. Dak.	Clausen, Don H.	Frelinghuysen
		Frenzel
Archer	Clawson, Del	Frey
Arends	Cleveland	Fulton, Pa.
Ashbrook	Collier	Fulton, Tenn.
Ashley	Collins, Tex.	Fuqua
Aspin	Colmer	Galifianakis
Aspinall	Conable	Garmatz
Baker	Conte	Gaydos
Baring	Corman	Gettys
Begich	Cotter	Giaimo
Bennett	Coughlin	Gibbons
Bergland	Crane	Goldwater
Betts	Culver	Gonzalez
Bevill	Daniel, Va.	Goodling
Biaggi	Daniels, N.J.	Grasso
Biester	Danielson	Gray
Blanton	Davis, Ga.	Green, Oreg.
Boggs	Davis, Wis.	Griffin
Boland	Delaney	Griffiths
Bow	Dellenback	Gross
Brademas	Denholm	Grover
Brasco	Dennis	Gubser
Bray	Dent	Gude
Brinkley	Derwinski	Hagan
Brooks	Dickinson	Haley
Broomfield	Dingell	Hall
Brotzman	Dorn	Halpern
Brown, Mich.	Dowdy	Hamilton
Brown, Ohio	Downing	Hammer-schmidt
Broyhill, N.C.	Drinan	
Broyhill, Va.	Dulski	Hanley
Buchanan	Duncan	Hansen, Idaho
Burke, Fla.	du Pont	Harsha
Burleson, Tex.	Dwyer	Harvey
Byrne, Pa.	Edwards, Ala.	Hathaway
Byrnes, Wis.	Eilberg	Hays
Byron	Erlenborn	Hébert
Cabell	Eshleman	Hechler, W. Va.
Caffery	Evans, Colo.	Heckler, Mass.
Camp	Fascell	Henderson
Hicks, Mass.	Mizell	Scott
Hicks, Wash.	Mollohan	Sebelius
Hogan	Monagan	Selberling
Holifield	Moorhead	Shipley
Horton	Morgan	Shoup
Hosmer	Moss	Shriver
Howard	Murphy, Ill.	Sikes
Hull	Murphy, N.Y.	Sisk
Hungate	Myers	Skubitz
Hunt	Natcher	Slack
Hutchinson	Nedzi	Smith, Calif.
Ichord	Nelsen	Smith, Iowa
Jacobs	Nichols	Smith, N.Y.
Jarman	Obey	Snyder
Johnson, Calif.	O'Hara	Spence
Johnson, Pa.	O'Konski	Springer
Jonas	O'Neill	Stafford
Jones, Ala.	Patman	Staggers
Jones, N.C.	Patten	Stanton, J. William
Karth	Pelly	
Kastenmeier	Pepper	Stanton, James V.
Kazen	Perkins	
Keating	Pettis	Steed
Keith	Pickle	Steele
Kemp	Pike	Steiger, Ariz.
King	Pirnie	Steiger, Wis.
Kluczynski	Poage	Stephens
Kuykendall	Podell	Stratton
Kyl	Powell	Stubblefield
Kyros	Preyer, N.C.	Stuckey
Latta	Price, Ill.	Symington
Lennon	Price, Tex.	Talcott
Lent	Pryor, Ark.	Taylor
Link	Pucinski	Teague, Calif.
Lloyd	Quie	Teague, Tex.
Long, Md.	Quillen	Terry
Lujan	Railsback	Thompson, N.J.
McClory	Randall	Thomson, Wis.
McCloskey	Rarick	Thone
McClure	Rees	Tiernan
McCollister	Reid, Ill.	Udall
McCormack	Reid, N.Y.	Ullman
McDade	Reuss	Veysey
McDonald, Mich.	Rhodes	Vigorito
	Riegle	Waggonner
McEwen	Roberts	Wampler
McFall	Robinson, Va.	Ware
McKay	Robison, N.Y.	Watts
McKevitt	Rodino	White
McMillan	Roe	Whitehurst
Madden	Rogers	Widnall
Mahon	Rooney, Pa.	Wiggins
Mailliard	Rostenkowski	Williams
Mann	Roush	Wilson, Bob
Martin	Rousselot	Winn
Mathias, Calif.	Roy	Wolff
Mathis, Ga.	Roybal	Wright
Matsunaga	Runnels	Wyatt
Mayne	Ruppe	Wydler
Meeds	Ruth	Wylie
Melcher	St Germain	Wyman
Michel	Sandman	Yates
Miller, Calif.	Sarbanes	Yatron
Miller, Ohio	Satterfield	Young, Fla.
Mills, Ark.	Scherle	Young, Tex.
Mills, Md.	Scheuer	Zablocki
Minish	Schmitz	Zion
Mink	Schneebeli	Zwach
Minshall	Schwengel	

NAYS—36

Abzug	Eckhardt	Morse
Annunzio	Edwards, Calif.	Mosher
Badillo	Green, Pa.	Nix
Barrett	Harrington	Rangel
Bingham	Hawkins	Roncalio
Blatnik	Helstoski	Rooney, N.Y.
Boiling	Koch	Rosenthal
Burke, Mass.	Leggett	Ryan
Burton	Macdonald, Mass.	Stokes
Celler		Vanik
Collins, Ill.	Metcalfe	Whalen
Dellums	Mikva	
Dow	Mitchell	

NOT VOTING—46

Abernethy	Evins, Tenn.	Mazzoli
Addabbo	Flynt	Montgomery
Belcher	Ford, William D.	Passman
Bell		Peyser
Blackburn	Gallagher	Poff
Burlison, Mo.	Hanna	Purcell
Clay	Hansen, Wash.	Saylor
Conyers	Hastings	Sullivan
Davis, S.C.	Hillis	Thompson, Ga.
de la Garza	Jones, Tenn.	Van Deerlin
Devine	Kee	Vander Jagt
Diggs	Landgrebe	Waldie
Donohue	Landrum	Whalley
Edmondson	Long, La.	Whitten
Edwards, La.	McCulloch	Wilson, Charles H.
Esch	McKinney	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. McKinney.
Mr. Burlison of Missouri with Mr. Belcher.
Mr. Charles H. Wilson with Mr. Bell.
Mr. Evins of Tennessee with Mr. Devine.
Mr. Purcell with Mr. Landgrebe.
Mr. Flynt with Mr. Blackburn.
Mr. Abernethy with Mr. Hillis.
Mr. Montgomery with Mr. Hastings.
Mrs. Sullivan with Mr. Saylor.
Mr. Hanna with Mr. Vander Jagt.
Mr. Waldie with Mr. Peyser.
Mr. Jones of Tennessee with Mr. Esch.
Mr. Passman with Mr. Poff.
Mr. Gallagher with Mr. Conyers.
Mr. Whitten with Mr. Whalley.
Mr. Landrum with Mr. Thompson of Georgia.
Mr. Davis of South Carolina with Mr. de la Garza.
Mr. Van Deerlin with Mr. Clay.
Mr. Kee with Mr. Diggs.
Mr. Mazzoli with Mr. William D. Ford.
Mr. Donohue with Mr. Edwards of Louisiana.
Mr. Edmondson with Mrs. Hansen of Washington.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ACCESS TO INFORMATION

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

Mr. LUJAN. Mr. Speaker, by a vote of 351 to 36, this Congress has taken one giant step forward for the cause of democracy.

Mr. COLLINS of Texas wanted certain information from the Department of Health, Education, and Welfare which the Committee on Education and Labor had failed to get. He came to the floor of the House and introduced a resolution discharging the Committee from further action, and asked the members to reaffirm his right to this information.

In passing this resolution we have established the right of a man representing the American public to have any information he wants as to what any branch of this Government is doing.

Too long has the Congress been denied access to information of programs not necessarily in the public interest.

The seniority system has made it possible for a chairman of a committee to stop any action he wants to stop. This vote serves notice that members will now come to the House with their requests if the chairmen are not responsive.

During the argument, the majority leader, Mr. BOGGS, and the majority whip, Mr. O'NEILL, pointed to the fact that this would be setting a dangerous precedent. To this I say, Mr. Speaker, dangerous for whom? Certainly not for the American public.

PERSONAL EXPLANATION

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

Mr. MAZZOLI. Mr. Speaker, I was scheduled to depart Louisville on Eastern Airline flight 522 at 10:55 a.m. this morning. My arrival time at Washington

National Airport was scheduled for shortly after 12 noon today.

Because of an equipment failure, flight 522 did not leave Louisville until almost 3 p.m. this afternoon. Thus, I did not arrive in Washington until shortly before 5 p.m.

Because of this equipment failure, I was prevented from being on the floor of the House today during the period when three record votes were taken.

Had I been present at the time the conference report on H.R. 9272, Appropriations for the Departments of State, Justice, Commerce, and Judiciary, I would have voted "yea."

Had I been present at the time the vote was taken on the motion to discharge the Committee on Education and Labor from further consideration of House Resolution 539, directing the Secretary of Health, Education, and Welfare to furnish certain documents to the House of Representatives which pertain to the busing of children to achieve racial balance in the schools, I would have voted "no."

Had I been present at the time the vote was taken on adoption of House Resolution 539, I would have voted "yea."

CONCERNING THE WAR POWERS OF CONGRESS AND THE PRESIDENT

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 1) concerning the war powers of the Congress and the President.

The Clerk read as follows:

H.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress reaffirms its powers under the Constitution to declare war. The Congress recognizes that the President in certain extraordinary and emergency circumstances has the authority to defend the United States and its citizens without specific prior authorization by the Congress.

SEC. 2. It is the sense of Congress that the President should seek appropriate consultation with the Congress before involving the Armed Forces of the United States in armed conflict, and should continue such consultation periodically during such armed conflict.

SEC. 3. In any case in which the President without specific prior authorization by the Congress—

(1) commits United States military forces to armed conflict;

(2) commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, repair, or training of United States forces, or for humanitarian or other peaceful purposes; or

(3) substantially enlarges military forces already located in a foreign nation;

the President shall submit promptly to the Speaker of the House of Representatives and to the president of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating his action;

(B) the constitutional, legislative, and treaty provisions under the authority of which he took such action, together with his reasons for not seeking specific prior congressional authorization;

(C) the estimated scope of activities; and

(D) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

SEC. 4. Nothing in this joint resolution is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from Wisconsin is recognized for 20 minutes.

Mr. ZABLOCKI. Mr. Speaker, I yield myself as much time as I may require.

Mr. Speaker, House Joint Resolution 1 reasserts in a constitutional and practical way the power and authority of Congress in the matter of war-making.

This resolution is virtually identical to a war powers resolution which was passed under suspension of the rules by the House on November 16, 1970, by the overwhelming vote of 288 to 39.

When the Senate subsequently failed to act on the House resolution before the end of the 91st Congress, it died with adjournment.

Today the House is being asked to reaffirm its earlier decision that the concept embodied in this resolution represents a clear and firm consensus of the House in the matter of war powers.

The only modification of the earlier House-passed resolution which was made in House Joint Resolution 1 resulted from the desire to gain the broadest possible support.

The resolution approved by the House last Congress contained the phrase "whenever feasible" in section 2—as:

It is the sense of Congress that, *whenever feasible,* the President should seek appropriate consultation with the Congress before involving the Armed Forces, etc.

When the resolution was reintroduced into the 92d Congress that phrase was deliberately omitted. The reasons were:

First, the phrase apparently had been the most controversial part of the resolution during its consideration in the House in 1970. Several members told me that they based their opposition to the resolution on the inclusion of those two words. This year those two words, which troubled some, have been eliminated and open the way for their support of House Joint Resolution 1.

A second reason for eliminating the phrase is that it had no essential significance in the resolution. The section in which it appears remains a "sense of Congress" provision and thus advisory rather than mandatory on the President.

Even though this resolution had been drafted and approved by the Committee after extensive hearings in 1970, the Subcommittee on National Security Policy held additional hearings on House Joint Resolution 1 and other war powers bills this year.

Once again the subcommittee was convinced of the wisdom of the approach embodied in the resolution. On July 21 the full House Foreign Affairs Committee considered House Joint Resolution 1 and voted unanimously to report it to the floor for passage.

Mr. Speaker, there are a number of members of this body who have themselves offered war powers resolutions. Many of those proposals are of much more sweeping effect than the resolution before us today. For that reason, it is possible to question their constitutionality or their feasibility in view of the fact that to become effective they must become law.

House Joint Resolution 1 cannot be questioned on either count.

It is clearly a legitimate and constitutional exercise of congressional power to pass such a resolution.

Second, I believe that the President will sign this resolution, or at least allow it to become law. In that regard, it should be pointed out that representatives of the executive branch who have testified on the proposal have made it clear that they find nothing in it which they would find objectionable.

This is so, I believe, because the resolution was drafted with bipartisan support, not in an effort to provoke confrontation between the legislative and executive branches, but rather to promote greater cooperation and consultation in the national interest.

Because this resolution was formed in a spirit of cooperation rather than confrontation, I believe it reflects a consensus in the House on objectives which new war powers legislation should fulfill. Those objectives are three:

First, House Joint Resolution 1 reaffirms and reasserts the constitutional grant of power to Congress to declare war, while recognizing the responsibility of the President to defend the Nation against attack, without specific prior congressional authorization, in emergency circumstances.

Second, the resolution makes clear that, to the maximum extent possible, the Congress should be consulted prior to Presidential action involving the commitment of U.S. forces to combat even if the crisis does not permit Congress to act first.

Third, House Joint Resolution 1 places a new reporting requirement on the President. It directs that he must promptly present to Congress a formal, written explanation whenever he takes certain actions involving U.S. Armed Forces without prior congressional approval.

Among Presidential actions included are the commitment of troops to armed conflict or the risk thereof, the initial movement of significant numbers of U.S. forces to foreign soil, and the substantial enlargement of units already stationed abroad.

That is the total effect of the resolution. As section 4 of the proposal makes explicit, it does not alter the constitutional authority of either Congress or the President, nor does it affect the provisions of existing treaties.

While it neither increases or diminishes the existing war powers of Congress and the President, House Joint Resolution 1 does offer an opportunity for

greater understanding and coordination between the two branches of Government in the greater national interest.

We may reasonably expect situations to arise in the future, as they have in the past, which will threaten conflict between the Congress and the President over the exercise of the war-making powers. Passage of House Joint Resolution 1 will prevent such strife at critical periods in our Nation's history.

Key to this effect of the resolution is section 3 which imposes a reporting requirement and thereby opens up a formal channel for communication between the President—the Commander in Chief—and the Congress.

Since the reporting requirement contained in section 3 of the resolution is the heart of the proposal, it requires some further explanation.

House Joint Resolution 1 calls for the President to file a report with the Congress in three situations in which he acts without specific prior congressional authorization.

Those situations are:

First, when he commits U.S. military forces to armed conflict.

This would include commitments of U.S. forces into situations or areas where conflict already is taking place and there is reasonable expectation that American military personnel will be subject to hostile fire.

For example, if the resolution had been in force in 1965, the President would have been required to make a formal report to Congress about the Dominican Republic action.

Second, the President would be required to report to Congress in any situation in which he commits military forces equipped for combat to the territory, airspace or waters of a foreign nation, except for deployments which relate solely to routine matters such as supply, repair, training, or for humanitarian purposes.

This provision is designed to cover those commitments of troops in situations where there is no actual fighting, but some risk, even if it is small, of our forces being involved sooner or later in hostilities.

Thus, for example, the dispatch of Marines to Thailand in 1962 and the Lebanon landing of 1958 would have required a report to Congress.

Third, the President would be required to report whenever he substantially enlarged numbers of U.S. military forces already located in a foreign nation.

While the word substantial is subject to interpretation, it is possible to have a common sense understanding of the numbers involved. A thousand additional men sent to Germany or Vietnam would not be a substantial enlargement of U.S. forces there. If a thousand-additional-man contingent were sent to Guantanamo Bay, Cuba, however, it would increase U.S. forces by some 25 percent and would require a report.

The report itself is prescribed in some detail by the resolution. It is to be submitted promptly, that is, within several days, in writing, to the President of the Senate and the Speaker of the House. Morever, it is implied to the maximum extent possible, the report is to be unclassified. If the President wishes to make classified information available to the Congress as additional justification for his actions, he is free to do so.

The legislation also specifies information which is to be contained in the report. It includes: The circumstances requiring the President to act; the constitutional, legislative and treaty provisions from which he derived authority for his action, the President's reasons for not seeking specific prior Congressional authorization; the estimated scope of activities, and such other information as the President believes necessary to aid the Congress in fulfilling its responsibilities.

Requiring such a report from the President is fully consistent with the traditional relationship between the Congress and the Chief Executive. Fully one hundred reporting requirements have been imposed in the past on the executive branch by Congress as part of foreign affairs and national security affairs legislation.

While it is not unusual for Congress to require Presidential reporting, the reports themselves should be an unusually effective way of keeping Congress informed about the use of U.S. armed forces abroad. They may lead to increased harmony and cooperation between Congress and the President in national security matters.

In time of future crisis, the safety and salvation of our Nation could well depend on just such harmony and cooperation.

In conclusion, I wish to commend particularly several Members of Congress who have been very helpful in formulating this resolution and have contributed significantly to it. They are the gentleman from Florida (Mr. FASCELL), the gentleman from California (Mr. HOLIFIELD), and the gentleman from Florida (Mr. PEPPER), and, on the other side of the aisle, the gentleman from Illinois (Mr. FINDLEY).

Therefore, Mr. Speaker, I urge that the Members of this body suspend the rules of the House and approve this resolution.

Mr. FINDLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, I subscribe generally to the theory that the Congress should assert itself in this important field and that normally it would be desirable before committing our Armed Forces abroad for the President of the United States to consult with the Congress.

I think, however, it is perfectly obvious—and it has been true throughout our history—that occasions are going to arise when consultation for one reason or another—and I refer to prior consultation—is not practicable or possible.

When this resolution was before the House previously—and I voted for it—the words, as the distinguished chairman has said, "whenever feasible" were included.

In the resolution passed here previously the operative language read as follows:

> It is the sense of the Congress that, *whenever feasible*, the President should seek appropriate consultation with the Congress before involving the armed forces of the United States in armed conflict—

I, personally, regard it as unfortunate, particularly since the words were included the first time, that they should be omitted this time. It seems to me that it is at least possible to argue that the resolution has more significance than I think, probably, was intended by the committee or that it actually could have in practice. I think we must all realize that there will in fact be occasions when prior consultation will not be had because it is not in fact possible or feasible, and in section 1 and again in section 3, this resolution itself in effect recognizes that it is not always feasible to have prior consultation.

The committee report says that the omission of these words makes no difference, and that may be true, but since that is so, and it has been so that the President has, on occasion acted throughout our history, and since the committee was careful and elected to state his right to act here, I, personally, find it regrettable that those words were left out, and that there was this change.

If we were bringing this important matter up other than under a suspension of the rules, as I would have hoped it would have been brought up other than on a suspension of the rules, I would certainly offer an amendment to put those words back in which, of course, is not now possible.

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

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

Mr. FINDLEY. I am sure the gentleman from Indiana recognizes that consultation can occur at several different levels. It might consist of a telephone call to the Speaker of the House and one to the President of the Senate or the President pro tempore of the Senate. It could involve committee leaders or entire committees, or the entire Congress.

For myself, I cannot recall any time in our history in which circumstances were so tight as to deny the President at least a reasonable opportunity to get on the telephone and at least inform the elected leaders of both Chambers before our military forces are engaged.

Therefore, I feel that the omission of "whenever feasible" really does not have a damaging effect upon this resolution. After all, that part of the resolution——

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. FINDLEY. Mr. Speaker, I yield the gentleman 2 additional minutes.

The SPEAKER. The gentleman is recognized for 2 additional minutes.

Mr. FINDLEY. The words "whenever feasible" appeared formerly in that part of the resolution which is a sense of the Congress, an expression of opinion and attitude on the part of the Congress, and does not have a binding force and effect.

Furthermore, I would like to say this is a new Congress. The last resolution on this question was considered in a former Congress. The legislative history of this action depends upon what the 92d Congress does.

Mr. DENNIS. My feeling is that it does not add very much or change very much either, but the gentleman drew the resolution before. Why did he leave the words out?

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

Mr. DENNIS. I yield to the chairman of the subcommittee.

Mr. ZABLOCKI. I thank the gentleman for yielding. When a similar resolution was considered in the 91st Congress there were some Members who felt that the phrase "whenever feasible" in section 2, the sense of Congress portion of the resolution would serve as an excuse for the President not to consult with Congress.

Since the phrase is in the sense of Congress section of the resolution, dropping the phrase "whenever feasible" appeared advisable. It was the intent of the chairman of the subcommittee and, I believe, the members of the subcommittee to obtain broader support for the resolution. Deleting "whenever feasible" does not detract from the provision in this section and would, indeed, encourage the President to seek consultation with the Congress.

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

Mr. DENNIS. I yield to the gentleman from North Carolina.

Mr. JONAS. May I ask a question of the chairman of the committee?

I invite your attention to the sentence beginning in the middle of line 4, page 1, which is as follows:

> The Congress recognizes that the President in certain extraordinary and emergency circumstances has the authority to defend the United States and its citizens without specific prior authorization by the Congress.

The SPEAKER. The time of the gentleman from Indiana (Mr. DENNIS) has again expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 additional minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. JONAS. Mr. Speaker, if the gentleman will yield further, I am a little confused about that language. I had thought the President of the United States has the inherent authority, not only the power and authority, but the responsibility to defend the United States if attacked, immediately.

Mr. ZABLOCKI. Mr. Speaker, if the gentleman would yield, that is exactly right and the language in the resolution reaffirms that the Congress recognizes this power.

Mr. JONAS. No, you say that the Congress recognizes that the President in certain extraordinary and emergency circumstances has the authority to defend the United States. Does he not have that power in any event—and the responsibility?

Mr. ZABLOCKI. Under the Constitution the President does have the authority, in certain extraordinary and emergency circumstances to commit troops and the power to defend the United States.

Mr. JONAS. What if the United States is suddenly attacked?

Mr. ZABLOCKI. That certainly is an extraordinary and emergency circumstance, and the President would have the authority to commit troops and this resolution so states.

Mr. JONAS. So that what you mean is that in the event of an extraordinary or sudden attack you would concede the President would have the authority and responsibility to defend the United States, in the event of such a sudden attack, without any requirement that he get the consent of the Congress?

Mr. ZABLOCKI. There is no question in the mind of the gentleman from Wisconsin about that.

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

Mr. ZABLOCKI. The gentleman from Indiana has the time.

Mr. DENNIS. As I understand the explanation made by the chairman of the subcommittee, these words "whenever feasible" were omitted without the intention of tying the President down more than the first resolution. And I come back to the fact that as far as I know, throughout history, the President of the United States on many occasions has committed armed forces and then consulted with the Congress afterward, and those actions have been approved ex post facto. If the committee is seeking by this resolution to say that the President can no longer do that, that he always must consult ahead of time whenever it is in any wise feasible, then I would think that we were making a rather serious change.

Mr. ZABLOCKI. May I say to the gentleman from Indiana that the language of section 2 does not say that.

Mr. FINDLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Speaker, there are two areas in this resolution upon which I would like some clarification.

In section 3, paragraph 2, it states, "Commits military forces equipped for combat," et cetera.

Now, at what point do we determine when forces are equipped for combat? In 1961, we dispatched 15,000 troops to South Vietnam. They were presumed to be there for instruction and training purposes. The resolution excepts the training of U.S. Forces. The troops sent in 1961, as I recall, were combat equipped, at the same time they were presumed, as I say, to be there for the purpose of training South Vietnamese troops. How would this be applicable under similar circumstances in the future?

Mr. ZABLOCKI. It would be applicable whenever the President commits combat-equipped troops further, subparagraph 3, provides that a report is required when the President "substantially enlarges military forces already located in a foreign nation."

The President would then have to report to Congress.

In the case of Vietnam, when we had a training force there——

Mr. COLLIER. We had 583 there.

Mr. ZABLOCKI. And we had less than 5,000, this number was increased to 15,000. However, prior to being equipped for combat, they did not even carry sidearms, I will say to the gentleman. When they were equipped for combat, if this resolution were law, the President would have to report his action to the Congress.

Mr. COLLIER. We had 583 troops, I understand those are the figures, of so-called training forces.

When the 15,000 were sent they did have sidearms, and they did in fact engage in combat.

At what point do we decide whether they are there for the purposes of training forces, and at what point do they become combat forces?

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

Mr. COLLIER. I yield to the gentleman.

Mr. FINDLEY. If the gentleman will read lines 7 and 8 on page 2 which provide the answer.

The language is "commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation."

So when the moment arrives that military forces equipped for combat are committed to the territory, airspace, or waters of a foreign country then at that moment the President is required under the terms of this resolution to report to the Congress what has occurred, his justification for it, and the legal basis for taking that action.

Mr. COLLIER. According to this verbiage no President could dispatch forces for the purpose of training foreign forces inasmuch as this makes the exception for the training of U.S. forces, is that correct?

So we would have no recurrence of what we had previously.

Mr. FINDLEY. I will say to the gentleman that had this resolution been law in 1962 when the number of U.S. military personnel in Vietnam was raised from about 700 to 16,000 definitely under the terms of this resolution a report would have been required. Those forces were sent originally as military advisers. But shortly after their arrival in Vietnam they were reformed as part of combat teams and they became forces certainly equipped for combat.

Mr. COLLIER. I thank the gentleman. There is one other point with reference to the final sentence in this resolution which reads:

> Nothing in this joint resolution is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties.

At present we are engaged in or are involved in some seven international treaties which commit us to the common defense of some 40 nations in the world.

Why should not this be applicable to those particular treaties? Because I think if we learn nothing else from our experience in the last 6 years it should be a review of all military commitments—and we are committed today as I say to the defense of 40 nations in the world. And I do not think that there should be an exclusion in this type of resolution to accommodate those treaties

which are in many cases obsolete and certainly impracticable in the light of our recent experience.

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

Mr. COLLIER. I yield to the gentleman.

Mr. FINDLEY. The language in section 4 has nothing to do with the language in section 3, the reporting requirement. For example when we initially stationed military forces in Europe under the NATO treaty a report under this resolution would be required. If we substantially increased those forces in Europe a report would be required.

Mr. ZABLOCKI. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, we have witnessed in the last year a basic reappraisal of the way in which this Nation involves itself in war. Drawing on the experience of Southeast Asia, and particularly the Cambodian incursion which involved U.S. forces in combat without prior congressional consultation or authorization, the necessity for a comprehensive review of the war powers of Congress and the President was clearly recognized.

In order to stimulate that reappraisal and catalyze the discussion of a vital constitutional issue, I prepared and sponsored legislation on May 13, 1970, to define the authority of the President to commit U.S. troops abroad or make war without the express consent of Congress.

Thanks to our colleague, CLEM ZABLOCKI, chairman of the Subcommittee on National Security Policy of the House Foreign Affairs Committee, and the distinguished members of that subcommittee as well as Chairman THOMAS MORGAN of the full Foreign Affairs Committee, a thorough discussion has taken place. The extensive hearings which were held both last year and this year were among the most carefully structured and thorough in which it has been my privilege to participate.

The result of that careful consideration is House Joint Resolution 1, which is before us today. It is the legislative translation of our consensus about how to begin to restore a proper constitutional balance between the Congress and the President. A similar resolution was approved overwhelmingly by the House last fall, but died when the Senate failed to act.

Mr. Speaker, we cannot delude ourselves that this one bill, or even a series of bills, will, by themselves, restore the prerogatives of the Congress, arrogated by the Executive over the years. But House Joint Resolution 1 is an important first step toward reestablishing the constitutional balance with respect to war powers.

The widespread change of attitude which has seen renewed and wider interest in this subject in both the House and Senate is significant.

Mr. Speaker, the Congress is in the midst of considering many critical issues, but none could be more important than the question of minimizing the risk of unnecessary war. We can begin the long road back to full congressional constitutional authority by taking favorable action on House Joint Resolution 1.

Mr. FINDLEY. Mr. Speaker, I yield myself such time as I will require.

Mr. Speaker under the Constitution, the Congress clearly is the branch with the greatest warmaking authority and responsibility, deriving them from specific provisions as well as from residual powers.

The somber fact, however, is that the Congress has exercised this authority to only a modest degree. For the most part, Congress has been content with the role of supply sergeant to the Nation's military needs, leaving to the President the great decisions of war and peace. Neglect of its responsibility has been greatly to the disadvantage of the public interest.

In light of our grim experience in the quagmire of Vietnam, it is timely—in fact, urgent—for the Congress to identify the factors contributing to this neglect. We must find ways to promote greater congressional participation in the decisions which cause our Armed Forces to engage in hostilities, or cause them to be stationed where hostilities may develop. Congress must find effective ways to reassert its control over the power of the sword committed to it by the Constitution.

Athough I feel the Congress has preeminent authority and responsibility in the warmaking field, clearly the Constitution confers some responsibilities in this area to the President, certain others to the Congress as a whole, and still others only to the Senate.

The language of the Constitution actually invites struggle among these institutions as to which will have the decisive voice in determining the course of the American Nation. In this struggle the Supreme Court provides little help. The final arbiter is the American electorate, with the Court almost without exception choosing to regard conflicts between the Congress and President over war powers as extrajudicial.

Why the Presidency has become the institution of greatest influence in the field of war powers, to the disadvantage of the Congress, is easy to understand.

It has advantages in terms of action and influence over public opinion. Among these are the unity of the Presidential office, its capacity for secrecy and dispatch, its generally superior sources of information, its capability to make war, and its functioning continuity, that is, its readiness to act any hour, any day.

These advantages are inherent and must be recognized as the Congress attempts to exercise more adequately its own responsibility under the Constitution.

As Congress considers ways to reassert control over the power of the sword, it must also recognize its own limitations. It cannot by statute reduce what a President perceives to be his constitutional duties as Commander in Chief. He may thwart a 30-day statutory limitation on his authority to continue hostilities by applying a very narrow definition to the term "military hostilities." He may ignore legislatively-imposed reporting requirements, or respond to them incompletely or too late. He may use the vast resources of his office to influence the happening of events or to marshall public opinion so that, regardless of what we do, Congress will be unable to play a meaningful role in the determination of war policy.

To the extent that events, rather than legal interpretations, tend to settle struggles over war powers, the President can be expected to have the upper hand over Congress.

The quest for an improved relationship is nevertheless worthy of our best efforts. The bill before the House, House Joint Resolution 1, represents a significant advance in this relationship. It deals specifically with the stationing of forces equipped for combat abroad in the absence of hostilities.

While it is highly important that Congress be involved intimately in decisions which actually engage our forces in military hostilities, it is also essential that we be similarly involved in decisions which place our forces in circumstances where armed conflict may later develop.

The decision to place U.S. Armed Forces in foreign areas where hostilities may subsequently break out could well have greater and graver implications than a subsequent decision authorizing such forces to continue—or discontinue—their engagement in actual hostilities.

Certainly, the political, psychological, and emotional factors present when the earlier decision is made would be much more conducive to thoughtful, objective deliberation than later when guns are blazing. On the later occasion, our forces and our flag would be under attack. Concern would center on the safety of our forces and the broad—and important—questions of national honor, prestige, and influence. At that juncture, the wisdom of our presence could not receive the same dispassionate consideration that would have been possible earlier.

Most Americans, I would judge, today believe the United States acted unwisely when it first placed forces equipped for combat in South Vietnam. They would like to turn the calendar back and not have them there at all, regardless of the consequences for the South. But, primarily because our forces and our flag were under attack, many of these same people opposed a quick departure of our forces, and some still do. They support actions in Cambodia and Laos and the more gradual "Vietnamization" of the war.

Unfortunately, the Congress did not deal directly and promptly with the question as to whether the initial commitment of forces equipped for combat to Vietnam was either constitutional or in the national interest.

Congress was never called upon the grant specific approval in connection with the stationing by President Kennedy of 16,000 troops equipped for combat in Vietnam in 1962, troops which were initially identified as military advisers but soon were given direct combat responsibility.

While we cannot turn the calendar back, hopefully we can profit from this experience. We can establish rules which will enhance the likelihood that in similar future circumstances—before fighting breaks out—Congress will receive promptly a formal written report from the President detailing and justifying the steps he has ordered. Upon such a report, hearings could be expected. Congress, if it deemed such advisable, could

pass judgment on the wisdom, propriety, constitutionality, and necessity of the action reported.

Under this proposal, the President must give attention to a detailed report to Congress at the very time he ponders a decision to commit military forces to foreign territory or to enlarge substantially forces already there. At the very least, this would remind the President and his advisers forcibly and before the commitment is made of congressional responsibility and authority in this area.

As a practical matter, this reporting requirement might also cause the President to consult directly with the legislative branch before making the final decision on force commitment.

Had House Joint Resolution 1 been law, it would have required a prompt, written detailed report on:

The Berlin airlift following the blockade of that city in 1948.

The intervention of U.S. troops in Korea in 1950.

The enlargement of our forces in Europe in 1951.

The sending of reinforcements to Berlin after the German border was closed in 1961.

The deployment of our troops in Thailand in 1961–62.

The various troop buildup stages in Vietnam through August 1964, when Congress approved the Gulf of Tonkin Resolution.

The sending of Marines to the Dominican Republic in 1965.

Present activities over Laos in early 1971.

These are some of the major incidents since the end of World War II involving American troops in which neither prior nor subsequent congressional approval was sought by the President.

Each of these force movements was undertaken without specific prior authorization of the Congress. Each involved armed conflict or the definite risk thereof. Most importantly, several of these instances would not have invoked the provisions of the war powers bill sponsored by Senator JAVITS and widely endorsed in the U.S. Senate, while each would have required a report to Congress under House Joint Resolution 1.

Had this reporting requirement been in effect in 1962 when the number of U.S. advisers in Vietnam was raised from 700 without combat gear to 16,000 equipped for combat, President Kennedy would have been required to explain promptly and in writing to Congress the circumstances necessitating his decision, the constitutional, legislative, and treaty provisions under which he took such action, and his reasons for not seeking specific prior congressional authorization.

This reporting requirement of itself might have caused sober second thoughts by the President. It might have caused him to reconsider. If he went ahead, the report on the action would have provided Congress with a formal document on which to hold hearings.

Certainly the consideration of the report in 1962 would have been in circumstances more favorable to objectivity than existed when the Gulf of Tonkin resolution was passed in 1964.

House Joint Resolution 1 would have required the President promptly after the commitment of our forces to Laos on February 7, 1971, to report in writing to the Congress the circumstances necessitating the action; the constitutional, legislative, and treaty provisions under the authority of which he took such action, with his reasons for not seeking specific prior congressional approval; and the estimated scope of activities.

The President, due to the need for secrecy, could have placed the highest security classification on part or all of the report for a period of time. But, importantly, the President would have reported in writing, in detail, and promptly to the Speaker of the House and the President of the Senate, who then would be able to place the documents before the appropriate committee for further consideration.

To be sure, this procedure provides no guarantee that the Congress will undertake an examination of the report, but the basic information and opportunity would be at hand.

In respect to the Laos operation, Congress was subjected to the same total weeklong news blackout as was the rest of the Nation. To the best of my knowledge, the Congress to this date has not been supplied with a formal report providing basic data about the Laos action, such as the House bill would require.

Prompt reports would re required, with the modest exceptions listed, whenever forces equipped for combat are sent to foreign areas for any purpose.

Would the reports be so numerous as to bog down both the executive and legislative branches? Based on past history, the answer must be no. Reports would be required only when the original force commitment is made, or when forces are substantially enlarged. Additional reports would not be required as personnel and equipment are rotated.

"Substantially" is open to varied definitions, but I do not feel admits of too much flexibility or is overly vague. A thousand additional men sent to Europe under present circumstances clearly would not "substantially enlarge" our 300,000 men already stationed there. A thousand men sent to Guantanamo Bay, Cuba, to beef up our 4,000-man contingent there would indeed be "substantial."

The aim is to facilitate the fulfillment by Congress of its responsibility for committing the Nation to war, and also its responsibility to "provide for the regulation of its Armed Forces."

Congress can hardly regulate the Armed Forces as the Constitution requires if it does not even know where they are or where they are being sent.

This expanded reporting requirement would place congressional influence far closer to the points and moments of great decision. It would require the President and his advisers to give thorough consideration to the judgment and reaction of Congress, as well as to the relevant provisions of laws, treaties, and the Constitution, to which they must turn for authority. Consideration of legal justification would become part of the decisionmaking process—not a subsequent State Department lawyers handcraft a exercise of small importance in which legal garment to cover the subject long after the military action has been decided upon and undertaken. And the Congress, charged under the Constitution with the power to commit the Nation to war, would be better equipped to fulfill its responsibility.

If enacted, House Joint Resolution 1 will establish for the first time in our history a formal statutory relationship between the President and the Congress with respect to the stationing of military forces on foreign territory.

For the first time the President will be required to inform the Congress promptly and in detail as to what he is doing with military forces abroad and why.

To be sure, the legislation does not seek to delimit what the President can do with military forces, and that fact is important to note. It does not tie the President's hands. It does not diminish or increase the constitutional war powers of either the President or the Congress.

The proposal advanced by Senator JAVITS, which would terminate Presidential authority to conduct hostilities after 30 days unless Congress acts, raises serious questions and has serious limitations.

It does nothing to inhibit presidential adventurism in the stationing of troops abroad in circumstances where hostilities may subsequently occur. It becomes operative only after "the initiation of military hostilities."

The following chart which I am placing in the CONGRESSIONAL RECORD lists six intances in recent years in which military forces equipped for combat were stationed on foreign territory in circumstances of potential hostility. In none of these instances would the Javits proposal have functioned, but in all of them a prompt detailed report would have been required by House Joint Resolution 1:

DEPLOYMENT OF U.S. TROOPS SINCE WORLD WAR II IN CIRCUMSTANCES OF POTENTIAL HOSTILITY

	Number of U.S. troops initially there	Date of 1st deployment or order	Number of military units added or involved	Provision of H.J. Res. 1 requiring report
Berlin airlift (1948)		June 21, 1948, partial air service; June 26, 1948 full-scale service.	277,000 flights by end of blockade, Sept. 30, 1949.	(2) (3)
U.S. forces to Europe (1951)	2 divisions	Sept. 9, 1950, Truman pledges buildup.	4 divisions added	(3)
Berlin crisis (1961)	5,000-man garrison	Aug. 20, 1961	1,500 men sent from United States and Europe, plus Vice President Johnson.	(2) (3)
Thailand buildup (1961–62)	300-man MAAG group.	May 15, 1962	5,000 troops "instructed to hold fire even by Pathet Laos"; Paul Harkens, commander.	(1) (3)
Dominican Republic (1965)	27 men	Apr. 26, 1965 to rescue Americans; Apr. 29, 1965 to maintain order.	14,000 troops	(1) (2) (3)
Laos bombing (1971)		Feb. 7, 1971	Bombing and troop transport	(1) (2) (3)

The Javits proposal also raises serious constitutional questions. It limits independent presidential authority to four categories: First, to repel attack against the United States; second, to repel attack against U.S. Armed Forces; third, to protect the lives of U.S. nationals abroad; and fourth, to comply with national commitments. In each of these instances, "such military hostilities, in the absence of a declaration of war, shall not be sustained beyond 30 days."

Actually, the constitutional authority of the President is probably greater than that defined by the bill's four categories. Without making a final judgment on any particular point, it may be argued that participation in regional peacekeeping actions in defense of U.S. interests in free transit of international straits, and humanitarian interventions strictly to save lives are within the President's authority. Yet, these situations seem prohibited by the proposal advanced in the Senate which defines Presidential authority in advance. To that extent, such a restrictive proposal may be unconstitutional.

At the very least, in the absence of greater constitutional clarity, such a law might precipitate a constitutional crisis between Congress and the President when the Nation can least afford it. We have not yet become a Nation muscle-bound by our enormous power, but we can make ourselves so.

Attempts to restrict Presidential authority before the fact may prove to be too much. The Congress already has the constitutional authority to terminate hostilities, if it will only use it.

For a nation to go to war, it must go through a process of decision, not just a single decision of commitment. Control of this process requires congressional involvement in decisions both prior and subsequent to initial commitment of our Armed Forces to combat. A vigorous congressional involvement through the reporting requirement specified in House Joint Resolution 1 will probably be more effective than reliance on mechanical tests for delimiting Presidential authority to act to four specific categories.

As Congress attempts to regain the power of the sword, it should not let the present dissatisfaction with the Vietnam war lead to proposals which may alter the proper balance between Congress and the President. The Vietnam war will come to an end, but the need for a proper balance between Congress and the President will continue.

In August 1937, the Young Democrats meeting in their national convention voted to endorse a constitutional amendment requiring a national referendum before there could be a declaration of war. Five years later, World War II made the proposal seem strangely outdated.

History teaches that we tend to respond to past problems rather than anticipate future dangers. Hopefully, House Joint Resolution 1 avoids that pitfall. It will inhibit Presidential adventurism, without raising questions over the independent constitutional authority of the President or the Congress.

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

Mr. FINDLEY. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Speaker, if I understood the gentleman when we had our previous colloquy and if I also correctly understood the distinguished chairman of the committee, it is not the intention of the committee by omitting the words "whenever feasible" in section 2 in any way to limit or detract from the historic powers and practice of the President as Commander in Chief. Is that correct?

Mr. FINDLEY. Speaking for myself, that certainly is correct. First of all, I do not feel the inclusion of these words in the last Congress had any real substance. Second, this is only a resolution and could not conceivably diminish the constitutional authority of the President of the United States.

Mr. DENNIS. Mr. Speaker, may I ask the distinguished chairman if that is correct as far as he is concerned?

Mr. ZABLOCKI. If the gentleman will yield, that is correct as far as the gentleman from Wisconsin.

Mr. DENNIS. Mr. Speaker, if the gentleman will yield for one additional question, when the gentleman and I had our earlier colloquy, the gentleman, as I understood him, indicated "appropriate consultation" as used in section 2 would not necessarily mean a formal communication with the Congress but might be satisfied by an informal consultation with the leadership. Is that correct?

Mr. FINDLEY. That certainly is one conceivable form. I might add in the very few years I have been on the Hill, the President has consulted with Congressmen in various ways. In the wake of the Cambodian incursion, for example, he had the full membership of several committees at the White House and had a direct dialog. In other circumstances, his predecessor, President Johnson, had us to the White House in groups of 40 or 50. That was another form of consultation.

The President consults with the Congress in almost all circumstances by communicating with the Speaker of the House and the President of the Senate.

Mr. DENNIS. May I ask the distinguished chairman of the committee if he also agrees on that?

Mr. ZABLOCKI. I do.

Mr. DENNIS. Mr. Speaker, I thank the gentleman.

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

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

Mr. HORTON. Mr. Speaker, I thank the gentleman for yielding. I rise in support of House Joint Resolution 1 as an interim measure to provide congressional input in the determination of military policies which fall short of a declaration of war, but which involve commitment of U.S. forces to hostilities. I cannot disagree with the intentions of this bill and I will vote for it this afternoon.

I strongly regret, however, that such desperately needed and urgent legislation was brought up under a suspension of the rules. This means, of course, that the House has no opportunity to offer amendments to strengthen the resolution but, perhaps even more important, it means that we are given no opportunity to debate the great issues which surround this measure.

The interest expressed in legislation of this type by my colleagues in this Chamber, by the Senate and especially by the citizens of our Nation demand that Congress engage in full and open debate on the issues involved. Congress has virtually abandoned its constitutional role in foreign affairs by providing no viable modern-day procedure for exercising this authority and I firmly believe that the Nation has a right to expect the legislative branch to reassert its responsibility in this area.

House Joint Resolution 1 provides that the President will report to Congress when, without specific prior authorization by the Congress, he commits U.S. military forces to armed conflict, and I applaud this initial step. But the resolution does not go far enough. While it strives to assure that the Congress will be kept informed, it provides no workable vehicle whereby the Congress can take an active role in warmaking powers, nor does it provide any timetable for Presidential communication to the Congress.

As my distinguished colleagues know, I have introduced a bill, H.R. 7290, which faces the issue of congressional responsibility in two major ways. First, it creates a Joint Congressional Committee on National Security to which the President must report either prior to or within 24 hours after he takes military action and still be assured that information vital to the success of the action and to the safety of our troops will be safeguarded. This concept provides a format for the President to communicate with Congress in matters of national security by dealing with a definite committee. It would eliminate the present procedure where certain congressional leaders are consulted in some instances, and others at other times. I hope that this joint committee concept will gain support.

Second, my bill calls for positive action by the Congress in approving or disapproving the President's decision. If the Congress does not provide approval, the President must begin withdrawing American forces from foreign territory within 30 days. I wish to emphasize, Mr. Speaker, that this bill is not intended to force limitations on the President, but it is designed to clarify the obligations of both the executive and the legislative branches when the Armed Forces of the United States are engaged in hostilities.

Clearly, Mr. Speaker, the time has come for Congress to assume vital responsibilities which have been picked up by the executive branch in the last decade. Congress is not the Commander in Chief, nor is it an adjunct of the military structure. As spokesman for the people, however, Congress has an independent responsibility involving questioning, evaluation, and judgment and I urge my colleagues to join me in calling for a full-scale debate on this urgent constitutional question.

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

Mr. FINDLEY. I am glad to yield to the gentleman from Florida.

Mr. FASCELL. I would say the subcommittee and the committee considered several proposals which would have gone beyond what is in this resolution; for example, terminating the power of the

President after a specific period of time. But the constitutional questions raised with that issue are far from settled. I do not believe we could have resolved them in time to have gotten any kind of action.

Therefore, I would concur with the viewpoint of the gentleman from New York that this could be considered an interim step. Giving recognition to the extraordinary powers of the President under the Constitution, as done in this resolution, is an affirmative step. Second, formalizing the written report requirement is an affirmative step. Third, making it known that we seek a very definite communications vehicle between the Executive and the Congress is an affirmative step.

In the meantime, if the other constitutional issues can be resolved satisfactorily so that they can be considered by both bodies, I believe definitely we ought to go further. I am sure no one wants a repeat of what has happened in the past decades. The United States must not again engage its Military Establishment in warfare either indirectly or directly without the full prior knowledge and action of the Congress.

Mr. FINDLEY. I believe the gentleman from Florida will agree with me when I state that inevitably the effect of this reporting requirement will be to cause a greater degree of consultation between Congress and the President.

Mr. FASCELL. I agree with the gentleman. It seems to me that is the very first healthy step which has to be taken.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, I do believe this resolution is a step forward, and I commend the chairman of the subcommittee for it. I must say I believe it is a very, very small step.

I regret we have not faced up, really, to what I believe is the fundamental problem here, which is the erosion of the power of the Congress to declare war as granted by the Constitution, in a world where declarations of war have gone out of fashion. We have not had a declaration of war since World War II anywhere in the world as far as I know.

We should have some method whereby we can exercise the power we were given by the Constitution with regard to the opening of hostilities in situations where a declaration of war does not occur.

I offered one solution. The gentleman from New York (Mr. HORTON) offered another solution. The gentleman from Florida (Mr. CHAPPELL), with many cosponsors, offered another. The committee simply did not deal with the problem. This resolution does not deal with it.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I wish to commend the subcommittee and the full committee for bringing this resolution to the floor. I am one of the sponsors of it.

I have given this a great deal of study, and I know how thin the ground of understanding is on the point of the President's inherent constitutional powers.

I believe this will bring about some order. Especially do I appreciate the explanation of the gentleman from Wisconsin (Mr. ZABLOCKI), and the gentleman from Florida (Mr. FASCELL). They have very clearly stated what the Congress intends. I believe it is within the bounds of constitutional law. I believe it is a clear indication to the President of the United States that the Congress does want appropriate consultation with the Congress on these matters contained in the resolution.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I commend the able chairman of the subcommittee and the members of his committee for bringing this joint resolution to the floor. I am proud to be one of the cosponsors of it.

I hope, Mr. Speaker, that this measure, when it becomes a law, will be construed as an affirmative assertion by the Congress that it must give its concurrence before the Executive can take any substantial steps or commit any substantial number of the Armed Forces of this country abroad except to repel attack or threatened attack.

Knowledgeable legal spokesmen for the administration and the courts are holding that the only legal basis today for the continuation of the war in Indochina is the concurrence that Congress has given to it by its support both in money appropriated and in other measures of support for it. This resolution makes it clear that Congress expects and insists that it shall be consulted and have an opportunity to give or withhold its assent to any such substantial combat commitment abroad by the President except to repel attack upon our country or its Armed Forces or property or our territory, citizens, property, or in accordance with obligations we have constitutionally undertaken.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Dow).

Mr. DOW. Mr. Speaker, I am very glad that we are taking one step here to reassert legislative authority.

I believe it is a myth that the President's power of Commander in Chief embraces any area where Congress cannot legislate; constitutionally the legislative power extends to all acts of war.

I myself would prefer to see the bill read not in the permissive way it does, allowing the President to commit forces, but the bill should read that he shall not commit forces unless there is an immediate and an extraordinary emergency that threatens the safety of the United States.

Under that kind of phrasing, no forces could have been sent by the Executive to Santo Domingo, to Laos, or to Cambodia, and they would not be there now.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I think it is a mistake for the House to consider this resolution under this procedure. It is a very serious matter we are considering, and to consider it in the limited time available is unreasonable. This should have been brought up with a rule, and we should have had much more debate on such a very fundamental question.

It also should have been subject to amendment on the floor, although I would not have favored any amendment of which I am presently aware.

Mr. Speaker, I think that the President has to be circumscribed in the commitment of troops to military action which is in violation of international law. We have done that repeatedly in the past, and I think it has to stop. I do not know how to accomplish this. I am not prepared to write language restricting his powers at this point, but I do think it is wrong for the United States to arrogate to itself some superior authority or power beyond that recognized by the community of nations.

Our landing troops in the Dominican Republic was in violation of international law, and our present policy in Vietnam is also in violation of international law.

Mr. ANDERSON of Illinois. Mr. Speaker, I intend to vote for House Joint Resolution 1 which helps somewhat to delineate and define the war powers of the President and the Congress. I agree with the committee report that our objective should be—

> To define arrangements which would allow the President and Congress to work together in mutual respect and maximum harmony toward their ultimate shared goal of maintaining the peace and security of the Nation.

Our foreign policy cannot be effectively and responsibly conducted if that relationship does not exist between the President and the Congress. This places a special obligation on each branch of Government in its relations with the other.

This resolution would codify procedures for consultation and reporting in certain extraordinary and emergency circumstances. It would require that the President consult with the Congress prior to committing our forces in an armed conflict, and that consultation should continue on a periodic basis for the duration of the conflict. It would further require that the President promptly submit a full and formal report to the Congress setting forth the circumstances necessitating his action, the authority under which he acted, the estimated scope of the activities, and such other information he may deem useful to the Congress in the fulfillment of its constitutional responsibilities.

Mr. Speaker, last year I testified before the Zablocki subcommittee of Foreign Affairs on the need for such war powers legislation, and I am pleased that much of the bill and the report incorporates the ideas and suggestions I presented at that time. In that testimony, and in testimony I presented to another subcommittee this year, I recommended that a war powers bill should include a third requirement in addition to consultation and reporting, if an emergency deployment threatens to balloon into a major national commitment. It was my recommendation that the Congress have the decisive say as to whether the commitment should be extended beyond 30 days. This would require a congressional resolution or other such authorization to either extend or terminate the commitment after 30 days.

I think it is regrettable that this resolution contains no such requirement, and

I think it is even more unfortunate that we do not have the opportunity in this situation to strengthen this resolution by amendment. Nevertheless, as I indicated earlier, I do intend to vote for House Joint Resolution 1 because I do consider it an important first step on the part of Congress to reassert its prerogatives under the Constitution. I would like to indicate at this time that I am working on legislation along the lines I have suggested—legislation which would also establish a Joint Committee on National Security which would be designated for the express purpose of consultation with the President and advising the Congress In emergency situations. I was especially pleased to read that Secretary of State Rogers has expressed a willingness to discuss the formation of such a joint committee. I am hopeful that this Congress will continue to work on the improvement of war powers procedures and mechanisms.

Mr. GUDE. Mr. Speaker, House Joint Resolution 1 is a reflection of the growing awareness in Congress that the legislative branch must reassert its constitutional role in the decisionmaking process as to whether this Nation should go to war. The resolution recognizes the right of the President to defend the Nation without prior congressional authorization, but also expresses the consent of Congress that, whenever possible, the President should consult with Congress prior to taking military action.

I support this resolution and feel that the philosophy behind it is correct. Since the start of the "cold war" the executive branch of the Government has increasingly ignored the Congress when deciding whether to engage American forces. The slow and gradual escalation of the Indochina conflict is the prime illustration of this and is, of course, the impetus behind this legislation.

I have serious doubts, however, whether House Joint Resolution 1 is strong enough in its language to have the effect which its sponsors would hope to see. I am a cosponsor of similar legislation, H.R. 8387, which would allow the President to commit our forces in certain situations of national emergency, but which would bind him by law to come to the Congress within 30 days of the start of hostilities and obtain enabling legislation, including a declaration of war, to continue the operation.

H.R. 8387 would also create a Joint Committee on National Security. Should the President initiate military hostilities, he would have to report to this committee prior to, or within 24 hours after, the initiation of such hostilities, giving a complete account of the circumstances involved.

I am not trying to throw cold water on House Joint Resolution 1. I think it is an important first step in the reassertion of congressional authority. In fact, I do not feel that either this resolution or the bill I cosponsored will guarantee that we will avoid future Vietnams. This depends on a rethinking of our foreign policy and a reevaluation of our role in the world.

I feel, however, that the passage of House Joint Resolution 1 would be another factor in creating a climate of cooperation between the Executive and Congress. If we are going to absorb the lessons of Vietnam, and at the same time avoid the perils of isolationism, such a climate will be necessary. It is not easy for the executive branch to surrender power it thinks it has acquired and it is difficult for Congress to regain the reins once it has dropped them, but this will be done and, in the long run, our national security will benefit by it.

Mr. DULSKI. Mr. Speaker, I wholeheartedly support House Joint Resolution 1 to clarify the war powers of the President and the Congress.

The pending measure is identical to my own bill, House Joint Resolution 275. Clarification of the war powers of the Congress and the President is long overdue.

Over the years, Congress has allowed the Chief Executive to assume what amounts virtually to a dictatorial role to which he expects the Congress to be subservient.

This, to be sure, is not the way it was intended by the framers of the Constitution.

At the same time, I readily understand that the Chief Executive cannot be so hamstrung that he cannot react—and promptly—in our Nation's interest in a time of true and critical national emergency.

But giving him that authority should not mean that he can overlook explaining his actions without delay to the citizenry through its elected Representatives in Congress.

Where national security may be involved, I recognize that it might not be prudent for a public statement nor one available to all Members immediately. But certainly the Members of the appropriate committees in the House and Senate are entitled to be informed fully on these matters. Indeed, they must be informed.

This executive information should be made available to the committees preferably in advance of presidential action—and absolutely as soon as humanly possible after such action.

Mr. Speaker, I commend the members of the Committee on Foreign Affairs for reporting this resolution and I particularly commend the gentleman from Wisconsin (Mr. ZABLOCKI), chairman of the Subcommittee on National Security Policy and Scientific Developments, for his diligence and leadership on this vital subject.

Mr MONAGAN. Mr. Speaker, I support House Joint Resolution 1. The discussion on the war powers of the President which followed the Cambodian invasion has become a salutary thing for the country. It has highlighted a reluctance of the Congress to assert a positive role in the decision to wage war and has emphasized the need for the Congress to assert its legitimate powers and require the President to account to the Congress and through the Congress to the people, for actions by him in this area.

Many people might hope that the resolution could be different in various particular. Some would want the provisions more stringent upon the President. Others have expressed a belief that the President's freedom of operation is unduly limited.

It must be understood that this is a very difficult area in which to legislate and the broad constitutional provisions even though appearing to lack definiteness are about as specific as it is possible to get in such a situation. The difficulty of providing for all possible eventualities with any sort of detail is monumental.

This resolution, however, does constitute an assertion by the Congress of its position of importance with the President in the declaration of war. It also requires that the President take certain acts in reporting to the Congress where he has committed U.S. military forces to armed conflict without specific authorization.

There is, undoubtedly, a danger of slipping into full-scale war through the gradual escalation of minor intervention. We have seen this in the Vietnamese conflict. It is, therefore, important to take the step forward which House Joint Resolution 1 constitutes even though it is, indeed, a minor one.

Mr. CHAPPELL. Mr. Speaker, it is most regrettable that we are today presented a bill of such potential magnitude, only to be curbed by a rule that makes it impossible to offer amendments to the bill.

The intent of this measure is most commendable and I wholeheartedly concur with the Subcommittee on National Security Policy and Scientific Developments in their recognition of the need for more active participation by the Congress in matters of war and/or commitment of troops to combat.

My only criticism of House Joint Resolution 1 is that it does not go far enough in defining the responsibilities of the President and the Congress in these matters. Were I able to offer an amendment, it would read as follows:

In section 3, Page 2, line 5, strike out the words "commits" and "to" and insert in lieu thereof respectively the words "engages" and "in", and at the conclusion of section 3, Page 3, add the following paragraph:

"If the Congress, within 30 days after having received such report advising under subsection (1) above that military forces of the United States have been engaged in armed conflict, shall not by concurrent resolution approve such reported action, such commitment shall immediately terminate and the President, as soon as practicable but not later than 60 days after such termination, shall disengage all armed forces so committed."

This amendment would put the necessary teeth in the resolution we are considering to make it effective legislation. It would help assure the Nation that we in the Congress no longer plan to sit on the sidelines as our men are committed to battle. This amendment would mean no future Vietnams without the knowledgeable concurrence of the Congress.

Mr. Speaker, I am supporting House Joint Resolution 1 today, because it is the only recourse that we are being offered toward Congress reasserting its responsibilities with regard to war declarations, but I do wish to go on record as noting that this legislation falls short of the constitutional responsibilities that many of us in the Congress wish to reassume.

Mr. SISK. Mr. Speaker, I would like to compliment the Subcommittee on National Security Policy and Scientific Development for the time and work it

has put in on this resolution and to the Committee on Foreign Affairs for reporting it out to the House.

The resolution is especially pertinent to life in the 1970's in modern America and the process of modern government.

I support House Joint Resolution 1, in which the Congress reaffirms its powers under the Constitution to declare war.

The joint resolution is a step in the right direction. I also introduced a bill defining the war powers of the President. I feel that it contains a stronger, implicit statement on the constitutional separation and equal exercise of power.

Whereas the resolution expresses the sense of Congress, my bill, with the force of law if passed by the Congress and signed by the President, would specifically direct him not to deploy the Armed Forces outside of the United States except in very special circumstances requiring the reporting to Congress within 24 hours.

The development of modern executive power and with it the power to wage war, whether in limited, sharply restricted action or in massive retaliation or attack, has grown out of pace with the development of legislative restraint.

Where once communications were carried to distant lands in weeks, they now move by seconds. Dispatching troops is no longer a matter of months, but now a question of only days.

But like any gigantic moving force, this process has given the modern defense establishment its own inertia. We have a flywheel effect. Once put into action, it tends to keep on moving in the same direction and at the same speed.

The consequences of modern warfare can have such tragic results that it is frightening to contemplate it. It is no exaggeration that if all the engines of warfare were unleashed by the superpowers, civilization as we know it would cease to exist. Restraint may sometimes be unpopular, but is necessary.

While we do not seek to tie the President's hands in an emergency, we do want an accounting of action which involves the deployment of U.S. troops abroad.

It has been shown that the piecemeal commitment of forces to action has been a tactic, designed or not, that has lulled the awareness of the public to the realization of the involvement in war or conflict.

The bit-by-bit escalation is regarded by some as deception. When one branch of the Government feels another branch has practiced deception on the public, as many letters to legislators indicate, and believes it has been deceived, all of Government suffers the consequences.

This, of course, turns one American against another and the result is a divided house, weak within and prey to forces of reaction and absolutism.

The prompt reporting by the executive branch of the Government to the Congress will improve communications and make our Government and our country stronger.

Mr. MITCHELL. Mr. Speaker, reestablishing the constitutional balance of powers between the executive and legislative branches in the realm of foreign affairs is one of the prime tasks facing this Congress and the Nation as a whole. The necessity of such action is acknowledged by nearly all concerned with the future course of our system of government. The glaring exception comes from those now in the executive branch who are continuing the practice of conducting foreign policy by executive privilege.

The failure of the Nixon administration to alter the policies and practices of American foreign affairs that it inherited from its predecessors demonstrates the urgency of our taking measures adequate to deal with this crisis. House Joint Resolution 1 falls far short of that requirement.

It is a charade—a meaningless gesture—not a legitimate attempt to deal with the problem of constitutional powers before us. We must not delude ourselves or the American people into thinking that it is a meaningful deterrent to require that the Chief Executive submit a report to this body after he initiates significant military action.

Expressing the sense of the Congress that it should be consulted before action is taken by the executive branch is again no more than a token and ineffectual gesture.

We have heard far too often that the course of action presented to us is the only realistic alternative. That stronger provisions would mean no bill at all. That is the type of thinking which has led us to the situation in which we find ourselves today—at home and abroad.

This Congress can and must do something concrete in the area of warmaking powers.

When such an opportunity is presented to us, I shall extend all my efforts to see that it is enacted. I cannot undertake such action for this resolution. I strongly urge a no vote on House Joint Resolution 1.

Mrs. ABZUG. Mr. Speaker, the resolution before us fails to specify any meaningful way in which the power reserved to Congress by the Constitution to declare war shall be defined or enforced.

The resolution is only a request to the President to consult with Congress. It changes nothing; it leaves the Executive just as free as it is now unilaterally to drag the Nation into undeclared wars. It specifies no time limit by which the President shall report on foreign military actions to Congress. It does not even require that Congress by affirmative action approve the continuation of such actions. It merely requires that the President report to Congress as to why he did not seek its approval for his action, and does not require that he obtain such approval. It is a paper tiger.

In recent years the Executive has usurped Congress war powers. A vague statement of Congress desire to be consulted will not remedy this situation. Congress must reassert its proper role in a much more definitive way. It is not nearly enough to ask for consultation after the fact. Except under the most extreme, emergency, life-and-death circumstances imaginable, the Executive should be required to have the prior approval of Congress before committing our forces to armed conflict.

The committee has made a minor improvement over the resolution passed by the House last year: the qualification "whenever feasible" has been removed from the requirement that the President seek consultation with Congress when involving our troops in combat. However, we still have a relatively weak, toothless resolution. While I support the resolution as presented to us, I regard it as a small and feasible step toward the restoration of the constitutional balance of powers.

GENERAL LEAVE TO EXTEND

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this resolution.

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

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin that the House suspend the rules and pass the joint resolution, House Joint Resolution 1.

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

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 8432. An act to authorize emergency loan guarantees to major business enterprises.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9382) entitled "An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 489. An act to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes.

ESTABLISHING THE LINCOLN HOME NATIONAL HISTORIC SITE IN ILLINOIS

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9798) to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes.

The Clerk read as follows:

H.R. 9798

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That, in order to preserve and interpret for the benefit of present and future generations the home of Abraham Lincoln in Springfield, Illinois, the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange the property and improvements thereon in the city of Springfield, Illinois, within the area generally depicted on the map entitled "Boundary Map Lincoln Home National Historic Site", numbered LIHO–20,000 and dated April 1970, which he deems necessary for the establishment and administration of a national historic site: *Provided,* That lands or interests in lands owned by such State or city may be acquired by donation only. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. The property acquired pursuant to the first section of this Act shall be known as the Lincoln Home National Historic Site, and it shall be administered by the Secretary of the Interior in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1, 2–4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $2,003,000 (said sum shall include relocation assistance required by Public Law 91–646) for the acquisition of property, and not more than $5,860,000 (February 1970 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost as indicated by engineering cost indexes applicable to the types of construction involved herein.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. ASPINALL. Mr. Speaker, the legislation now before the House is essentially the same as bills which have been cosponsored by more than 100 Members of this body. All of these cosponsors agree that Abraham Lincoln's home in Springfield, Ill., should be recognized as a national historic site.

The proposal calls for the creation of a national historic site covering a 4 city block area. If approved, the legislation would authorize the acquisition of the properties involved and it contemplates the restoration of the area to the setting which Abraham Lincoln knew. Originally, the legislation did not specify the exact area to be included in the site, but H.R. 9798 includes a reference to a boundary map which makes the boundaries absolutely clear.

At the present time, the Lincoln Home is owned by the State of Illinois and it is open to the public. While the rate of visitation at the home is already about 650,000 per year, it is estimated that the number of visitors will exceed 800,000 when the historical setting is restored.

I want to emphasize that the city of Springfield and the State of Illinois have been most cooperative in this effort. It is anticipated that the city will donate to the Federal Government all of the lands which it owns within the area and the State has, also, indicated a willingness to cooperate in this regard, therefore the bill before the House provides that such lands may be acquired only by donation.

The Lincoln Home, itself, is in excellent condition. Since its donation to the State in 1887 by Robert Todd Lincoln, it has been preserved and maintained without significant alterations. It is completely furnished with period furnishings, and some original Lincoln pieces have gradually returned to the house for display. It is not anticipated that the Secretary will need any extraordinary authority to acquire personal property; consequently, the "clean bill" now before the House does not include a provision in this regard. The deletion of this language is not intended to be a denial of authority to acquire personalty. Instead, we view it as unnecessary repetition of existing authority.

Mr. Speaker, a program such as this cannot be accomplished without some Federal investment. Land acquisition costs for this project will total an estimated $2,003,000. Included in this total is the amount estimated to be needed to comply with the provisions of Public Law 91–646—the Federal Relocation Assistance Act. This adds an estimated $443,000 to the cost of this project. Unlike the other bills, H.R. 9798 contains the usual limitation on the amount authorized to be appropriated for land acquisition to the amount estimated to be needed.

Development of the area will include the removal of numerous non-historic structures from the area and the relocation of some of the period buildings to their location around 1860. The authentic reconstruction of the corner properties visible from the Lincoln Home is also contemplated and appropriate visitor facilities will have to be installed. All of this will require a substantial investment. The bill before the House limits appropriations for this purpose to $5,860,000.

Mr. Speaker, Abraham Lincoln was more than a President of the United States. He was—and still is—an inspiration to all people—not only in this country, but throughout the world. Few Americans, in our relatively short history, stand as high in the eyes of mankind as this dedicated man.

The home in Springfield is symbolic of this man. Architecturally, it is not outstanding. Its furnishings are not extraordinary. The grounds and the setting which he knew were never grand. In short, it is an ordinary house, but it shows to anyone willing to look that a talented man, with a dedicated spirit, can succeed in our system.

From this home, Lincoln came to Washington to serve in this Body in 1847. In it, he must have prepared for the Lincoln-Douglas Debates which made him famous. There, he received the committee which notified him of his nomination to the Presidency.

We think in terms of the important historical things that must have happened in this house, but we must also remember that Lincoln lived there. It was the only home he ever owned. It was the place where three of his sons were born, and where one died. This is where he entertained his friends and neighbors and where he did all of the things a person does around his house.

It is a humble home, but that makes it no less significant. It tells the story like it is. It characterizes Lincoln as he was. It is almost amazing that it is still intact. We are fortunate indeed to have this opportunity to add it to our treasures in the national park system more than a century after he lived in it.

Mr. Speaker, it is a real pleasure for me to support H.R. 9798. It is sound legislation worthy of the support of every Member of this House. I urge its approval.

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

Mr. ASPINALL. I am glad to yield to my friend from Iowa (Mr. GROSS).

Mr. GROSS. The great, prosperous, wonderful State of Illinois is unable to take care of this situation?

Mr. ASPINALL. May I say to my friend from Iowa that the great, prosperous, and beautiful State of Illinois does not have one single national park within the State. This will be the first one.

Mr. GROSS. May I say that this is a worthy cause, but cannot they carry a portion of the burden?

Mr. ASPINALL. I think it is a cause they desire to share with others.

Mr. GROSS. Will there be admission charges to visit this historical site?

Mr. ASPINALL. There may be admissions at the present time, although I am not aware of any admission charges, but there may be. This is one of those matters that will have to be decided in the future.

Mr. GROSS. But there will be an expenditure of how much, in total?

Mr. ASPINALL. An expenditure of about $2.5 million for acquisition.

Mr. GROSS. Is that all on the part of the Federal Government?

Mr. ASPINALL. We are going to ask for some necessary money with which to develop and administer it, of course, but this takes care of what we think of as the usual, normal expenses of acquisition.

Mr. GROSS. I thank the gentleman.

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

Mr. Speaker, every year—thousands of people from all over the world—come to Washington, D.C.—to see our Government in action—to see our historic treasures.

They visit the Lincoln Memorial and stand in silent reverence as they gaze upon the statue of Abraham Lincoln—as they read the extracts from Lincoln's speeches that have been placed upon the walls.

They visit the Ford Theater where Lincoln was assassinated—the house where Lincoln died. All of this has been made possible by the Congress and administered by the Park Service.

In the State of Kentucky—the birthplace of Lincoln has been designated as a national historical site upon the recommendation of the Park Service and approval by Congress.

But in the State of Illinois—where Lincoln grew to manhood—started to practice law—took unto himself a bride—bought the only home he ever owned—

began his political career which led to the Presidency of the United States—where the remains of this great President now rest—to this day—no historical site—honoring this great President has been approved. This bill will change the status of the Lincoln home from landmark status to a national historic site.

Last June 11, it was my privilege to visit Springfield—to enjoy the Lincoln home—to visit the old State capitol where Lincoln delivered his famous "House Divided" speech—and the building where Lincoln began practicing law.

As one stands by the old railroad station one can almost hear Lincoln as he bade his friends goodby—

No one, not in my situation can appreciate my feeling of sadness at this parting.

To this place, and the kindness of these people, I owe everything.

Here I have lived a quarter of a century and here passed from a young man to an old man.

Here my children have been born—and one is buried. I now leave not knowing when—or whether ever—I may return.

Without the assistance of the divine being who ever attended him, I cannot succeed. With that assistance, I cannot fail.

Mr. Speaker, the bill we consider today—provided for the establishment of the Lincoln Home National Historic Site in Illinois.

The Lincoln home is presently owned by the State of Illinois. The State has indicated its willingness to donate the home—and the land on which it stands—to the Federal Government for this project.

The city of Springfield and its citizens have done their part to preserve the area adjacent to the home by acquiring several nearby properties and closing off nearby streets and alleys. The city has indicated its willingness to transfer its property to the Federal Government.

Thanks to the State of Illinois, the city of Springfield, and the good women of that city—the Lincoln home has been well preserved. The area—nevertheless—is being threatened with creeping commercialism and decay, motels, apartment houses, commercial establishments—and the citizens of Springfield have done just about all they can to reverse the trend.

Surely it is time to designate the Lincoln home as a national historical site for the benefit of all and for posterity.

The Park Service proposes to take a four block area—the improvements thereon consist of 24 residences, one service station, and 11 commercial offices.

The Park Service proposes to retain 18 private structures within the four-block area—and to restore them as they were in Lincoln's time—the others are to be removed.

I must confess that prior to my visit—I thought the amount of land to be taken was excessive.

After visiting the area—one cannot help but conclude that the four-block area must be taken—if a decent historical site with adequate facilities is to be created.

The total land acquisition costs of this project are estimated at $2,003,000—this includes the cost of acquiring 5.13 acres and 36 improvements.

Development costs are estimated at $5,860,000—with annual operating costs of $502,400.

Mr. Speaker, I urge the passage of this bill.

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

Mr. SKUBITZ. I yield such time as he may consume to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Speaker, I strongly recommend this legislation to my colleagues. It will enable the Secretary of the Interior to finally establish the modest structure where the Lincoln family lived from 1844 to 1861 as a national historic site. A part of the history of that structure may be of interest—

The Lincolns purchased the property at Eighth and Jackson Streets in Springfield, Ill. in 1844. The house, originally built in 1839, was then a one-story structure with two attic rooms. During the period 1844 to 1861, the Lincolns made the house their home except for the 2 years Abraham Lincoln served in Congress—1947 to 1949. In 1856, Mrs. Lincoln had the house enlarged to two stories containing 12 rooms. The house in fact grew with, almost presaging, the national significance of the man. Just before the Lincolns moved to Washington in 1861, they hosted a "grand levee" at the home in farewell to the citizens of Springfield. Unfortunately, most of their furniture was sold, taken to Chicago, and subsequently lost in the Great Fire of 1871.

In 1883, the house was rented as a museum by Mr. Osburn Oldroyd. About that time, people began to become concerned about preservation of the home. In 1887, Robert Todd Lincoln, the martyred President's only surviving child presented the home to the State of Illinois to be "kept in good repair and free of access to the public." It was not until recent years that serious efforts were undertaken to authentically restore the home. In 1950, then Governor of Illinois Adlai E. Stevenson, created the Lincoln Home Advisory Committee to aid in restoring the home. Funds, however, were limited and restoration was incomplete. The Colonial Dames of America became interested in the project and completed the restoration job, furnishing the home with authentic, often original furniture. From 1960 to date, the Abraham Lincoln Society and the Junior League of Springfield have been instrumental in improving the area surrounding the home. The Junior League conducts tours through the home with the guides dressed in period costumes.

In 1964, the home, along with the Lincoln Tomb and the Old State Capitol Building where Lincoln served as a member of the State Legislature, were designated as a national historic landmark.

Other homes in the area surrounding the Lincoln Home have not been restored. Changes in style and architecture, relocation of homes, commercialization, and neglect have rendered the surrounding area an eyesore not in keeping with the home. The State and city have worked together to restore the area surrounding the home, but assistance from the Federal Government is necessary to achieve the desired result.

To re-create the atmosphere Lincoln knew for visitors for generations to come, will require the acquisition of four city blocks surrounding the home; relocation of the people and businesses now located in the acquired area; removal of incompatible structures; restoration of compatible structures and reconstruction of some structures that were then an integral part of the community such as barns and wooden sidewalks. Then, to aid visitors and to preserve the reconstructed area, interpretive facilities will be needed, including a visitor center and a parking lot. All of this can be accomplished at a relatively small investment when considered in terms of the benefit that investment will create for visitors from all these United States.

No one who visits the Lincoln Memorial here in Washington, D.C., leaves that memorial without having been touched by the greatness of Abraham Lincoln. A visit to Abraham Lincoln's home, restored as he knew it, will give visitors for generations to come a glimpse of the environment in which that great man matured. Lincoln's Tomb in Springfield, his law offices, and the Old State Capitol where he uttered his famous "House Divided" speech have been restored and are there for visitors to see. The structure most intimately associated with Lincoln, the man, is the only home he ever owned. It is time to establish the Lincoln Home, Springfield, Ill., as a national historic site.

Mr. TAYLOR. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of the enactment of H.R. 9798—a bill to authorize the establishment of the Lincoln Home National Historic Site in the State of Illinois.

The purpose of this national historic site is to complete the life story of one of America's greatest men—Abraham Lincoln. As everyone probably knows, the national park system already includes four important areas which are dedicated to interpreting the life and memorializing the contributions of our 16th President. Each of these places is different:

The Abraham Lincoln Birthplace in Kentucky consists of part of the original Thomas Lincoln Farm where Abraham Lincoln was born;

The Lincoln Boyhood National Memorial in Indiana allows his childhood life to be interpreted;

The Ford's Theater National Historic Site, here in Washington, has been restored to its appearance on the tragic night of April 14, 1865, and the Peterson House where Lincoln died tells the sad story of the end of his life; and

The Lincoln Memorial on the Mall marks forever the memory of this great man.

But there is still one large gap in the Lincoln story which remains untold, and it, perhaps, is the most important part of all. No other place can tell the story of Abraham Lincoln's adult life as well as the modest frame house he owned in Springfield, Ill.

If H.R. 9798 is enacted, the Lincoln Home and the adjacent four-block area will be designated as a national historic site. The thrust of the Federal effort will be to provide a meaningful setting so

that the Lincoln Home visitor can better understand what the place was like when Lincoln lived there.

Some nonhistoric structures will have to be removed and some period buildings and homes will be relocated on their original lots. The plan calls for the relocation or reconstruction of the homes on each of the corner lots at Eighth and Jackson and the development of an appropriate setting along Eighth Street. Properties along the periphery of the historical area will be landscaped and used to provide needed visitor facilities.

At one time, I questioned why a four-block area was needed, but after visiting the area I am convinced that no smaller unit would permit the development of the proper setting for this historic site.

Naturally, the objective of this legislation cannot be accomplished without the investment of some Federal funds. The acquisition of all of the publicly owned properties is expected to be accomplished without cost, but privately owned properties must be acquired. Land acquisition costs, including the relocation assistance required under Public Law 91-646, are estimated at $3,003,000. These funds, of course will be appropriated from moneys available in the land and water conservation fund for this purpose.

Development of the area, including the relocation, restoration, and reconstruction of some historic structures, the installation of appropriate visitor facilities, the removal of nonhistoric structures, and landscaping of the entire area—is expected to require the investment of $5,860,000.

Mr. Speaker, there is no federally owned unit of the national park system in the entire State of Illinois. This legislation affords the House the opportunity to fill that void with a high quality, nationally important area.

The members of the Committee on Interior and Insular Affairs have given this matter detailed attention. Public hearings were held both in Washington and in Springfield. As a result of those hearings, we were able to perfect the bill by:

First, making the boundaries of the area absolutely clear by incorporating a boundary map;

Second, limiting the amounts authortized to be appropriated to the amounts estimated to be necessary;

Third, requiring that any lands owned by the city of Springfield or the State of Illinois be acquired by donation only; and

Fourth, deleting the specific authority to acquire personal property, since the Secretary has general authority to make such acquisitions as are necessary and appropriate.

All of these changes have been incorporated in H.R. 9798, which is a "clean bill" cosponsored by the Illinois congressional delegations, Representative SKUBITZ, the ranking minority member of the Subcommittee on National Parks and Recreation, and myself.

Mr. Speaker, it is a pleasure to recommend this legislation to the Members of the House. I urge the approval of H.R. 9798.

Mr. SKUBITZ. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, at the outset I would like to express my gratitude to the chairman of the House Committee on Interior and Insular Affairs, to the ranking member as well as the leadership of the subcommittee handling this bill.

Mr. Speaker, I want to direct a special commendation to the gentleman from North Carolina (Mr. TAYLOR). I was present in Springfield, Ill., when the gentleman from North Carolina headed the congressional delegation for hearings in that city. He walked down Eighth Street on the day of the hearings. As he approached the Lincoln home he was confronted by a file of Union forces equipped with rifles and with fixed bayonettes, and this gentleman from the Old South stood up under that test beautifully and did not flinch an inch. He went ahead, reviewed the troops and inspected the home. Despite that confrontation he has had the graciousness to proceed with the consideration of this bill.

In fact, I might add one further comment—during the hearings on the bill here in Washington there was a moment or two when only the Confederacy was represented on the subcommittee, the gentleman from North Carolina, chairman of the subcommittee and the other, the gentleman from Georgia (Mr. STEPHENS), a descendant of Alexander Stephens, Vice President of the Confederacy, no less. So I think the part of Lincoln and the family of Lincoln, let us say—this great international family of Lincoln owes a debt of gratitude to the Old South for advancing this proposal so well.

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

Mr. FINDLEY. I yield to the gentleman.

Mr. TAYLOR. Mr. Speaker, I am glad that the time has come when Abraham Lincoln is just as great a man in the South as he is in the North.

Let me state that it was my privilege to attend the ceremonies in Springfield and I must say that I made out better when I was confronted by Union soldiers than some of my ancestors did.

Mr. FINDLEY. I thank the gentleman.

Mr. Speaker, H.R. 3117 proposes the area of Springfield, Ill., extending for one block in each direction from the Abraham Lincoln residence be acquired by the National Park Service, restored as it appeared in Lincoln's day and established, with appropriate facilities for visitor convenience, and operated as the Lincoln Home National Historic Site.

The Lincoln residence itself is the property of the State of Illinois. Parts of the surrounding area have been acquired by the city of Springfield with the view of ultimate restoration and development. The rest of the area is a mixture of commercialization and decay.

An appropriate development of this great shrine involves three principal aspects: Restoration, preservation, and public access. In my view, the plan developed by the National Park Service deals in excellent fashion with each aspect.

A fundamental question is: Is development properly the responsibility of the Federal Government?

Lincoln, of course, is much more than an historical figure of State and local importance. Unquestionably he has become the preeminent cultural hero of the United States.

As the distinguished chairman of the Subcommittee on National Parks and Recreation, the Honorable ROY TAYLOR, has observed to me on several occasions, "There is only one Lincoln."

Lincoln is more influential today, more than a century after his death, than at at any time in his life. Major literary works on Lincoln continue to pour from world presses at a pace that never slackens, numbering more than 5,000 items. Lincolnia is a hobby so great that periodical newsletters keep its adherents up to date. Book stores exist which cater exclusively to their special interests. His life has been more thoroughly studied and chronicled than any other in history. More has been written about him than any other personality except Jesus Christ.

With each passing year interest in Lincoln increases, touching each new generation and broadening on an international scale. People who visit Lincoln shrines feel a closeness to him. No one who visits the Lincoln Memorial in Washington can fail to notice the reverence with which visitors approach the massive marble figure and study the engraved messages.

So it is at other shrines. His tomb in Springfield, the log cabin village at New Salem where he spent his young manhood, the old capitol building in Springfield where he matured as a legislator and uttered his "House Divided" speech.

The State of Illinois has recognized this interest by establishing, restoring, and maintaining the New Salem village, Lincoln's tomb, and the old State capitol building. Each is made readily available without charge to all visitors. The financial burden of all this has been substantial and continues to be. But this burden the people of Illinois cheerfully, yes proudly, bear, even though they might argue that the burden should be assumed by the Nation.

But the Lincoln Home area, the shrine most intimately connected with Lincoln, the shrine where visitors feel a closeness and inspiration as nowhere else remains unrestored, unpreserved, with visitor facilities totally inadequate considering the magnitude of international interest.

The people of Illinois are already doing their fair share, and more.

It is timely and appropriate, indeed urgent, for the Federal Government, which up to now has no national historic site or National Park Service facility in the State of Illinois, to assume responsibility for the restoration, development, preservation, and operation of the Lincoln Home area.

Historians tell us that the Lincoln Home, located at the corner of Eighth and Jackson Streets, is one of the most important entities in the country relating to Abraham Lincoln the man.

Lincoln himself best described the im-

portance of Springfield and his home there when he said farewell to his friends on February 11, 1861, and went to assume his new burdens as President of a divided Nation soon to be engulfed in civil war. He said:

My friends, no one, not in my situation, can appreciate my feelings of sadness at this parting. To this place, and the kindness of these people, I owe everything. Here I have lived a quarter of a century, and have passed from a young to an old man. Here my children have been born, and one is buried. I now leave, not knowing when, or whether ever, I may return, with a task before me greater than that which rested upon Washington.

It is one of the small ironies that the home of one of our country's greatest Presidents, if not the greatest, is not protected by the national park system for future generations of Americans to enjoy. Others are so protected, including both homes of Andrew Johnson in Greenville, Tenn., all four homes of Theodore Roosevelt, and Herbert Hoover's birthplace in West Branch, Iowa. Surely it is time to protect the only home that Abraham Lincoln ever owned.

Each year, the home ranks among the 10 most visited historical sites in the United States. Tourists flock from all over the world to visit the home and the city which did so much to mold one of the true giants of history.

Nevertheless, the area surrounding the home for years has been threatened with deterioration and commercialization. These pressures continue to mount. Steps must be taken to preserve the home and its environs for future generations of Americans.

The citizens of Springfield, the city government, and the State have done their part to preserve the Lincoln home and its environs. They will continue to do so. But they need help, help which only the Congress and the National Park Service can give them. They are all anxious to enter into a cooperative relationship with the Park Service to preserve the Lincoln home—not just for Illinoisans—but for men everywhere who cherish the memory of Lincoln and strive for the equality of all men. I urge the Congress to authorize that help as soon as possible.

Mr. DERWINSKI. Mr. Speaker, as a cosponsor of this legislation and as a life-long resident of Illinois, "the land of Lincoln," I believe the House should suspend the rules and pass this bill creating the Lincoln Home National Historic Site.

No one disputes the position in history which all Americans accord President Abraham Lincoln, and it is especially appropriate that the Lincoln home, which is a wonderful tourist attraction and such a significant historic property, be designated and henceforth administered as a national historic site.

I am pleased to join with my colleagues from Illinois to give this our unanimous support. I believe this action to be long overdue and am hopeful that the other body will expedite its processing of this measure so that before the final adjournment of the first session of the 92d Congress we will have completed this legislative step.

Mr. ANDERSON of Illinois. Mr. Speaker, as a cosponsor of H.R. 9798 which would establish the Lincoln Home National Historic Site in Springfield, Ill., I rise to express my enthusiastic support for this legislation. I especially wish to commend my good friend and colleague from Illinois (Mr. FINDLEY) on taking this legislative initiative to preserve for future generations the home of our State's most beloved and famous son, and one of our Nation's greatest Presidents, Abraham Lincoln.

The modest frame house at Eighth and Jackson in Springfield was the only home ever owned by Lincoln. It was here that he raised his family and established himself as a lawyer and Illinois politician; and it was from this site that he was catapulted to national prominence as the Republican Party's first vice presidential nominee and later its first President.

I think it is fitting and proper that this home and its immediate surroundings should be restored and preserved as a national historic site. It is estimated that approximately 650,000 people annually make the pilgrimage to this historic shrine each year to pay homage to the man who gave his life to preserving the Union and healing the wounds of a deeply troubled and divided nation. Lincoln himself spoke most eloquently of his feelings for this place when he left Springfield for the White House in February of 1861. In his words:

No one, not in my situation, can appreciate my feeling of sadness at this parting. To this place, and the kindness of these people, I owe everything. Here I have lived a quarter of a century, and have passed from a young to an old man. Here my children have been born, and one is buried. I now leave, not knowing when or whether ever I may return, with a task before me greater than that which rested upon Washington. Without the assistance of that Divine Being who ever attended him, I cannot succeed. With that assistance I cannot fail. Trusting in Him who can go with me, and remain with you, and be everywhere for good, let us confidently hope that all will yet be well.

Mr. Speaker, it ill behooves me to attempt to make a more eloquent tribute and argument for the preservation of this site than Lincoln himself has made. I urge my colleagues to join with me in voting for this legislation.

Mrs. REID of Illinois. Mr. Speaker, as one of the sponsors of a similar bill to authorize the Secretary of the Interior to establish the Lincoln Home area in Springfield as a national historic site, I want to join my colleagues in commending the Committee on Interior and Insular Affairs for bringing H.R. 9798 before us.

The Lincoln Home has been carefully preserved and tells much of the story of the 17 years Lincoln lived there, in the only home he ever owned. When enacted, this bill will authorize the Secretary to acquire by donation, or purchase with donated or appropriated funds, the land—including improvements thereon—immediately adjacent to and surrounding the Lincoln Home in order to establish a setting more closely resembling the mid-19th century.

Many of the existing houses would be retained and the section would continue to be a vital factor in making Springfield one of the 10 top tourist attractions in the Nation. Already the visitation rate at the home is estimated to be 650,000 annually.

I give H.R. 9798 my full support and hope it will be passed by a unanimous vote.

Mr. HOGAN. Mr. Speaker, I rise in support of H.R. 9798 authorizing the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois. I am the cosponsor of a similar bill, H.R. 3119.

The purpose of the Congress in establishing the Registry of National Historic Landmarks, 11 years ago, was twofold—to recognize and encourage the continuation and preservation efforts already in effect under authority of the States, local authorities, and private agencies; and to call attention to those sites of exceptional value that need to be preserved.

To be eligible for the Registry of National Historical Landmarks, a historic site must meet the criteria of exceptional value. It also must be needed in the National Park system to fill gaps in a theme or period of history in order that a well-rounded representation of America's historical and cultural heritage may be achieved.

The site must be suitable for, and adaptable to, effective preservation, administration, interpretation, development, and use. The site also must have integrity. It is difficult to interpret the significance of a site or tell its story with any kind of effectiveness if large parts of it or of its surroundings have been radically altered during the passage of time.

In all respects, the Lincoln home qualifies as a logical selection for recognition as a national historic site. The Lincoln home, at Springfield, was the only house that Lincoln ever owned. Here he lived with Mary Todd Lincoln and their children, from 1844 to 1861. Here he returned from the great address of 1854, in denunciation of the Kansas-Nebraska Act, which declaration made him famous in the West. Here he returned from the great debates with Stephen A. Douglas, in 1858, which made him famous all across the land. Here he was informed of his nomination for President by the Republican National Convention of 1860. Here, on February 6, 1861, he bade farewell to Springfield, at a grand party honoring the people of the town.

So many of the major years in the life of Abraham Lincoln are tied to this house that surely it belongs in spirit to the people of the country.

Mr. Speaker, since the other body has already acted favorably on this legislation, I urge my colleagues to approve the bill before us so that the Lincoln Home National Historic Site will become a reality in the very near future.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today to voice my wholehearted support of H.R. 9798 which would establish the Lincoln Home National Historic Site in Springfield, Ill. Special recognition is due my distinguished colleague from Illi-

nois, PAUL FINDLEY, for introducing this bill which not only does great honor to our State, but will also preserve for all Americans the home of one of our most illustrious presidents. I consider it a great privilege to be a cosponsor of this legislation.

It is a natural thing for all of us in the Congress to be proud of those citizens of our respective States who have risen to national prominence and made significant contributions to our country. We in Illinois are particularly proud of our greatest son, and perhaps our greatest President, Abraham Lincoln. But like that of any great American, President Lincoln's legacy belongs to all our people. The preservation of the home in which he lived, and the surroundings that helped mold his character, will provide its visitors with a unique glimpse into the life of this great man. It is our duty to maintain this valid historic site as an inspiration to all future generations. As our Nation continues to progress at an accelerated pace, it is imperative that we preserve these memorials of our past, not only to provide nostalgic relief but more importantly to remind us of the lives and deeds of those men who have been the architects of our national spirit.

Mr. Speaker, the Lincoln Home has fulfilled this purpose in the past for each year it is one of the 10 most popular historic sites in the country. Therefore it is time that we insure its future preservation by making it a national historic site.

GENERAL LEAVE TO EXTEND

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 9798.

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.

VESSEL DOCUMENTATION ACT

Mr. GARMATZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 760) to revise and improve the laws relating to the documentation of vessels, as amended.

The Clerk read as follows:

H.R. 760

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That this Act may be cited as the "Vessel Documentation Act".

SEC. 2. DEFINITIONS.—As used in this Act—

(1) "documented vessel" means a vessel for which a certification of documentation has been issued under this Act; and

(2) "Secretary" means the head of the department in which the Coast Guard is operating.

SEC. 3. PORTS OF DOCUMENTATION.—The Secretary shall designate ports of documentation in the United States where vessels may be documented and instruments affecting title to, or interest in, documented vessels may be recorded. The Secretary shall specify the geographic area to be served by each designated port, and he may discontinue, relocate, or designate additional ports of documentation.

SEC. 4. VESSELS ELIGIBLE FOR DOCUMENTATION.—Any vessel of at least five net tons, which is not registered under the laws of a foreign country, is eligible for documentation if it is owned by—

(1) an individual who is a citizen of the United States;

(2) a partnership or association whose members are all citizens of the United States;

(3) a corporation created under the laws of the United States, or of any State, territory, or possession thereof, or of the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands; whose president or other chief executive officer and chairman of its board of directors are citizens of the United States and no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum;

(4) the United States Government; or

(5) the government of any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands.

SEC. 5. HOME PORTS.—(a) The port of documentation selected by an owner for the documenation of his vessel shall, with the approval of the Secretary and subject to such regulations as he may prescribe, be the vessel's home port.

(b) Once a vessel's home port has been fixed as provided in subsection (a), it may only be changed with the approval of the Secretary and subject to such regulations as he may prescribe.

SEC. 6. NAME OF VESSEL.—(a) At the time of application for initial documentation of a vessel, the owner shall provide a name for the vessel. Subject to the approval of the Secretary, that name shall, upon the issuance of a certificate of documentation, become the vessel's name of record.

(b) Once a vessel's name of record has been fixed as provided in subsection (a), it may only be changed with the approval of the Secretary and subject to such regulations as he may prescribe.

(c) The Secretary may prescribe a reasonable fee for changing a documented vessel's name of record.

SEC. 7. CERTIFICATE OF DOCUMENTATION; APPLICATION; ISSUANCE; FORM; EXHIBITION.—(a) Upon application by the owner of any vessel eligible for documentation, the Secretary shall issue a certificate of documentation of a type specified in section 10, 11, 12, 13, or 14 of this Act.

(b) The Secretary may prescribe the form, manner of filing, and the information to be contained in, applications for certificates of documentation.

(c) Each certificate of documentation shall—

(1) contain the name, the home port, and a description of the vessel for which it is issued;

(2) identify its owner; and

(3) be in such form and contain such additional information as the Secretary may prescribe.

(d) The Secretary shall, by regulation, prescribe procedures to insure the integrity of, and the accuracy of information contained in, certificates of documentation issued under this Act.

(e) The owner and the master of each documented vessel shall make the vessel's certificate of documentation available for examination by such persons and at such times and places as may be required by law and as the Secretary may prescribe.

SEC. 8. NUMBERS; SIGNAL LETTERS; IDENTIFICATION MARKINGS.—(a) The Secretary shall maintain a numbering system for the identification of documented vessels and assign a number to each documented vessel.

(b) The Secretary may maintain a system of signal letters for documented vessels.

(c) The owner of each documented vessel shall affix to the vessel and maintain, in the manner prescribed by the Secretary, the number assigned under subsection (a) and such other identification markings as the Secretary may prescribe.

SEC. 9. PURPOSE OF DOCUMENTATION.—A certificate of documentation issued under this Act is—

(1) conclusive evidence of nationality for international purposes, but not in any proceeding conducted under laws of the United States;

(2) except in the case of a yacht license, evidence of qualification to be employed in a specific trade; and

(3) not conclusive evidence of ownership in any proceeding in which ownership is in issue.

SEC. 10. CERTIFICATE OF DOCUMENTATION: REGISTRY.—(a) A registry may be issued for any vessel which is eligible for documentation.

(b) A vessel for which a registry is issued may be employed in foreign trade or trade with the islands of Guam, Tutuila, Wake, or Midway or Kingman Reef.

(c) The Secretary may, upon application of the owner of any vessel which qualifies for a coastwise license under section 11 of this Act, a Great Lakes license under section 12 of this Act, or a fishery license under section 13 of this Act, issue a registry appropriately endorsed authorizing the vessel to be employed in the coastwise trade, the Great Lakes trade, or the fisheries, as the case may be.

SEC. 11. CERTIFICATE OF DOCUMENTATION: COASTWISE LICENSE.—(a) A coastwise license, or, as provided in section 10(c) of this Act, an appropriately endorsed registry, may be issued for any vessel which—

(1) is eligible for documentation;

(2) was built in the United States; and

(3) qualifies under laws of the United States to be employed in the coastwise trade.

(b) A vessel for which a coastwise license or an appropriately endorsed registry, is issued may, subject to the laws of the United States regulating those trades, be employed in—

(1) the coastwise trade; and

(2) the fisheries.

SEC. 12. CERTIFICATE OF DOCUMENTATION: GREAT LAKES LICENSE.—

(a) A Great Lakes license, or, as provided in section 10(c) of this Act, an appropriately endorsed registry, may be issued for any vessel which—

(1) is eligible for documentation;

(2) was built in the United States; and

(3) qualifies under the laws of the United States to be employed in the coastwise trade.

(b) A vessel for which a Great Lakes license or an appropriately endorsed registry is issued may, on the Great Lakes and their tributary and connecting waters and subject to the laws of the United States regulating those trades, be employed in—

(1) the coastwise trade;

(2) trade with Canada; and

(3) the fisheries.

SEC. 13. CERTIFICATE OF DOCUMENTATION: FISHERY LICENSE.—(a) A fishery license or, as provided in section 10(c) of this Act, an appropriately endorsed registry, may be issued for any vessel which—

(1) is eligible for documentation;

(2) was built in the United States; and

(3) qualifies under the laws of the United States to be employed in the fisheries.

(b) A vessel for which a fishery license, or an appropriately endorsed registry, is issued may, subject to the laws of the United States regulating the fisheries, be employed in that trade.

SEC. 14. CERTIFICATE OF DOCUMENTATION: YACHT LICENSE.—A yacht license may be issued for any pleasure vessel which is eligible for documentation.

SEC. 15. VESSEL LIMITED TO TRADE COVERED BY CERTIFICATE OF DOCUMENTATION; EXEMPTIONS; PENALTY—(a) A documented vessel may not be employed in any trade other than a trade covered by the certificate of documentation issued for that vessel. However, any certificate of documentation may, under regulations prescribed by the Secretary, be exchanged for any other type of certificate of documentation, or appropriately endorsed for any trade, for which the vessel qualifies.

(b) A non-self-propelled vessel which is qualified to be employed in the coastwise trade may, without being documented, be employed in trade within a harbor or on the rivers or inland lakes of the United States, or on the internal waters or canals of any State.

(c) Whenever a documented vessel is employed in a trade that is not covered by the certificate of documentation issued for that vessel, the vessel, together with its equipment is liable to seizure and forfeiture to the United States.

(d) A documented vessel may not be placed under the command of a person other than a citizen of the United States.

SEC. 16. FALSIFICATION IN DOCUMENTATION: FRAUDULENT USE OF DOCUMENT; PENALTY.—(a) Whenever the owner of a vessel knowingly falsifies or conceals a material fact, or makes a false statement or representation in connection with the documentation of his vessel under this Act, in addition to any other penalty provided by law, that vessel, together with its equipment is liable to seizure and forfeiture to the United States.

(b) Whenever a certificate of documentation is knowingly and fraudulently used for any vessel, that vessel, together with its equipment, is liable to seizure and forfeiture to the United States.

SEC. 17. CERTIFICATE OF DOCUMENTATION; TERMINATION OF VALIDITY.—(a) A cerificate of documentation becomes invalid if the vessel for which it is issued—

(1) no longer meets the requirements in this Act and the regulations prescribed under it pertaining to that certification of documentation; or

(2) is placed under the command of a person who is not a citizen of the United States.

(b) Except as provided by section 961(a) of title 46, an invalid certificate of documentation shall be surrendered to the Secretary in accordance with regulations prescribed by him.

SEC. 18. PROVISIONAL REGISTRY.—(a) The Secretary and the Secretary of State, acting jointly, may provide for the issuance of a provisional registry for any vessel procured outside the United States which meets the ownership requirements of section 4 of this Act.

(b) A vessel for which a provisional registry is issued may proceed to the United States and, subject to such limitations as the Secretary prescribes, engage en route in the foreign trade or trade with the islands of Guam, Tutuila, Wake, or Midway or Kingman Reef. Upon the vessel's arrival in the United States the provisional registry shall be surrendered to the Secretary.

(c) A vessel for which a provisional registry is issued is subject to the jurisdiction and laws of the United States. However, the Secretary may suspend the application of any vessel inspection law administered by him, or any regulation thereunder, if he considers the suspension to be in the public interest.

SEC. 19. RECORDING OF UNITED STATES BUILT VESSELS.—The Secretary may provide for the recording and certifying of such information pertaining to vessels built in the United States as he finds to be in the public interest.

SEC. 20. REGISTRATION OF FUNNEL MARKS AND HOUSE FLAGS.—The Secretary shall provide for the registration of funnel marks and house flags by owners of vessels.

SEC. 21. LIST OF DOCUMENTED VESSELS.—The Secretary shall publish periodically a list of all documented vessels together with such information pertaining to them as he considers pertinent and useful.

SEC. 22. REPORTS.—To insure compliance with this Act and the laws governing the qualifications of vessels to engage in the coastwise trade and the fisheries, the Secretary may require owners and masters of documented vessels, to submit reports in such form and manner as the Secretary may prescribe.

SEC. 23. VIOLATIONS; PENALTY.—Whoever violates any provision of this Act or any regulation thereunder for which no other penalty is specifically provided is liable to a civil penalty of not more than $500 for each violation.

(b) The Secretary may compromise any civil penalty provided for in this Act.

SEC. 24. DELEGATIONS AND REGULATIONS.—The Secretary may—

(1) delegate, and authorize successive redelegations of, any of the duties or powers conferred on him in this Act; and

(2) prescribe regulations to carry out this Act.

SEC. 25. RELATED TERMS IN OTHER LAWS.—Whenever used with respect to the documentation of a vessel in any law, regulation, document, ruling, or other official act—

(1) "certificate of registry", "registry", and "register" are considered to mean a registry as provided for in section 10 of this Act;

(2) "license", "enrollment and license", "license for the coastwise (or coasting) trade", and "enrollment and license for the coastwise (or coasting) trade" are considered to mean a coastwise license as provided for in section 11 of this Act;

(3) "enrollment and license to engage in the foreign and coastwise (or coasting) trade on the northern, northeastern, and northwestern frontiers, otherwise than by sea" is considered to mean a Great Lakes license as provided for in section 12 of this Act;

(4) "license for the fisheries" and "enrollment and license for the fisheries" are considered to mean a fishery license as provided for in section 13 of this Act; and

(5) "yacht license" and "yacht enrollment and license" are considered to mean a yacht license as provided for in section 14 of this Act.

SEC. 26. AMENDMENTS TO OTHER LAWS.—(a) Section 4131 of the Revised Statutes, as amended (46 U.S.C. 221), is amended to read as follows:

"No person who is not a citizen of the United States may serve as master, chief engineer, or officer in charge of a deck watch or engineering watch on any vessel documented under the laws of the United States. However, if a documented vessel is deprived of the services of any officer, other than the master, while on a foreign voyage, a person who is not a citizen of the United States may, until the vessel's first return to a United States port where a United States citizen replacement can be obtained serve in—

"(1) the vacancy; or

"(2) any vacancy resulting from the promotion of another to fill the original vacancy."

(b) Section 4148 of the Revised Statutes, as amended (46 U.S.C. 71), is amended by striking out the first sentence of subsection (a) and inserting in place thereof:

"The Secretary of the Department in which the Coast Guard is operating shall provide for the admeasuring of each vessel document under the Vessel Documentation Act and each vessel recorded under section 19 of that Act. Except in cases where the Secretary of the Department in which the Coast Guard is operating has, by regulation, otherwise provided, a vessel must be admeasured before a certificate of documentation or a certificate of record is issued for that vessel".

(c) Section 4311 of the Revised Statutes, as amended (46 U.S.C. 251), is amended by striking out the first sentence of subsection (a).

(d) Section 4320 of the Revised Statutes, as amended (46 U.S.C. 262), is amended by—

(1) striking out the word "licensed" in the first sentence and inserting in place thereof the word "documented"; and

(2) striking out the last sentence.

(e) Section 4377 of the Revised Statutes, as amended (46 U.S.C. 325), is amended by striking out the second sentence.

(f) Section 7 of the Act of June 19, 1886, as amended (24 Stat. 81; 46 U.S.C. 319), is amended by—

(1) striking out the first sentence and inserting in place thereof:

"Whenever a vessel is employed in a trade for which certificates of documentation are issued under the Vessel Documentation Act, other than a trade covered by a registry, the vessel is liable to a civil penalty of $30 for each port at which it arrives without the proper certificate of documentation, and if it has on board any merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, the vessel, together with its equipment and cargo, is liable to seizure and forfeiture."; and

(2) striking out the last sentence.

SEC. 27. REPEALS.—The following laws are repealed, except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act:

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4138	4190
4139	4191
4141	4214
4142	4217
4143	4312
4144	4313
4146	4314
4147	4315
4150	4318
4155	4319
4156	4321
4157	4322
4158	4323
4159	4324
4160	4325
4161	4326
4162	4327
4163	4328
4164	4329
4166	4330
4167	4331
4168	4333
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1961: Aug. 17	Public Law 87-157		75	392
1965: Sept. 29	Public Law 89-219	10	79	892

SEC. 28 EFFECTIVE DATE.—This Act becomes effective on the first day of the sixth month following the month in which it is enacted.

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, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge the passage of H.R. 760, a bill that would provide for a much needed revision of our vessel documentation laws.

Vessel documentation establishes an official basis for vessel identification and control. It serves to facilitate trade and commerce by classifying vessels for purposes of regulation, safety, pilotage, fee assessment and taxation. The marine document of a U.S.-flag vessel is both a certificate of nationality and an authorization for the vessel's use in foreign, coastwise, or domestic trade.

Our existing documentation laws are fragmented and some date back to the early 1790's. These archaic statutes have been an obstacle to efficient vessel documentation procedures for many years. H.R. 760 would extract from these existing laws, and restate in a concise and orderly manner, the purposes and objectives of vessel documentation and related substantive policies. This would permit the U.S. Coast Guard, who is responsible for merchant vessel documentation, to introduce modern procedures and business techniques with resulting benefits for the Coast Guard and the U.S.-flag merchant marine.

For example, under existing law, the document of every licensed vessel must be presented at a documentation office each year for renewal. This requires that the document be removed from the vessel where it properly belongs, and takes up the time of the vessel's master, or the vessel's agent, in making a visit to the documentation office. H.R. 760 would permit the Coast Guard to provide for annual validation by mail without removing the document from the vessel, thus saving time for all concerned.

H.R. 760 was the subject of an Executive communication from the Secretary of Transportation. The departmental reports generally favored the bill and your committee is unaware of any opposition to it.

Your committee made certain amendments to the bill as introduced. These are in the nature of clarifying amendments only.

The bill was ordered reported unanimously, with amendments, after full and careful consideration of the record. I strongly urge the House to support H.R. 760 as a much needed revision of our vessel documentation laws.

Mr. Speaker, I yield as much time to the gentleman from California (Mr. MAILLIARD), a member of the committee, as he desires.

Mr. MAILLIARD. Mr. Speaker, I join our chairman, the gentleman from Maryland, in urging approval of this really long-overdue legislation.

Mr. Speaker, H.R. 760, the Vessel Documentation Act, is a much-needed revision and modernization of laws dating back to the first Congress. The importance of establishing the requirements for and rights and privileges of ships flying the American flag is no less important today than in 1789, when the United States first enacted laws to supersede a hodge-podge of State regulations under the Articles of Confederation.

Since the first Congress, we have gradually expanded our vessel documentation laws and have built layer upon layer of statutory language, much of which today is difficult to comprehend, since it was written to reflect conditions long since changed. There are, for example, obscure references to such things as the "mackeral fishery" and the "Western frontier."

The question of what vessels are entitled to documentation as vessels of the United States has been largely a matter of inference from these obscure laws. For example, for many years the agencies administering our documentation laws have interpreted various sections of the revised statutes to reach the conclusion that vessels must be of at least 5 net tons to be eligible for documentation. H.R. 760 gives this long-standing interpretation a statutory basis.

The interpretations required to effectively implement existing law, however, have produced certain undesirable side effects. The revised statutes state that only a documented vessel may be considered a vessel of the United States. The 5-net-ton limitation on vessels eligible for documentation, therefore, has resulted in smaller vessels being denied the right to be considered a vessel of the United States. This has been particularly bothersome to yachtsmen who feel, and rightly so, that when they sail into a foreign port, their vessel should have the protection and respect accorded a "vessel of the United States." Accordingly, this legislation provides that a vessel need not be documented in order to be considered a vessel of the United States.

In this age of computers, punchcards, and other time-saving recordkeeping procedures long ago adapted to automobile and aircraft registration, our vessel documentation system continues to operate in the age of the green eyeshade and quill pen. This legislation will bring the Coast Guard's administration of vessel documentation into the 20th century. It is long overdue.

I therefore urge the passage of H.R. 760, the Vessel Documentation Act.

Mr. GARMATZ. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. DOWNING), a member of the committee.

Mr. DOWNING. Mr. Speaker, I rise in strong support of H.R. 760.

The new shipping concepts, such as containerization and LASH vessels, have placed an increased emphasis on efficient operation.

The Vessel Documentation Act provided by H.R. 760 would facilitate efficient vessel documentation procedures which affect vessel operation. It would do this not by making significant substantive changes in our existing documentation laws, which your committee has found to be both archaic and fragmented. Rather, the bill would extract from these existing laws, and restate in a concise and orderly manner, the purposes and objectives of vessel documentation and related substantive policies. This will permit the U.S. Coast Guard, which is responsible for vessel documentation, to introduce efficient procedures with resulting benefits for the U.S.-flag merchant marine.

The bill was ordered reported unanimously, with clarifying amendments. I strongly urge the House to support H.R. 760.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland that the House suspend the rules and pass the bill H.R. 760, 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.

FEES FOR MIGRATORY BIRD HUNTING STAMPS

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill—H.R. 701—to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, to authorize the Secretary of the Interior, in his discretion, to establish the fee for such stamp, as amended.

The Clerk read as follows:

H.R. 701

A bill to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, to authorize the Secretary of the Interior, in his discretion, to establish the fee for such stamp

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 2 of the Migratory Bird Hunting Stamp Act (48 Stat. 451), as amended (16 U.S.C. 718b), is amended to read as follows: "For each such stamp sold under the provisions of this section there shall be collected by the Postal Service a sum of not less than $3 and not more than $5 as determined by the Secretary of the Interior after taking into consideration, among other matters, the increased cost of lands needed for the conservation of migratory birds.".

SEC. 2. Sections 2 and 4 of the Migratory Bird Hunting Stamp Act (16 U.S.C. 718b, 718d) are each amended by striking out "Post Office Department" and "Postmaster General" each place they appear therein and inserting in lieu thereof "Postal Service".

SEC. 3. Section 3(a) of the Act of July 30, 1956 (70 Stat. 722; 16 U.S.C. 718b–1), is amended by striking out "Postmaster General" each place it appears therein and inserting in lieu thereof "Postal Service".

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, I yield myself 3 minutes.

Mr. Speaker, the purpose of H.R. 701 is to provide a means for producing additional funds for the acquisition of greatly needed habitat for migratory birds, especially migratory waterfowl.

Mr. Speaker, the original Duck Stamp act was passed in 1934. The price of the duck stamp at that time was set at $1. Over the past 37 years, the price of the duck stamp has been increased only twice; once in 1949, to $2, and again in 1958, to $3.

Mr. Speaker, as I am sure all of my colleagues are aware, present law requires anyone 16 years of age or older desiring to hunt migratory waterfowl to have in his possession at the time of such hunting an unexpired Federal migratory-bird hunting stamp. The sale of—what is commonly referred to as the duck stamp—is handled by the U.S. Postal Service. The proceeds from such sales are paid into the U.S. Treasury and set aside into a special fund known as the migratory bird conservation fund, to be administered by the Secretary of the Interior. After deducting expenditures by the Postal Service for engraving, printing, issuing and selling, the remainder of the funds are used solely for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges and waterfowl production areas.

Mr. Speaker, originally in the 48 contiguous States there were some 127 million acres of wetlands. By 1955, this total acreage had been reduced to approximately 84 million acres. Of this amount, only 22.5 million acres were of significant value for migratory waterfowl use. Since it was anticipated that 10 million acres would remain in private ownership, there remained to be acquired for public control 12.5 million acres. Of this amount, available information indicated that about 5 million acres would be secured by the States, leaving 7.5 million acres to be purchased by the Secretary of the Interior from the migratory bird conservation fund. By 1958, purchases and donations consisted of approximately 3.5 million acres. Another 1.5 million acres were added by 1961, leaving 2.5 million acres to be acquired by the Secretary under the original goal. To provide additional funds in order to expedite the purchase of these lands, in 1961 the Congress enacted the Accelerated Wetlands Acquisition Act which authorized an advance appropriation without interest to the migratory bird conservation fund of up to $105 million over a 7-year period beginning with fiscal year 1962. Although the act has been extended for an additional 8 years, to date only $66.8 million has been appropriated, leaving $38.2 million available for appropriation under the original $105 million program.

Mr. Speaker, since 1961 only 1.3 million additional acres have been acquired leaving a balance of 1.2 million acres to be acquired under the original goal. We are most hopeful that if H.R. 701 is enacted into law, the funds to be derived from the sale of duck stamps plus the $38.2 million remaining to be appropriated under the accelerated wetlands acquisition program will enable us to complete this goal.

Mr. Speaker, briefly explained, H.R. 701 would authorize the Secretary of the Interior to increase the cost of the duck stamp from $3 to a maximum of $5 whenever in his discretion he deemed such an increase justifiable after taking into consideration, among other matters, the increase cost of lands for the conservation of migratory birds. In addition, the bill, as reported, includes the suggested amendments of the U.S. Postal Service, all of which were technical in nature.

In its report on the legislation, the Department of the Interior suggested an amendment to the bill that would provide for an automatic $2 increase in the cost of the duck stamp. The Committee on Merchant Marine and Fisheries in its wisdom decided against the mandatory concept and felt that the best interests of the sportsmen and the acquisition program could best be maintained by providing the Secretary of the Interior with discretionary authority only. The committee is most hopeful that the Secretary will administer this law wisely and will increase the price of the duck stamp only when he feels that such an increase will prove beneficial both to the sportsmen and our migratory waterfowl conservation program.

Mr. Speaker, the committee gave serious consideration to linking the cost of an increase in the duck stamp with the amount of funds appropriated under the accelerated wetlands acquisition program. As previously indicated, there remains to be appropriated $38.2 million under this authorization over the next 5-year period. This averages out at approximately $7.5 million per year. The committee decided to tie the legislation to the appropriation process but in lieu thereof wanted to make it clear in the legislative history of this legislation that the committee expects the appropriations under the accelerated wetlands acquisition program to maintain its recent level of funding which would be approximately $7.5 million per year. Furthermore, it wants to stress that for the Appropriations Committee to appropriate less than this amount, it would have the affect of offsetting any increase in funds that would be provided by this legislation. The committee feels that it is only in this fashion that the interests of the sportsmen can best be protected, and the acquisition program a success.

Mr. Speaker, I urge prompt enactment of H.R. 701.

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

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

Mr. GROSS. Mr. Speaker, can the gentleman say why it is left to the Secretary of the Interior to fix the cost of duck stamps?

Mr. DINGELL. Yes; I will be happy to. The Congress found that there is a falloff in sales which is related to the increase in price. It was anticipated that at some point between $3 and $5 would be the level at which the price would bring in the highest income to the migratory bird conservation fund. In order to give the Secretary the discretion to maximize the return to the fund at the earliest possible moment, the Secretary is given the discretion to fix the fee for the migratory bird stamp between $3 and $5.

Mr. GROSS. Was there a falloff in the sales when the cost of the stamps were increased to $3?

Mr. DINGELL. There always has been a slight falloff in sales. It is anticipated the price increase this time will produce less of a falloff than in other years. The reason is because it is anticipated we will have a very good year for ducks.

Mr. GROSS. What is it expected to be?

Mr. DINGELL. I cannot prophesy, but I think it is expected the $5 set by the Secretary will bring in the best returns.

Mr. GARMATZ. Mr. Speaker, I want to voice my support for H.R. 701, which was unanimously reported by my committee.

Basically, the bill is designed to authorize the use of additional funds resulting from any increase in the cost of the duck stamp. These additional funds would then be used for the acquisition of suitable lands which could serve as breeding grounds and sanctuaries for migratory waterfowl.

It is urgent to acquire this land as

soon as possible, because suitable land that could be used for migratory bird habitat is rapidly disappearing, due to the ever increasing demands of commercial, industrial, and urban development.

Unless these essential lands are acquired now, the migratory waterfowl population will be seriously depleted and their decimation will constitute a great loss to the sportsmen and to all Americans who value our precious wildlife resources.

Mr. Speaker, I strongly urge passage of H.R. 701.

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

Mr. Speaker, I rise in support of H.R. 701 to authorize the Secretary of the Interior in his discretion to increase the fee for migratory bird hunting stamps, the so-called "Duck Stamp."

The report of your Committee on Merchant Marine and Fisheries clearly documents the need for public acquisition of wetlands. The growth in our population and accelerated drainage of land for commercial and residential construction has destroyed many millions of acres of waterfowl feeding and nesting lands. Our migratory waterfowl are a unique national asset which cannot be adequately conserved and protected at the State level, since their seasonal migrations take these flocks of birds thousands of miles across many States. During the 1950's, a goal od 7.5 million acres of federally acquired wetlands was established. We are 1.2 million acres short of this goal, and the cost of land has risen dramatically.

In view of the constant and accelerated diversion of wetlands to other uses, the migratory waterfowl habitat acquisition program must be funded at a level which completes the acquisition program as soon as possible.

This legislation will enable the Secretary of the Interior to increase the cost of the duck stamp up to a maximum of $5 whenever in his judgment he deems such an increase necessary, taking into account the increased cost of land, availability of water and other natural conditions, the maintenance of bird populations, and the interest of sportsmen whose purchase of these stamps supports the program.

Your committee considered amendments to this bill which would have tied the level of the duck stamp fee to the level of appropriations for wetland acquisition purposes by the Congress. After giving such amendments careful consideration, however, your committee determined to continue the existing system under which funds for wetlands acquisition through the sale of duck stamps and by appropriations are programed independently.

We do not anticipate, however, that an increase in the price of duck stamps will result in a decrease in the appropriation of funds for wetland acquisition. Indeed, such a decrease in appropriations would nullify the purpose of this legislation, which is simply to increase substantially the total amount of money being made available from all sources for wetlands acquisition in order to achieve our goal of 7.5 million acres at the earliest possible date.

Mr. Speaker, I urge my colleagues to support the passage of this important legislation.

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

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 701, which would provide a means for producing additional funds for the acquisition of vitally needed lands for migratory birds, particularly migratory waterfowl.

To achieve this goal, the bill authorizes the Secretary to raise the price of the migratory bird hunting stamp—better known as the duck stamp—from $3 to a maximum of $5 whenever he believes such an increase is justified.

As an ardent conservationist, the senior member of the Migratory Bird Commission, and a cosponsor of this legislation, I want to commend the committee for its expeditious consideration of the measure we are now debating.

The tremendous need for increased funds to purchase the remaining 1.2 million acres of wetlands that are available to the Federal Government to conserve the Nation's waterfowl has been dramatically demonstrated at our bird commission meetings. The average cost of land has skyrocketed from $31 per acre in 1962 to $142 per acre today. Moreover these valuable lands are in constant danger of falling prey to the greedy eye of the speculator who is ready with a bulldozer to fill in a wetland and transform it into another gaudy memorial to our neon society.

We must act now to preserve sufficient acreage to provide essential breeding, feeding, resting, and wintering areas in this country to accommodate the needs of migratory waterfowl.

Mr. Speaker, I urge the passage of this legislation.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 701, 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 Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on H.R. 701, just passed.

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

There was no objection.

AMENDMENTS TO FISHERMEN'S PROTECTION ACT OF 1967

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1972(b)) is amended by striking out "and to secure the release of such vessel and crew." and inserting in lieu of the following: ", to secure the release of such vessel and crew, and to immediately ascertain the amount of any fine, fee, or other direct charge which may be reimbursable under section 3(a)."

SEC. 2. Section 3 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1973) is amended by inserting "(a)" immediately before "In", and by adding at the end thereof the following: "Any reimbursement under this section shall be made from the Fishermen's Protective Fund established pursuant to section 8.

"(b) The Secretary of State shall make a certification under subsection (a) of this section as soon as possible after he is notified pursuant to section 2(b) of the amounts of the fines, fees, and other direct charges which were paid by the owners to secure the release of their vessel and crew. The amount of reimbursement made by the Secretary of the Treasury to the owners of any vessel under subsection (a) of this section shall constitute a lien on the vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the vessel may be. Any such lien shall terminate on the ninetieth day after the date on which the Secretary of the Treasury reimburses the owners under this section unless before such ninetieth day the United States initiates action to enforce the lien."

SEC. 3. Section 5 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1975) is amended to read as follows:

"SEC. 5. (a) The Secretary of State shall—

"(1) immediately notify a foreign country of—

"(A) any reimbursement made by the Secretary of the Treasury under section 3 as a result of the seizure of a vessel of the United States by such country,

"(B) any payment made pursuant to section 7 in connection with such seizure, and

"(2) take such action as he deems appropriate to make and collect claims against such foreign country for the amounts so reimbursed and payments so made.

"(b) If a foreign country fails or refuses to make payment in full on any claim made under subsection (a)(2) of this section within one hundred and twenty days after the date on which such country is notified pursuant to subsection (a)(1) of this section, the Secretary of State shall transfer an amount equal to such unpaid claim or unpaid portion thereof from any funds appropriated by Congress and programed for the current fiscal year for assistance to the government of such country under the Foreign Assistance Act of 1961 (and if such funds are insufficient to cover such claim, transfer shall be made from any funds so appropriated and programed for the next and any succeeding fiscal year) to (1) the Fishermen's Protective Fund established pursuant to section 8 if the amount is transferred with respect to an unpaid claim for a reimbursement made under section 3, or (2) the separate account established in the Treasury of the United States pursuant to section 7(c)

if the amount is transferred with respect to an unpaid claim for a payment made under section 7(a). Amounts transferred under this section shall not constitute satisfaction of any such claim of the United States against such foreign country."

SEC. 4. Section 7(c) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(c)) is amended by inserting immediately before the last sentence thereof the following new sentence: "If a transfer of funds is made to the separate account under section 5(b)(2) with respect to an unpaid claim and such claim is later paid, the amount so paid shall be covered into the Treasury as miscellaneous receipts."

SEC. 5. The Fishermen's Protective Act of 1967 is further amended by adding at the end thereof the following new section:

"SEC. 8. There is created a Fishermen's Protective Fund which shall be used by the Secretary of the Treasury to reimburse owners of vessels for amounts certified to him by the Secretary of State under section 3. The amount of any claim or portion thereof collected by the Secretary of State from any foreign country pursuant to section 5(a) shall be deposited in the fund and shall be available for the purpose of reimbursing vessel owners under section 3; except that if a transfer to the fund was made pursuant to section 5(b)(1) with respect to any such claim, an amount from the fund equal to the amount so collected shall be covered into the Treasury as miscellaneous receipts. There is authorized to be appropriated to the fund (1) the sum of $3,000,000 to provide initial capital, and (2) such additional sums as may be necessary from time to time to supplement the fund in order to meet the requirements of the fund."

SEC. 6. The amendments made by this Act shall apply with respect to seizures of vessels of the United States occurring on or after date of the enactment of this Act; except that reimbursments under section 3 of the Fishermen's Protective Act of 1967 (as in effect before such date of enactment) may be made from the fund established by the amendment made by section 5 of this Act with respect to any seizure of a vessel occurring before such date of enactment and after December 31, 1970, if no reimbursement was made before such date of enactment.

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, I yield myself 5 minutes.

Mr. Speaker, this legislation was unanimously reported by the Committee on Merchant Marine and Fisheries. It is sponsored by the distinguished and able senior minority Member, to whom I pay tribute for his invaluable service on that committee.

Mr. Speaker, existing law provides that where a vessel of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States, and a fine, fee, or other direct charge must be paid by the vessel owner in order to secure the prompt release of the vessel and crew, then such owner is entitled to be reimbursed by the Secretary of the Treasury for the amount of such fine, fee, or other direct charge. Also, existing law provides that the owner of such a seized vessel may be reimbursed under an account administered by the Secretary of Commerce and funded by both the Federal Government and the vessel owner—for costs attributable to damage or destruction of the vessel, gear, or equipment, as well as the market value of fish spoiled during the period of illegal detention, and one-half of the loss of gross income which might have accrued to the vessel owner and its crew had the seizure not occurred.

Mr. Speaker, the need for this legislation arises from the fact that since 1954—the year the Fishermen's Protective Act was enacted—there have been more than 100 seizures of American fishing vessels by foreign countries while these vessels were fishing on the high seas beyond 12 miles from foreign shores. Twenty-seven of these seizures occurred between January 10 and March 30 of this year. There are nine countries that claim exclusive fisheries rights out to 200 miles from their shores, and although this legislation would apply equally to any nation that claims fisheries rights beyond 12 miles from their shores, it primarily is aimed at the countries of Ecuador and Peru.

Mr. Speaker, during the hearings held by my Subcommittee on Fisheries and Wildlife Conservation it was documented that because of the cumbersome appropriation process American fishing vessel owners, on the average, are having to wait at least a year or more before receiving reimbursements from the Secretary of the Treasury for the amount of fines, fee, and other direct charges required to be paid to obtain release of the vessels and crew. This imposes an undue hardship on the vessel owner, and particularly so if he happens to be the owner of the *Apollo* or *Caribbean Tuna* vessels, both of which were seized twice within a period of approximately 2 months. This legislation is designed to eliminate that hardship.

Mr. Speaker, briefly explained, H.R. 7117 would require the Secretary of State to immediately ascertain the amount paid by a vessel owner to a foreign country to obtain release of his vessel and crew and to certify such amount to the Secretary of the Treasury for immediate reimbursement. Upon reimbursement out of the revolving fund authorized to be established under section 5 of the bill—which should only take a matter of days—the Secretary of State would be required to immediately notify the foreign country of such reimbursement. He would also be required to take the necessary steps to try to collect the amount of the claim from the offending country. If it develops that the Secretary of State is unable to collect the claim within 120 days after notification to the offending country—which is likely to happen since he never has officially presented a claim and consequently never has collected a claim from a foreign country since enactment of the act in 1954—then the Secretary of State is required to deduct the amount of the claim from any funds programed to that country under the Foreign Assistance Act and to transfer such funds to the revolving fund authorized to be established under this bill. The bill would authorize to be appropriated $3 million to provide initial capital for the revolving fund and such other sums as may be necessary to meet future requirements of the fund.

Mr. Speaker, my subcommittee held hearings on the subject of illegal seizures in San Pedro, Calif., in February of this year and on the legislation here in Washington in June and July of this year. Testimony was received from a wide range of witnesses, including representatives of Congress, the tuna industry, labor organizations, cannery workers, and the Federal agencies. In general, all of the witnesses were in strong support of the legislation except for the State Department. The State Department endorsed the idea of providing expeditious reimbursement to the vessel owner but opposed the legislation mainly on the grounds that the mandatory deduction requirement from foreign aid would in effect restrict its flexibility in negotiations to resolve the overall problem of fisheries jurisdiction with these offending nations.

Mr. Speaker, the Committee on Merchant Marine and Fisheries reported this bill to the floor unanimously and we do not believe the legislation will have the effect on the State Department which it fears.

Mr. Speaker, I strongly urge the passage of this legislation.

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

Mr. DINGELL. I am glad to yield to my friend from Iowa.

Mr. GROSS. I have always been sympathetic to these fishermen who have been punished by seizures. I offered an amendment this year on this subject in the Committee on Foreign Affairs.

Mr. DINGELL. The gentleman has been very helpful. I wish to commend him for that.

Mr. GROSS. At best, this is an expediency. We ought to not have to enact this kind of legislation, and it would not be necessary if we had in the past and present Secretaries of State with any courage.

Mr. DINGELL. I agree with the gentleman entirely. It is my position we probably ought to send some gunboats down there to protect these vessels. Unfortunately, that kind of legislation is not a reality.

We have had to close by this legislation the loophole which exists, so that the Secretary of State no longer has any discretion whatsoever in starting the mechanism that is ultimately going to result in the deduction from foreign aid of any fines and out-of-pocket costs paid.

Mr. GROSS. I say to my friends from Michigan it is a shame and an outrage to call upon the taxpapers of this country for $3 million or any other amount to indemnify in cases such as have occurred. This is the sort of thing that must be stopped. We ought not to be paying a dollar of tribute to a single foreign government under these circumstances.

Mr. DINGELL. The gentleman is correct. I would say this to my good friend: We have already begun the principle of compensating them for fines and out-of-pocket costs. That we did some time ago.

What we are doing today is setting up a revolving fund so that these people do

not have to finance the costs for as long as one and one and-a-half years at 90 percent money.

Mr. GROSS. I am not going to oppose the bill, but I say that this procedure is wrong and that we ought to get results. This sort of thing ought to be stopped in a far different way, because we are here paying tribute and we should not be paying tribute under any guise. Even if we take money for payment out of foreign assistance it is still tribute.

Mr. DINGELL. I agree, and the gentleman is correct. I believe it is outrageous.

Mr. PELLY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 7117 to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for fines and other charges which they have paid foreign countries to secure the release of their vessels and crews illegally seized by such countries.

In 1968, the Congress amended the Fishermen's Protective Act in several important respects. In one respect, the Secretary of State was directed to take such action as he deemed appropriate to make and collect claims against foreign countries which have illegally seized our vessels. The amount to be claimed and collected would, of course, be the amount paid out by the United States to compensate the vessel owner for fines and other charges and partial compensation for economic losses resulting from seizure. The 1968 amendment further provided that if a foreign country fails or refuses to make such payment in full within 120 days after receiving notice of the claim, the Secretary of State shall withhold, pending such payment, an amount equal to such unpaid claim from any foreign aid funds programed for that country under the Foreign Assistance Act of 1961.

Although there have been innumerable seizures of U.S. fishing vessels since enactment of the 1968 amendments, including 27 such seizures this year, the Secretary of State has never once asserted a claim as required by the act. Since the Secretary never has demanded reimbursement from a foreign country seizing our vessels, the 120-day period following which foreign aid must be suspended has never begun to run. The State Department has conveniently misinterpreted the express language of the act, which states that the Secretary shall take action. The only discretion which the act gives the Secretary is the means which he shall employ in presenting and collecting a claim. Thus, he may do this informally through our diplomatic representatives in the country involved, or he may present a formal note to the President of that country.

On the other hand, the act gives the Secretary no discretion whatsoever in deciding to present a claim. The State Department since 1968 has acted contrary to the law and to the clear intent of Congress. The legislation which we are considering today amends section 5 of the act to spell out in greater detail the obligation of the Secretary of State to present claims to foreign countries who illegally seize our vessels. It is so worded that no State Department lawyer will be able to misconstrue our clear intent.

Mr. Speaker, the second principal amendment to the Fishermen's Protective Act provided for in this legislation will establish a revolving fund in order to expedite the reimbursement of fishermen for the fines and other charges which they have paid to foreign countries seizing our vessels on the high seas. The testimony taken by this committee clearly indicates that the present system administered by the Department of State consumes entirely too much time. In most cases, our fishermen wait over a year to receive reimbursement from the Treasury upon certification by the Department of State.

The reasons for this are twofold. On the one hand, the certification process itself is unduly cumbersome. Second, once certification has been made by the Secretary of State to the Treasury, the fishermen must wait for one of two supplemental appropriation bills to be enacted. The establishment of the revolving fund would obviate the need for supplemental appropriations, and the language of the act directing the Secretary to expedite the certification process will eliminate a great deal of the redtape now involved.

Mr. Speaker, these amendments to the Fishermen's Protective Act are needed, both for the sake of our fishermen who have been subjected to illegal seizure on the high seas and from the standpoint of preserving the U.S. position in negotiating with these countries. So long as they may seize our ships with impunity, there will be no inducement to negotiate in good faith with the United States. We have made it clear to the countries of Latin America that we are sincerely interested in conservation of fishery stocks in the high seas. It is not our desire to exploit these resources beyond the maximum sustainable yield. We are ready to sit down with them at any time, but we are not willing simply to stand by and allow these seizures to continue year after year after year with no serious negotiation in sight and no action on the part of the State Department to terminate the steady flow of American aid to these countries.

I urge my colleagues to support the passage of H.R. 7117.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Merchant Marine and Fisheries (Mr. GARMATZ).

Mr. GARMATZ. Mr. Speaker, I rise in strong support of H.R. 7117. My distinguished colleague, Congressman DINGELL, who is chairman of our Subcommittee on Fisheries and Wildlife Conservation, and who chaired the hearings on this legislation, has already explained it in detail.

I feel that this bill's enactment is essential—not only to protect the American fishing industry, but also to require the State Department to take more forceful action in dealing with the vexing and dangerous problem of illegal seizures of American fishing vessels.

Since January 11 of this year, 27 American tuna boats have been seized by certain Latin nations which have unilaterally claimed jurisdiction over waters extending up to 200 miles off their coasts. The owners of these vessels have been forced to pay penalties to these Latin nations totaling $1,333,418, according to the most recent figures furnished by the State Department.

When an American fishing boat is seized by a foreign nation, the vessel owners pay all fines and other penalties out of their own pocket. These penalties can be extremely high. In the case of the tuna boat *Apollo*, for instance, penalties amounting to $92,000 were paid when that vessel was seized January 17, while fishing 47 miles off the coast of Ecuador; on March 3, the *Apollo* was again seized by Ecuador while fishing 130 miles off that nation's coast, and in this second instance penalties amounting to $155,340 were paid before that vessel was released.

Under the Fishermen's Protective Act, the Federal Government reimburses the owners of American vessels when they are required to pay such penalties for seizures beyond 12 miles from foreign shores. Unfortunately, the reimbursement process is slow, and there is normally a time lapse of about 1 year before the vessel owner is actually reimbursed. During that period the vessel owner has lost the use of the money paid to obtain release of his vessel, and quite frequently he is forced to borrow money—and to pay a high interest rate—in order to continue the operation of his vessel and pay his crew. Some vessel operators have seriously depleted their financial resources, some to the point of near bankruptcy. The danger of bankruptcy has been increased as a result of the policy recently instituted by Ecuador, which calls for penalties to be doubled in the case of a second seizure of any individual American vessel.

One of the primary purposes of H.R. 7117 is to set up a revolving fund which would make reimbursements available almost immediately. Under this plan, it is anticipated reimbursements would be completed within a few days and at the maximum time of not more than 3 weeks.

The other salient feature of this bill is to place a mandatory duty upon the Secretary of State, requiring him to immediately notify the seizing country when reimbursement has been made, from the revolving fund, to the vessel owner. If that foreign country does not reimburse the United States for funds so expended within 120 days from the date of notification, then the Secretary would be required to deduct an equal amount from funds programed to that foreign country under the Foreign Assistance Act of 1961. The Secretary would also be required to transfer an amount equal to the claim into the revolving fund.

This mandatory requirement is necessary, in view of the fact that the Secretary of State has interpreted present law as giving him discretionary authority; in fact, the Secretary has persistently refused to officially notify the offending country of the claim and to deduct any funds from the Foreign Assistance Act. This he has refused to do, despite the obvious intent of Congress that this should be done. As a result of this interpretation, no deductions have been

made from the Foreign Assistance Act.

Mr. Speaker, if these deductions are not made from foreign aid, the American taxpayer is, in essence, paying for the State Department's failure to enforce the law. The bill will eliminate that loophole and make the offending country pay its own fines if that country is getting foreign aid from the U.S. Government.

Passage of this legislation will benefit both the taxpayer and the American fishing industry, and I urge my colleagues to support H.R. 7117.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I had not intended to get into this discussion today, knowing the long dedication of the subcommittee and the full committee presenting the proposed legislation with respect to this subject.

However, the members of this committee spoke about the difficulty which has occurred with respect to the issue, at least in the Committee on Foreign Affairs, and as a member of that committee I feel I should make a few remarks at this point. As the gentleman from Iowa said, he did propose an amendment and also there were other similar amendments proposed in the Foreign Affairs Committee which were not adopted.

There is a considerable difference of opinion on the subject. The amendments offered in Foreign Affairs Committee were defeated by close votes.

There is obvious sympathy to support U.S. fishermen in their right to fish the high seas. But the issue is clouded and made very emotional because of the claims of sovereignty.

At the present time that there are nine countries in Latin America alone which claim sovereignty or exclusive jurisdiction over the sea off their coast for a distance of 200 miles.

The U.S. position from a foreign policy point of view has been that we are opposed to unilateral claims of sovereignty of this kind. We believe that the proper forum to decide this is an international forum. At the last Convention of the Sea we lost an effort to resolve this issue by one vote. The administration genuinely has been working very, very hard to resolve this issue, and it is looking forward to the 1973 convention in an effort to resolve this emotional and sticky problem.

The difficulty, as we see it in the Committee on Foreign Affairs, is that restrictive or punitive legislation, unilateral in its interpretation of what are the high seas, has been very hard to enforce.

Furthermore, it has been shown that punitive retaliation in support of one U.S. interest has brought pressures on other U.S. interests and has otherwise complicated the carrying out the foreign policy of the United States.

Restrictive legislation in foreign assistance has thus been counterproductive and the United States has sought the international forum as the best means of solving the problem. So while it may be very desirable to establish the purpose of the Fishermen's Protective Act, on the other side it has had very difficult consequences on the administration of the foreign policy of the U.S. Government, and brought retaliatory actions against other U.S. economic interests.

The U.S. Government, therefore, has tried very, very diligently, bilaterally in regional efforts of four or five nations, and at the international level to resolve fisheries problems.

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

Mr. FASCELL. I yield to the distinguished gentleman from Washington.

Mr. PELLY. The distinguished gentleman from Florida knows that in the present form of assistance as provided in section 620(o), there has been difficulty in making allocations. I do not disagree with the gentleman from Florida. All I want to do is to deter the seizure of our ships as occurred off the coast of Brazil.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. PELLY. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. FASCELL. I thank the gentleman for yielding to me this additional time.

Mr. PELLY. Mr. Speaker, if the gentleman will yield further, I have urged that we go to the conference table and settle this issue and I think the gentleman and I are in full agreement on that.

Mr. FASCELL. Oh, we are absolutely in agreement. We recognize that it is almost impossible to attempt to resolve the problem any other way. But at the same time your committee has felt it essential to take these steps, notwithstanding the desirability of a settlement on an international scale.

Mr. PELLY. I agree with the gentleman. I think the vote on the amendment was 11 to 11 in the gentleman's committee. So, there was some division of opinion.

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

Mr. ANDERSON of California. Mr. Speaker, I strongly support H.R. 7117 and am pleased that the Committee on Merchant Marine and Fisheries has brought this much needed legislation to the floor of the House so expeditiously.

On February 10, 1971, I was part of a special investigative subcommittee which heard firsthand the hardships which our fishermen have undergone during the conduct of illegal seizures by certain Latin American countries. This hearing in San Pedro, Calif., was the beginning of a series of hearings to determine what alternatives we had to prevent future seizures and to adequately reimburse the fishermen who have suffered great financial inconvenience.

The result of these hearings is the bill, H.R. 7117, which I cosponsored. This measure would amend the Fishermen's Protective Act to expedite the reimbursement of vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries by creating a Fishermen's Protective Fund for this purpose. It would strengthen the provisions relating to the collection of such claims against the offending foreign countries by providing for the transfer of foreign assistance funds appropriate for the government of such country to the Fishermen's Protective Fund for those claims which such country has refused to pay within 120 days of notification of the claim.

Section 1 of the bill amends the Fishermen's Protective Act to require representatives of the Secretary of State to be immediately notified of any amount paid by a fishing vessel owner to a foreign country to obtain release of his vessel and crew illegally seized.

Section 2 of the bill would amend the act to indicate that the Secretary of the Treasury, in reimbursing vessel owners for moneys paid to obtain release of the vessel and crew, shall pay such reimbursements out of a revolving fund to be established under section 5 of the bill, in lieu of making such payments from general funds in the Treasury.

Also, section 2 of the bill would require the Secretary of State to certify to the Secretary of the Treasury immediately after he is notified—presumably by one of his agents in the field—of the amount paid by the vessel owner to obtain release of the vessel and crew. The amount reimbursed to the vessel owner would constitute a 90-day lien against the vessel, pending verification of the validity of the claim for reimbursement.

Section 3 of the bill would rewrite section 5 of the act to make it clear that the Secretary of State is required to immediately notify a foreign country whenever the Secretary of the Treasury makes a reimbursement to the vessel owner or makes a payment to a vessel owner under the insurance program. As under present law, the Secretary of State would then be required to make and collect such claims against such foreign country for amounts paid under both sections 3 and 7 of the act.

Also, section 3 of the bill would provide that if the Secretary of State fails or refuses to present a claim to a foreign country or to collect a claim, presented to such country within 120 days after the Secretary of State notified such country, then the Secretary of State would be required to deduct the unpaid claim from any funds programed to that country under the Foreign Assistance Act and to transfer an amount equal to such unpaid claim from the Foreign Assistance Act fund to the Fishermen's Protective Fund.

The need for this legislation is obvious. Nine Latin American nations have unilaterally declared a 200-mile limit on their coastal waters. This year, only Ecuador and Peru have attempted to enforce it. International law, most maritime nations, and the United States recognize only a 12-mile limit.

Vessels that venture within Ecuador's and Peru's 200-mile boundary are subject to armed harassment and military seizure. The vessels are boarded, the crews kept under armed guard, private property is stolen, the ship's radio is sealed and its records confiscated, and the vessels are forced into port. They are released only upon the payment of substantial fines and the purchase of a costly license.

At a later date the vessel owner must go through miles of Government redtape to make application for reimbursement from the U.S. Government.

On the average it takes a year for the vessel owner to be reimbursed, because a special act of Congress is required to appropriate money for each individual incident. Because the crew does not share in paying for fines and licenses, it receives no share of any subsequent reimbursement.

Partial reimbursement for lost earnings is provided for under present law. But this provision is rarely invoked and is meaningless as a practical matter.

Since the enactment of the Fishermen's Protective Act in 1967, the Secretary of State has had the authority to claim from countries seizing American vessels the amounts of the fines being collected, or deduct such amounts from those countries' foreign aid grants. The Secretary has never used that congressional authorization, perhaps because the Secretary is given discretion to "take such action as he may deem appropriate" in filing claims for the fines and other penalties extracted from our fishermen by foreign governments. The 1-year suspension on the sale of military gear to Ecuador has had no effect.

It is particularly upsetting that the U.S. State Department is overlooking the hardships and dangers to our fishermen and the threat to the life of the fishing industry itself, while emphasizing the international aspects. Diplomats have barely nibbled at the problem by prolonged studies which have served only to create U.S. composure on the international scene.

The Department of State, as a mild warning to Ecuador, halfheartedly and without real effect, has invoked a section of the Foreign Military Sales Act, which suspends the program of military sales to that country. It seems convenient for the Department of State, in order to mollify certain Latin American states, to jettison its responsibilities under laws already on the books. As a result of State Department inaction, our American fishermen have daily faced physical dangers and serious economic adversities each time they leave our shores on a legitimate enterprise, their livelihood.

Our fishermen deserve much better from us. In time of war, the Nation has always counted on its high seas fishing fleet as an auxiliary force and our fishermen have always responded courageously. Today, in a time of relative peace, their very lives and livelihood are being jeopardized. They have been pawns in a power-politics chess game with Ecuador making all the moves.

When the American fishermen's freedom to fish on the high seas is threatened or denied, his only recourse is to seek relief through the U.S. Government. "Only a sovereign state can defend its citizens against a breach of international law by another sovereign state." Like other Americans, our fishermen are entitled to their Government's full protection. We owe them our support.

Yet, Ecuador has claimed that the 200-mile doctrine is "not negotiable." Also, under its present, piratic bounty system, 40 to 70 percent of income from fines paid by U.S. fishermen supports its own military machine. It rejected U.S. offers to take the dispute to arbitration or adjudication by the International Court of Justice or to confer with this country for the purpose of negotiating a treaty to resolve the dispute. Ecuador has seized ships which were not even fishing, but merely passing through or resting for the night. While still owing $120,000 for its agreed support of the highly respected Inter-American Tropical Tuna Commission, an organization dedicated to the conservation of tuna, it denounced the treaty and now charges the United States with destroying tuna resources that belong to Ecuador. Such continually adverse and audacious action by Ecuador can hardly be condoned by our great and powerful country.

For that reason I strongly endorse H.R. 7117. It will, first, effectively reduce the long delay in the reimbursement process by creating a revolving fund from which reimbursements would be made immediately; and second, by reducing the foreign aid that an offending country may have pending, this measure may serve as both a deterrent and as a moneysaver for the American taxpayer.

Mr. MORSE. Mr. Speaker, I rise in opposition to H.R. 7117. Let me first say that I in no way disagree with the intentions of the sponsors of this bill who wish to expedite payment of claims filed by American fishermen for charges paid by them to obtain release after illegal seizure by foreign countries.

However, Mr. Speaker, there are two problems with the proposed bill which do concern me. The first part involves the proposed provision for a lien on a seized vessel. This provision may be interpreted to force the State Department to certify claims without a properly documented claim being received from the vessel owner. In short, the State Department is being asked to certify claims without documentation. This would provide a form of special treatment not enjoyed by other U.S. citizens who also have claims to submit. I consider it unwise for the avoidance of normal claims procedures as suggested by H.R. 7117.

My second problem is more significant. It concerns the mandatory deductions from foreign assistance programs. I believe that the problem of vessel seizures is one for negotiations, not sanctions. Negotiations become impossible when sanctions are enforced. Sanctions often threaten other U.S. foreign policy and security interests, and they threaten the interest of other private Americans with investments not directly connected with fishing. I do not suggest that fishing is less important than other interests; I merely suggest that it is only one of several interests which must be considered in each case.

I am told that in the last few days, the State Department has moved toward establishing a date for negotiations on our fishing problems with Brazil and that similar negotiations now appear likely with the countries on the western coast of South America. In view of the fact that negotiations may soon be undertaken, I believe that it would be inopportune for this House to pass H.R. 7117 in its present form.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan that the House suspend the rules and pass the bill H.R. 7117, 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.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

WASHINGTON, D.C.,
July 19, 1971.

Hon. CARL ALBERT,
The Speaker, House of Representatives, Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of Section 201 of Public Law 89-298, the Committee on Public Works of the House of Representatives on July 29, 1971, adopted Committee resolutions authorizing the following water resources development projects: Frio River, Three Rivers, Tex.; and Mississippi River at Winona, Minn.

Kindest personal regards.

Sincerely,

JOHN A. BLATNIK,
Chairman, Committee on Public Works.

EXECUTIVE LEVEL POSITIONS FOR GENERAL ACCOUNTING OFFICE

Mr. HENDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9442) to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule Level IV.

The Clerk read as follows:

H.R. 9442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88-426) is amended by the addition thereto of the following subsection:

"(1) The Comptroller General may fix the compensation for five positions in the General Accounting Office at rates not to exceed that prescribed, from time to time, for level IV of the Executive Schedule under section 5315 of title 5, United States Code, when he considers such action necessary because of changes in the organization, management responsibilities, or workload of the Office.".

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.

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

Mr. Speaker, I rise in support of H.R. 9442.

PURPOSE OF H.R. 9442

The purpose of this legislation is to authorize the Comptroller General of the United States to have five positions at compensation not to exceed level IV whenever he finds it necessary to do so to meet the needs of the expanding workload and responsibilities of the General Accounting Office. An executive schedule level V position has a current salary of $36,000 and the level IV positions are set at $38,000 annually.

BACKGROUND

Fifty years ago, 1921, the General Accounting Office was created with only two positions above the Civil Service rates. Then, in 1961, a third position was created—the General Counsel at executive level IV.

The three executive level positions in the General Accounting Office are in marked contrast to 13 now in the Office of Management and Budget. That Office has some 460 employees as compared to 3,000 professional employees in the General Accounting Office.

The Comptroller General, Hon. Elmer Staats, in his appearance before the Manpower and Civil Service Subcommittee stated that the Congress each year by legislation has given his agency additional responsibilities. For example, Public Law 91-599, which authorizes U.S. participation in increases in the resources of certain international financial institutions, requires an audit of the administrative expenses of the exchange stabilization fund by GAO. Public Law 91-230 expands programs of assistance for elementary and secondary education and includes GAO access to records provisions as do the Occupational Safety and Health Act of 1970, the Clean Air Amendments of 1970, the Housing and Urban Development Act of 1970, and the Intergovernmental Personnel Act of 1970.

The Comptroller General indicated that these five executive level positions were to manage more effectively his growing work force created by the growing demands of Congress.

PUBLIC HEARINGS

The Manpower and Civil Service Subcommittee took testimony from the Comptroller General, Hon. Elmer Staats, and his Deputy, Hon. Robert F. Keller. There were no adversary witnesses.

General Staats estimated the annual cost would be no more than $10,000 annually, representing the difference between the top pay of a classification act general schedule position and an executive level IV position; namely, $2,000 annually.

Mr. Speaker, I urge the Members to support H.R. 9442 and thereby provide the General Accounting Office five much needed additional top level positions.

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

Mr. Speaker, I support this bill and urge its passage.

I have personally discussed with the Comptroller General the need for the five additional positions authorized by this bill. I am convinced the need exists and that the number authorized is reasonable.

As you know, the General Accounting Office—which incidently is celebrating its 50th anniversary this year—is a part of the legislative branch of Government, directly accountable to the Congress. The work of this office has greatly expanded and changed over the years as the Government itself has become increasingly engaged in new and complex programs.

The GAO has necessarily had to increase the scope of its work, the makeup of its staff and materially change its methods of operation in order to carry out the ever increasing responsibilities imposed upon it by the Congress.

While the General Accounting Office has a total employment of 4,869 persons, it presently has only three positions authorized in the executive pay level—Comptroller General, Assistant Comptroller General, and General Counsel. With the five additional positions contained in this bill the total will still only be eight.

In contrast, I might point out that under the recent reorganization plan, the Office of Management and Budget—a similar agency in the executive branch—has a total of 13 executive level positions out of a total employment of only 657 positions.

The legislation is fair and equitable and I urge its prompt passage.

Mr. DERWINSKI. Mr. Speaker, I rise in support of the bill H.R. 9442 and can urge without reservation that this legislation be approved.

The bill authorizes the Comptroller General of the United States to have five positions at compensation not to exceed Level IV of the Executive Schedule to be filled whenever he finds it necessary to do so in order to meet the needs of the expanding responsibilities of the General Accounting Office.

Mr. Speaker, as we know, the GAO was created to assist the Congress in providing legislative control over the receipts, disbursement, and application of public funds. I frankly can think of no more important function of a Government agency. The type of professional and independent audit review that GAO provides the Congress, and the public, is essential to the conduct of good government.

The GAO this year marks its 50th year of operation and has never, to my knowledge, made a frivolous request of the Congress—which is a record some other Federal agencies should try to match. Mr. Speaker, I strongly recommend the enactment of H.R. 9442.

Mr. HENDERSON. Mr. Speaker, I yield 2 minutes to the Chairman of the full Committee, the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Speaker, I rise in support of H.R. 9442 which I cosponsored with the gentleman from North Carolina (Mr. HENDERSON). This bill is based on an official request from the Comptroller General of the United States and it received the unanimous vote of the Committee on Post Office and Civil Service.

H.R. 9442 authorizes the Comptroller General to fix the compensation for five positions in the General Accounting Office at rates not to exceed the rate for Level IV of the Executive Schedule. At the present time only three positions within GAO are compensated at rates in excess of grade 18 of the General Schedule.

The General Accounting Office is an independent establishment which is required by law to report to the Congress. It has faithfully and efficiently served the Congress since 1921. Each year the Congress enacts legislation which places additional responsibilities on the GAO. In order to carry out these additional duties the Comptroller General, understandably, has found it necessary to make several changes in the organization of that office. We in the Congress should not expect the Comptroller General to be able to meet the needs of the expanding programs and responsibilities of the GAO without obtaining the additional highly qualified personnel which are necessary to administer such programs and responsibilities.

I believe that this legislation is fully warranted and that it deserves the support of every Member of this body.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 9442.

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

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, and to include extraneous material.

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

There was no objection.

CONFERENCE REPORT ON S. 581, EXPORT EXPANSION FINANCE ACT OF 1971

Mr. PATMAN submitted the following conference report and statement on the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-435)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States,

to exclude Bank receipts and disbursements from the budget of the United States Government, to extend for three years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, 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 disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: That (a) this Act may be cited as the "Export Expansion Finance Act of 1971".

(b) The Export-Import Bank Act of 1945 (12 U.S.C. 635 and following) is amended as follows:

(1) Section 2(a) of such Act is amended by inserting "(1)" immediately after SEC. 2. (a)" and by adding at the end thereof the following new paragraph:

"(2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank, which budget shall also include the estimated annual net borrowing by the Bank from the United States Treasury. The President shall report annually to the Congress the amount of net lending of the Bank, including any net lending created by the net borrowing from the United States Treasury, which would be included in the totals of the budget of the United States Government if the Bank's activities were not excluded from those totals as a result of this section."

(2) Section 2(c)(1) of such Act is amended by striking out "$3,500,000,000" and inserting in lieu thereof $10,000,000,000".

(3) Section 7 of such Act is amended by striking out "$13,500,000,000" and inserting in lieu thereof "$20,000,000,000".

(4) Section 8 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974", and by inserting immediately following the words "Secretary of the Treasury" "or any other purchasers".

(5) Section 2(b)(3) of such Act is amended to read as follows:

"(3) The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with (A) the purchase of any product, technical data, or other information by a national or agency of any nation which engages in armed conflict, declared or otherwise, with the Armed Forces of the United States, or (B) the purchase by any nation (or national or agency thereof) of any product, technical data, or other information which is to be used principally by or in any such nation described in clause (A). The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase of any product, technical data, or other information by a national or agency of any nation if the President determines that any such transaction would be contrary to the national interest."

(6) Section 2(b)(1) of such Act is amended to read as follows:

"(b)(1) It is the policy of the United States to foster expansion of exports of goods and related services, thereby contributing to the promotion and mantenance of high levels of employment and real income and to the increased development of the productive resources of the United States. To meet this objective, the Export-Import Bank is directed in the exercise of its functions to provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are competitive with the Government-supported rates and terms and other conditions available for the financing of exports from the principal countries whose exporters compete with United States exporters. The Export-Import Bank shall, on a semi-annual basis, report to the appropriate committees of Congress its actions in complying with this directive. In this report the Export-Import Bank shall survey all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters compete with United States exporters and indicate in specific terms the ways in which Export-Import Bank rates, terms, and other conditions are equal or superior to those offered from such other governments directly or indirectly. Further, the Export-Import Bank shall at the same time survey a representative number of United States exporters and United States commercial lending institutions which provide export credit to determine their experience in meeting financial competition from other countries whose exporters compete with United States exporters. The results of this survey shall be included as part of the semiannual report provided for under this section. It is further the policy of the United States that the Bank in the exercise of its functions should supplement and encourage and not compete with private capital; that the Bank shall accord equal opportunity to export agents and managers, independent export firms, and small commercial banks, in the formulation and implementation of its programs; that loans, so far as possible consistent with the carrying out of the purposes of subsection (a), shall generally be for specific purposes, and, in the judgment of the Board of Directors, offer reasonable assurance of repayment; and that in authorizing such loans the Board of Directors should take into account the possible adverse effects upon the United States economy."

SEC. 2. In connection with section 2 of Executive Order Number 11387, dated January 1, 1968, and any rule, regulation, or guideline established by the Board of Governors of the Federal Reserve System in connection with a voluntary foreign credit restraint program, there shall be no limitation or restraint, or suggestion that there be a limitation or restraint, on the part of any bank or financial institution in connection with the extension of credit for the purpose of financing exports of the United States.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title and agree to the same.

WRIGHT PATMAN,
W. A. BARRETT,
LEONOR K. SULLIVAN,
HENRY S. REUSS,
THOMAS L. ASHLEY,
WILLIAM S. MOORHEAD,
WILLIAM B. WIDNALL,
J. WILLIAM STANTON,
GARRY BROWN,
Managers on the part of the House.

JOHN SPARKMAN,
HARRISON WILLIAMS,
WALTER MONDALE,
ROBERT PACKWOOD,
WALLACE F. BENNETT,
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the United States Government, to extend for three years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute amendment.

The committee of conference has agreed to a substitute for both the Senate bill and the House amendment. Except for clarifying, clerical, and conforming changes, the differences are noted below:

SHORT TITLE

House amendment

Provides that the Act may be cited as the "Export Expansion Finance Act of 1971".

Senate bill

No comparable provision.

Conference substitute

Adopts the House provision.

TERMINATION DATE

Senate bill

Provides that the Export-Import Bank shall continue to exercise its functions until June 30, 1976.

House amendment

Provides that the Export-Import Bank shall continue to exercise its functions until June 30, 1974.

Conference substitute

Adopts the House provision.

EAST-WEST TRADE

Existing law

The existing Export-Import Bank Act of 1945 contains language in section 2(b)(3) which precludes the Bank from guaranteeing, insuring, or extending credit, or participating in the extension of credit, in connection with the purchase of any product, technical data, or other information by a national or agency of any nation which (1) engages in armed conflict, declared or otherwise, with the armed forces of the United States or (2) furnishes by direct governmental action goods, supplies, military assistance, or advisers to a nation which is engaged in armed conflict with the United States. In addition, such section provides that the Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit, in connection with a purchase by any nation or agency thereof of any product, technical data, or other information which is to be used principally by a nation which is engaged in armed conflict, declared or otherwise, with the armed forces of the United States.

Senate bill

Amends section 2(b)(3) of the Export-Import Bank Act to prohibit Bank activity in connection with financing (1) the purchase of export items by any nation which is engaged in armed conflict with the United States, and (2) the purchase by any other

nation of any export item which is to be used principally by or in any nation engaged in armed conflict with the United States. In addition, the provision precludes the Bank from guaranteeing, insuring, extending credit, or participating in the extension of credit to any nation with respect to which the President determines that such transaction would be contrary to the national interest.

House amendment

No comparable provision.

Conference substitute

Adopts the Senate provision.

POLICY DIRECTIVE; REPORT

House amendment

Directs the Export-Import Bank in the exercise of its functions to provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are competitive with government-supported rates and terms and other conditions available for the financing of exports from the principal countries whose exports compete with United States exports. Also requires the Export-Import Bank to submit a semiannual report on its own state of financial competitiveness and that of United States exporters and private lending institutions.

Senate bill

Contains a similar directive, but states that the Bank shall function "insofar as feasible and practicable" to provide guarantees, insurance, and extensions of credit at rates and on terms "reasonably" competitive. Contains no reporting requirements similar to the House amendment.

Conference substitute

Adopts the House provision.

The conferees agreed with respect to this matter that the Export-Import Bank is not obliged to make available to a foreign borrower rates, terms and conditions equal in each and every instance to those being offered by a foreign central bank. We realize that the rates, terms and conditions in export financing are continually changing and will vary in numerous ways in any specific individual transaction. We also realize that it would not be feasible and practicable for the Export-Import Bank to be aware of every specific change that might be supported by a competitor government. However, the conferees agree that the mission of the Export-Import Bank is entirely one of vigorously promoting United States exports, and to accomplish this the Bank must offer financing in support of American exports that is competitive with that being offered by the government agencies of the other principal exporting nations, bearing in mind the practical consideration that there are many variable factors in determining competitiveness which could otherwise give rise to differing opinions as to whether or not the Export-Import Bank has been truly competitive at all times. For example, the financing programs offered by various countries differ in their nature, composition, and are in a constant state of flux.

EXPORT OPPORTUNITY FOR SMALL BUSINESS

House amendment

Provides that the Export-Import Bank shall accord equal opportunity to export agents and managers, independent export firms, and small commercial banks, in the formulation and implementation of its programs.

Senate bill

Contains no comparable provision.

Conference substitute

Adopts the House provision.

ELIMINATION OF CERTAIN RESTRAINTS ON EXTENSION OF CREDIT

House amendment

Removes the authority of the Board of Governors of the Federal Reserve System to maintain a program of mandatory or voluntary limitations or restraints on the part of any bank or financial institution in connection with the extension of credit for the purpose of financing exports of the United States.

Senate bill

No comparable provision.

Conference substitute

Adopts the House provision.

The conferees recognize that a reasonable period of time, perhaps as much as 90 days, will be needed for the Federal Reserve Board to work out modifications in the Voluntary Foreign Credit Restraint Program reflecting the exemption for export credits, as well as any further changes needed to continue the program in effect for non-export financing. The conferees intend and expect that the banks and other financial institutions which are now complying with the program will continue to do so until the necessary modifications can be accomplished by the Board.

The conferees further intend and expect that any general guideline ceiling for non-export financing established for an individual financial institution shall not be less than the amount of its current general ceiling, less the amount of lending within this ceiling to be exempted as export credit as a result of this legislation.

WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR K. SULLIVAN,
H. S. REUSS,
THOMAS L. ASHLEY,
WILLIAM S. MOORHEAD,
WILLIAM B. WIDNALL,
J. WILLIAM STANTON,
GARRY BROWN,
Managers on the Part of the House.
JOHN SPARKMAN,
HARRISON WILLIAMS,
WALTER MONDALE,
BOB PACKWOOD,
WALLACE F. BENNETT,
Managers on the Part of the Senate.

OVERTIME PAY FOR INTERMITTENT AND PART-TIME GENERAL SCHEDULE EMPLOYEES

Mr. HENDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8689) to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek.

The Clerk read the bill as follows:

H.R. 8689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5542(a) of title 5, United States Code, is amended by striking out "Hours", the first word in that section, and inserting "For full-time, part-time and intermittent tours of duty, hours" in place thereof.

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.

Mr. HENDERSON. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of H.R. 8689.

Here is a simple bill but a bill that is long overdue to correct a very definite financial discrimination for some 4,500 part-time and intermittent Federal employees.

PURPOSE

The purpose of this legislation is to provide overtime pay for intermittent and part-time general schedule employees who work in excess of 40 hours a week. This legislation will place these employees on the same basis with respect to premium pay for overtime work as wage board and full-time salaried employees.

BACKGROUND

There are some 2,700 part-time and intermittent employees who work for the Department of Agriculture inspecting, grading, and classifying farm commodities and 1,500 other like employees compiling agricultural data on crop and livestock estimates. These employees are in the lower pay grades, on an average of less than pay grade GS–4. Currently these part-time and intermittent workers, often working alongside full-time general schedule employees, cannot be paid overtime for over 40 hours per week.

PUBLIC HEARING

The Subcommittee on Manpower and Civil Service took testimony from the Chairman of the Civil Service Commission and several representatives of Government employee organizations. There were no objections to this proposed legislation.

The administration supports this legislation.

COST

The Chairman of the Civil Service Commission indicated that he could not make a definite estimate of the cost of this bill but that it would not exceed $1 million a year.

Mr. Speaker, H.R. 8689 corrects a very obvious loophole in our Federal compensatory procedures.

I urge the support of the Members for this necessary legislation.

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

Mr. Speaker, I know of no opposition to this particular bill and I urge its approval.

As indicated, its purpose is to correct one inconsistency that remains in the law relative to the payment of overtime pay. The legislation will permit part-time and intermittent employees to be paid overtime for work in excess of 40 hours in any work week on the same basis as regular employees are paid.

Most of the employees involved are those who are hired on a temporary basis by the Department of Agriculture for inspecting, rating and classifying farm commodities and compiling agriculture data on crop and livestock estimates. Even though they are considered part-time employees, they work side by side with permanent employees, yet are discriminated against with respect to overtime pay for work in excess of 40 hours in a week.

The bill is identical to a legislative recommendation submitted to the Speaker on July 7, 1971, by the Chairman of the Civil Service Commission.

Mr. HENDERSON. Mr. Speaker, I yield such time as he may consume to the chairman of the full committee, the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Speaker, H.R. 8689 is based on an official recommendation

by the Chairman of the U.S. Civil Service Commission and is identical to a bill (H.R. 9778) which I cosponsored.

The purpose of this bill is to authorize the payment of overtime compensation to intermittent and part-time General Schedule and other salaried employees who work in excess of 40 hours in a workweek.

At the present time these part-time and intermittent salaried employees are paid overtime compensation only if they work more than 8 hours in a day. They do not receive overtime pay for work in excess of 40 hours in a week. Thus, if a part-time General Schedule employee should work five 8-hour days, Monday through Friday, and then be required to put in a full day on Saturday, he will receive only his regular rate of pay for his work on Saturday. However, under those same conditions, a full-time General Schedule employee and a part-time, intermittent, or full-time wage board employee would receive overtime pay for working on Saturday. Under the existing law the latter employees receive overtime pay for work in excess of 8 hours in a day and for work in excess of 40 hours in a week. There is no justification for depriving part-time and intermittent salaried employees of premium pay for work in excess of 40 hours in a workweek when all other employees receive overtime pay for such work.

Mr. Speaker, this bill was ordered reported by the Committee on Post Office and Civil Service by a unanimous vote, and I sincerely believe that it deserves an affirmative vote from every Member of this body.

Mr. HOGAN. Mr. Speaker, I rise in support of H.R. 8689, a bill to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a week. I am cosponsor of an identical bill, H.R. 9778.

This legislation is needed largely to remove an inequity which occurred in past legislation. In this sense, this legislation is corrective legislation rather than innovative.

Under existing law a part-time or intermittent salaried employee can be paid overtime pay for work in excess of 8 hours a day, but not for work in excess of 40 hours a week.

In many cases these part-time or intermittent salaried employees work with full-time, part-time, or intermittent wage employees and full-time General Schedule employees, who are entitled to weekly overtime pay. The fact that these salaried part-time and intermittent employees find themselves deprived of premium pay on those occasions when they have to work a sixth day causes a serious morale problem.

From the standpoint of simple equity, there is no justification for this situation. Such overtime work is equally onerous to the individuals working the hours, whether they are full- or part-time employees.

Enactment of this bill will also bring these employees in line with the agreement reached by the U.S. Postal Service and the substitute postal workers, who previously were paid premium pay for hours in excess of 40 hours per week, but not for overtime in excess of 8 hours per day.

This legislation is supported by the administration, the Civil Service Commission, by the representatives of the various unions who testified in support of it, and it was reported by the Post Office and Civil Service Committee by a unanimous voice vote.

Mr. Speaker, I urge my colleagues to voice similar support today for H.R. 8689, so that all salaried employees can be treated equally in premium pay for overtime work, without regard to the employee's tour of duty.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 8689.

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

Mr. HENDERSON. 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, and to include extraneous material.

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

There was no objection.

EQUALITY OF TREATMENT FOR MARRIED WOMEN FEDERAL EMPLOYEES

Mr. HENDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3628) to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3628

A bill to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subparagraphs (D) and (E) of paragraph (3) of section 2108 of title 5, United States Code, relating to the definition of "preference eligible", are amended to read as follows:

"(D) the unmarried widow or widower of a veteran as defined by paragraph (1)(A) of this section;

"(E) the wife or husband of a service-connected disabled veteran if the veteran has been unable to qualify for any appointment in the civil service or in the government of the District of Columbia;".

SEC. 2. Paragraph (3) of section 5924 of title 5, United States Code, relating to cost-of-living allowances in foreign areas, is amended to read as follows:

"(3) A separate maintenance allowance to assist an employee who is compelled, because of dangerous, notably unhealthful, or excessively adverse living conditions at the employee's post of assignment in a foreign area, or for the convenience of the Government, to meet the additional expenses of maintaining, elsewhere than at the post, the employee's spouse or dependents, or both.".

SEC. 3. Section 7152 of title 5, United States Code, relating to the prohibition on discrimination in employment because of marital status, is amended—

(1) by inserting "(a)" immediately before "The President"; and

(2) by adding at the end thereof the following new subsections:

"(b) Regulations prescribed under any provision of this title, or under any other provision of law, granting benefits to employees, shall provide the same benefits for a married female employee and her spouse and children as are provided for a married male employee and his spouse and children.

"(c) Notwithstanding any other provision of law, any provision of law providing a benefit to a male Federal employee or to his spouse or family shall be deemed to provide the same benefit to a female Federal employee or to her spouse or family.".

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.

Mr. HENDERSON. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of H.R. 3628 to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas and regulations concerning marital status generally. This is a simple but important and necessary piece of legislation to correct a few remaining legal barriers for full and equal treatment for our female married Federal employees.

PURPOSE

Our colleague, the gentlewoman from Michigan, MARTHA W. GRIFFITHS, introduced H.R. 2628. What does this bill do? It provides: First, for the revisions of the provisions on veterans preference to give husbands or dependents of female veterans the same benefits now provided for the wife of a male veteran; second, for payment of a separation allowance for a married female employee; third, that any regulations issued by an agency must not discriminate as to male or female employees, and that there would be equal applications of the law for Federal female employees for all benefits.

PUBLIC HEARINGS

Hearings were held on July 20 and 21, on this proposed legislation. Chairman Hampton of the Civil Service Commission supported this bill as did all the witnesses from Government employee organizations. There were no adversary witnesses.

COST

No additional cost is involved.

Mr. Speaker, I urge passage of this bill, H.R. 3628, to insure that benefits to Federal employees shall not be denied on the basis of sex.

Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Speaker, I would like to thank the chairman of that committee, THADDEUS DULSKI, and the chairman of the Subcommittee on Man-

power and Civil Service, DAVID HENDERSON as well as the entire committee, for taking favorable action on this bill.

The purpose of H.R. 3628 is simple. Various benefits are available to male Federal employees and their families, and H.R. 3628 is designed to make these benefits equally available to female employees. The bill would require that families of female Federal employees be treated the same as families of male employees in these three ways:

First, with respect to preference eligible employment benefits for the spouses of deceased and disabled veterans;

Second, with respect to separate maintenance allowances for the families of Federal employees stationed at foreign posts to which their families cannot accompany them; and

Third, with respect generally to regulations granting benefits to married Federal employees.

At present, veterans preference, the separate maintenance allowances, and other benefits are available to the families of male employees, but not to the families of female employees.

The discrimination in the existing law seems to be based on the old-fashioned assumption that women's earnings are used to purchase luxury items, not the necessities of life. But the statistics show that most women who work today do so in order to provide food and clothing for themselves and their families, or to meet the mortgage payment, or to pay the rent. Most women who work today work because they have to.

The benefits which accompany Federal employment are not really benefits. They are compensation. And the more than 700,000 women who are Federal employees are entitled to equal pay for equal work. Therefore, H.R. 3628 has been drafted to make the benefits which are available to male Federal employee's and their families equally available to female employees.

I hope that everyone will join me in supporting this bill.

Mr. HENDERSON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Speaker, I want to commend the committee an particularly the Congresswoman from Michigan (Mrs. GRIFFITHS), for having introduced this bill which is an important step toward improving the equal status of women. I trust that this is the beginning of many such bills that the House will be considering to recognize the rights of women in their efforts to achieve equality in Federal employment as well as in all laws affecting the women of this country.

Mr. Speaker, the resolution before us fails to specify any meaningful way in which the power reserved to Congress by the Constitution to declare war shall be defined or enforced.

The resolution is only a request to the President to consult with Congress. It changes nothing; it leaves the Executive just as free as it is now unilaterally to drag the Nation into undeclared wars. It specifies no time limit by which the President shall report on foreign military actions to Congress. It does not even require that Congress by affirmative action approve the continuation of such actions. It merely requires that the President report to Congress as to why he did not seek its approval for his action, and does not require that he obtain such approval. It is a paper tiger.

In recent years the Executive has usurped Congress war powers. A vague statement of Congress desire to be consulted will not remedy this situation. Congress must reassert its proper role in a much more definitive way. It is not nearly enough to ask for consultation after the fact. Except under the most extreme, emergency, life-and-death circumstances imaginable, the Executive should be required to have the prior approval of Congress before committing our forces to armed conflict.

The committee has made a minor improvement over the resolution passed by the House last year: the qualification "whenever feasible" has been removed from the requirement that the President seek consultation with Congress when involving our troops in combat. However, we still have a relatively weak, toothless resolution. While I support the resolution as presented to us, I regard it as a small and feasible step toward the restoration of the constitutional balance of powers.

I support, as you know, all legislation which equalizes the position of women in our society. I think that it is particularly essential that the Federal Government comply with its own pronouncements of equal employment opportunity. Thus, as a matter of ethical consistency and as an example to the rest of the Nation, I rise to urge all of my colleagues to support Congresswoman GRIFFITHS' bill to provide equality of treatment for married women Federal employees.

This bill, of course, is only the first of a long list of matter that must be addressed in order to provide full equality for Federal employees, married and unmarried. Congress will, I hope, soon address itself to the initial problem of discrimination against women in hiring, promotion, and assignment in the Federal Government. Last week Mr. CASE provided a moving demonstration of such discrimination within the State Department, and that Department's attempt to prevent the filing of a sex discrimination complaint. Many Government officials have also described discrimination against married women on the assumption—or desire—that a married woman could not travel or receive foreign assignments.

Congresswoman GRIFFITHS' bill is the initial step for the elimination of the many aspects of discrimination against women and particularly against married women in the Federal Government. I hope that my colleagues will join me in voting "aye" on this bill, and in devoting future efforts to correcting the problems which remain.

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

Mr. Speaker, I have serious reservations concerning the provisions contained in this bill and, therefore, I intend to vote against the motion to suspend the rules.

I do not think the bill has been given the careful consideration that it requires and I am not convinced that any need really exists any more for this type legislation.

I want it clearly understood that I respect the motives of the gentlewoman from Michigan (Mrs. GRIFFITHS) who has been working for many years to achieve full equality for married women Federal employees. This is an objective which I, too, would like to see achieved. I can see no possible reason why married women Federal employees should not enjoy the exact same benefits as are made available to married male employees.

However, I am not at all convinced that this goal will be achieved by this particular bill. There are two particular provisions which give me considerable concern. First, the new subsection (c) that is to be added to section 7152 of title 5, United States Code, which you will find on page 4 of the bill, reads as follows:

"(c) Notwithstanding any other provision of law, any provision of law providing a benefit to a male Federal employee or to his spouse or family shall be deemed to provide the same benefit to a female Federal employee or to her spouse or family.".

I am advised that the Civil Service Commission is unable to state exactly what ramifications enactment of this new subsection might have on all the provisions that exist throughout the statutes relating to benefits for Federal employees.

It is conceivable that a literal interpretation of this mandate could take away certain benefits that a female Federal employee now enjoys. One example, called to my attention, involves the Foreign Service retirement program, whereby a male employee must designate a survivor annuity for his survivor and the female employee is under no such obligation. The mandate in H.R. 3628 could be interpretated as requiring her to provide the same survivor annuity without any option or election to do so. This may or may not be an advisable change in the Foreign Service retirement program. In any event, the change should come in specific legislation from the Foreign Affairs Committee.

If the Civil Service Commission does not know what the ramifications of this new subsection will be, I think we should take the time to find out and legislate more intelligently in this regard. A much better approach to the problem is to specifically amend each law now on the books that provides a benefit to a male employee that is not given to a female employee.

The second provision of this bill which I think should be given more careful scrutiny is section 1. Under the guise of "equality of treatment" for married women Federal employees, it gives 5- and 10-point veterans preference to men who never served in the armed services.

Under existing law, the unmarried widow of a veteran and the wife of a service-connected disabled veteran—if the veteran has been unable to qualify for any appointment in the civil service or in the D.C. Government—is granted 10-point veteran preference in appointments, and other preference benefits provided to preferenced eligibles. Section

1 would extend similar preference rights to widowers and husbands.

It is conceivable that under this provision, a man who had actually avoided military service, either through outright evasion or by obtaining conscientious objector status, would by reason of marrying a female veteran acquire veterans preference in Federal employment.

I am not at all sure that this type of situation was ever contemplated under the concept of the Veterans Preference Act, which gives preference in hiring in recognition of the fact that a person sacrificed himself in the uniformed services of his country.

I am in sympathy with the objectives sought by this bill, however, I do not think that the bill as drafted or amended by the committee will obtain these objectives. I suggest the bill be returned to the committee for further study and I urge that the motion to suspend the rules be defeated.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. Will you admit. sir, that if an American veteran marries a member of the Communist Party in Russia, and she becomes a citizen, she is entitled to a veterans preference, the same veterans preference that is given to a widow in this country, is that not true?

Mr. GROSS. I do not question that, but the fact is that in your example the man either enlisted in the armed services or was drafted, and this would not be true in reversing the situation because women are not drafted.

Mrs. GRIFFITHS. The widow of a veteran of this country could have been a woman who bore arms against this country. She does have to be a citizen, and yet the mere fact that she is the widow of a veteran gives her a preference. Is that not correct?

Mr. GROSS. Yes, but——

Mrs. GRIFFITHS. Of course, it is.

Mr. GROSS. That situation ought to be corrected just as this situation should be corrected. There is no reason why one mistake should be compounded by another.

Mrs. GRIFFITHS. All this bill seeks to do, sir, is to give the husband of a woman who has served in the armed services of this country the same rights that a widow has if she is the widow of a man who has served in the armed services of the country.

Let me tell you one of the things that this bill does not do. I have another bill. A woman who is married to a man in the armed services of this country, whether she is a national of the country or not, is entitled in any foreign country to go to an American hospital and get the same services that the veteran would. But if a woman is in the armed services of this country and is sent abroad and her husband is an American national, he is not entitled even to an aspirin out of an American hospital.

Mr. GROSS. And if he is a draft evader or conscientious objector, I do not think he is entitled to preferential treatment either.

Mrs. GRIFFITHS. Mr. Speaker, the Commie woman who has borne arms against our country should not necessarily be entitled, but she is entitled to it. This is the problem. All we are trying to do is to give to a woman who serves in the Armed Forces of the country and to her husband and her children the same rights, the same fringe benefits that we give to the wife or widow or children of a man.

Among other things we do in this bill, we give to a woman who serves in the Foreign Service the same fringe benefits for her children that are given to a man. A man's children can be sent to the Foreign Service School at the country's expense, but until recently if we employed a stenographer, and she was a divorcee completely responsible for two children, she paid $1,100 a year—at least the last time I was abroad—for her children to go. All we are asking is that benefits such as these be made equal for the children or husband of a woman as they are for the children or wife of a man.

Mr. GROSS. I say again to the gentlewoman from Michigan, I supported her equality rights for women legislation, but I think this bill goes much too far in that it could confer upon an individual not at all deserving and who in fact ought not to have them, the benefits of veterans' preference. This I do not like at all. Therefore, I oppose the bill. As I stated, the legislation affecting the Foreign Service employees ought to be handled by the committee that has jurisdiction over those employees.

Mrs. GRIFFITHS. Let me say that because the gentleman and I could not pass that equal rights bill, we have to have one bill after another to come before the Members. This is one of those bills that makes an attempt to correct the distinction between the way we treat men and women as Federal employees. Personally, I hope everybody votes for it.

Mr. GROSS. Mr. Speaker, if I voted for this bill it would be impossible for me to face a veteran of military service who had been unable to obtain a Government job because a draft dodger, having obtained veterans preferences from his disabled or deceased wife, was able to assert greater preference. I will never knowingly warp the veterans preference act to give a man who has evaded service to his country equality with one who has served well and faithfully.

Mr. DULSKI. Mr. Speaker, I rise in support of H.R. 3628 which was ordered reported by the Post Office and Civil Service Committee by a unanimous vote.

The primary purpose of this legislation is to eliminate the discrimination against married women employees of the Federal Government which exists under various laws and regulations applicable to Federal employees. More specifically, this bill seeks to provide equality of treatment for married women employees of the Government with respect to veterans' preference benefits, overseas cost-of-living benefits, and various other employee benefits.

Under the existing law the unmarried widows of veterans and the wives of certain disabled veterans are granted preference benefits such as the right to have 10 points added to their scores on civil service examinations. Unmarried widowers of veterans and husbands of disabled veterans do not receive such benefits under the current law. This legislation corrects that inequity by extending veterans' preference to the widowers and husbands of women veterans.

This bill also amends section 5924 of title 5, United States Code, which authorizes the payment of a separate maintenance allowance to Federal employees in foreign areas who, because of dangerous or unhealthy conditions, cannot have their families with them at their posts of assignment. Although this provision has been interpreted to allow payment of a separate maintenance allowance to a married woman employee whose husband is not permitted to reside with her at her overseas post, this bill will guarantee that married women employees will receive the same benefits under this provision of title 5 as do married male employees.

In addition to the changes in the specific laws which I just discussed, this legislation seeks to eliminate the discrimination against married women employees under all laws and regulations which govern civilian personnel benefits. There is absolutely no valid basis for granting a benefit to a male employee and denying that same benefit to a female employee who may hold the exact same job and be employed under the exact same conditions. This unfair treatment of the Government's women employees has been allowed to exist too long and I urge the passage of this legislation to rectify this inequitable situation.

Mr. DERWINSKI. Mr. Speaker, before we leap headlong into the passionate defense of a legislative package euphemistically labeled Equal Rights for Women, I suggest there are a few unanswered questions about the bill H.R. 3628. In the absence of these answers, I am not convinced this is wise legislation.

The first section of the bill, for example, amends the Veterans' Preference Act to confer "preference eligible" status upon the husband of a disabled female veteran or upon the widower of a female veteran. I must admit that the logic of how this proposal enhances equal rights for women escapes me. I wonder if it is sound policy to award veterans' preference rights for entrance into Federal employment to a nonveteran male, simply because he happened to be married to a wife who was herself a veteran of the Armed Forces.

The rights of widows and wives of disabled veterans to acquire the preference eligible status of their husbands is already fully provided for in the law. To take this further step of conferring similar benefits on nonveteran males is, in my mind, questionable.

The second part of my reservation about this legislation goes to the final paragraph of section 3 of the bill.

This all-inclusive language would insure that—

> Any provision of law providing a benefit to a male Federal employee or to his spouse or family shall be deemed to provide the same benefit to a female Federal employee or to her spouse or family.

This provision was added as an amendment after hearings had been concluded and, to my kowledge, there is no ex-

planation of the types or scope of the benefits which are covered, I suggest, Mr. Speaker, that legislation of this nature should be specific, and that specific examples of how it would apply should be a part of the record. In this instance, however, this is not the case.

Mr. Speaker, at a time when every group for every conceivable cause has its self-appointed spokesmen we should, in the Congress, carefully examine legislative proposals such as H.R. 3628 and reach some conclusion as to its impact and consequences before reaching any decision.

Mr. RYAN. Mr. Speaker, I support H.R. 3628, which provides equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally.

This bill marks another step in the all too slow progress towards eradicating sex discrimination within the Federal Government. It marks, as well, an object lesson for the eradication of sex discrimination in private employment, as well.

Much rhetoric is heard these days concerning equality of the sexes. In large measure, that rhetoric has been employed to obscure the lack of action to insure that equality. This bill affords an opportunity to cut through that rhetoric and create substantive progress.

As a sponsor of the equal rights amendment, which has been reported out of the House Judiciary Committee, of which I am a member, in an unacceptably gutted form, I should like to quote from the "Separate Views" in which I joined and which form a part of the Committee report—House Report 92–359—on the equal rights amendment, House Joint Resolution 208. I believe these words to be particularly apt while we are considering the bill now before us:

(A) legal right or obligation should not depend upon sex but upon other factors—factors which are common to both sexes. This judgment is rooted in the basic concern of society with the individual, and with the right of each individual to develop his own potentiality. (Pages 6–7).

Mr. RARICK. Mr. Speaker, H.R. 3628 appears to be superfluous legislation since many of the so-called reforms sought are already being observed. I have no objection to equal rights for our women employees but the first sentence of the bill has to do with other than women; it deals with preference eligibility and survivor benefits. It deals with men, extending preference benefits to widowers and husbands of members of the Federal service. The committee report indicates that—

There are approximately 15,000 women with veterans' preference employed in the Federal service.

Passage of this bill could, then, provide employment benefits for at least 15,000 men, regardless of their personal stand on deployment of our military. We could, in fact, be granting employment preference to conscientious objectors, draft dodgers, or antiwar hippies.

Furthermore, the establishment of such privileges to husbands and widowers of veterans opens up another avenue for possible welfare recipients to turn for Government support. Instead of the old dodge of men marrying in an attempt to stay out of the draft, we might be introducing a new angle where a man would deliberately set out to marry a member of Federal service in an attempt to gain preference in employment consideration.

I hold serious reservations to the bill for these reasons and intend to cast my people's vote against H.R. 3628.

Mrs. ABZUG. Mr. Speaker, I want to commend the committee and particularly the Congresswoman from Michigan (Mrs. GRIFFITHS), for having introduced this bill which is an important step toward improving the equal status of women. I trust that this is the beginning of many such bills that the House will be considering to recognize the rights of women in their efforts to achieve equality in Federal employment as well as in all laws affecting the women of this country.

I support, as you know, all legislation which equalizes the position of women in our society. I think that it is particularly essential that the Federal Government comply with its own pronouncements of equal employment opportunity. Thus, as a matter of ethical consistency and as an example to the rest of the Nation, I rise to urge all of my colleagues to support Congresswoman GRIFFITHS' bill to provide equality of treatment for married women Federal employees.

This bill, of course, is only the first of a long list of matter that must be addressed in order to provide full equality for Federal employees, married and unmarried. Congress will, I hope, soon address itself to the initial problem of discrimination against women in hiring, promotion, and assignment in the Federal Government. Last week Mr. CASE provided a moving demonstration of such discrimination within the State Department, and that Department's attempt to prevent the filing of a sex discrimination complaint. Many Government officials have also described discrimination against married women on the assumption—or desire—that a married woman could not travel or receive foreign assignments.

Congresswoman GRIFFITHS' bill is the initial step for the elimination of the many aspects of discrimination against women and particularly against married women in the Federal Government. I hope that my colleagues will join me in voting "aye" on this bill, and in devoting future efforts to correcting the problems which remain.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. HENDERSON) that the House suspend the rules and pass the bill H.R. 3628, as amended.

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 377, nays 11, not voting 45, as follows:

[Roll No. 231]

YEAS—377

Abbitt	Dickinson	Kluczynski
Abourezk	Dingell	Koch
Abzug	Dorn	Kuykendall
Adams	Dow	Kyl
Alexander	Dowdy	Kyros
Anderson, Calif.	Downing	Latta
Anderson, Ill.	Drinan	Leggett
Anderson, Tenn.	Duiski	Lennon
Andrews, Ala.	Duncan	Lent
Andrews, N. Dak.	du Pont	Link
Annunzio	Dwyer	Lloyd
Archer	Eckhardt	Long, Md.
Arends	Edwards, Ala.	Lujan
Ashbrook	Edwards, Calif.	McClory
Ashley	Eilberg	McCollister
Aspin	Erlenborn	McCormack
Aspinall	Eshleman	McDade
Badillo	Evans, Colo.	McDonald, Mich.
Baker	Fascell	McEwen
Baring	Findley	McFall
Barrett	Fisher	McKay
Begich	Flood	McKevitt
Bennett	Flowers	McKinney
Bergland	Foley	McMillan
Betts	Ford, Gerald R.	Macdonald, Mass.
Bevill	Ford, William D.	Madden
Biaggi	Forsythe	Mahon
Biester	Fountain	Mailliard
Bingham	Fraser	Mann
Blanton	Frelinghuysen	Martin
Blatnik	Frenzel	Mathias, Calif.
Boggs	Frey	Mathis, Ga.
Boland	Fulton, Pa.	Matsunaga
Bolling	Fulton, Tenn.	Mayne
Bow	Fuqua	Mazzoli
Brademas	Galifianakis	Meeds
Brasco	Garmatz	Melcher
Bray	Gaydos	Metcalfe
Brinkley	Gettys	Michel
Brooks	Giaimo	Mikva
Broomfield	Gibbons	Miller, Ohio
Brotzman	Goldwater	Mills, Ark.
Brown, Mich.	Gonzalez	Mills, Md.
Brown, Ohio	Goodling	Minish
Broyhill, N.C.	Grasso	Mink
Broyhill, Va.	Gray	Minshall
Buchanan	Green, Oreg.	Mitchell
Burke, Fla.	Green, Pa.	Mizell
Burke, Mass.	Griffin	Mollohan
Burleson, Tex.	Griffiths	Monagan
Burton	Grover	Montgomery
Byrne, Pa.	Gubser	Moorhead
Byron	Gude	Morgan
Cabell	Hagan	Morse
Caffery	Haley	Mosher
Camp	Halpern	Moss
Carey, N.Y.	Hamilton	Murphy, Ill.
Carney	Hansen, Idaho	Myers
Carter	Hansen, Wash.	Natcher
Casey, Tex.	Harrington	Nedzi
Chamberlain	Harsha	Nelsen
Chappell	Harvey	Nichols
Chisholm	Hathaway	Nix
Clancy	Hays	Obey
Clark	Hébert	O'Hara
Clausen, Don H.	Hechler, W. Va.	O'Konski
Clawson, Del	Helstoski	O'Neill
Cleveland	Henderson	Passman
Collier	Hicks, Mass.	Patman
Collins, Ill.	Hicks, Wash.	Patten
Collins, Tex.	Hogan	Pelly
Colmer	Horton	Pepper
Conable	Hosmer	Perkins
Conte	Howard	Pettis
Conyers	Hull	Peyser
Corman	Hungate	Pickle
Cotter	Hunt	Pike
Coughlin	Hutchinson	Pirnie
Crane	Ichord	Poage
Culver	Jacobs	Podell
Daniel, Va.	Jarman	Poff
Daniels, N.J.	Johnson, Calif.	Powell
Danielson	Johnson, Pa.	Preyer, N.C.
Davis, Ga.	Jonas	Price, Ill.
Davis, Wis.	Jones, Ala.	Price, Tex.
Delaney	Jones, N.C.	Pryor, Ark.
Dellenback	Karth	Pucinski
Dellums	Kastenmeier	Quie
Denholm	Kazen	Quillen
Dennis	Keating	Railsback
Dent	Keith	Randall
	Kemp	Rangel
	King	Rees

Reid, Ill.	Selberling	Thomson, Wis.
Reid, N.Y.	Shipley	Thone
Reuss	Shoup	Tiernan
Rhodes	Shriver	Udall
Riegle	Sikes	Ullman
Roberts	Sisk	Vander Jagt
Robinson, Va.	Skubitz	Vanik
Robison, N.Y.	Slack	Veysey
Rodino	Smith, Calif.	Vigorito
Roe	Smith, Iowa	Waggonner
Rogers	Smith, N.Y.	Wampler
Roncalio	Snyder	Ware
Rooney, N.Y.	Spence	Watts
Rooney, Pa.	Springer	Whalen
Rosenthal	Stafford	White
Rostenkowski	Staggers	Whitehurst
Roush	Stanton,	Widnall
Rousselot	J. William	Wiggins
Roy	Stanton,	Williams
Roybal	James V.	Winn
Runnels	Steed	Wolff
Ruppe	Steele	Wright
Ruth	Steiger, Wis.	Wyatt
Ryan	Stephens	Wydler
St Germain	Stokes	Wylie
Sandman	Stratton	Wyman
Sarbanes	Stubblefield	Yates
Satterfield	Stuckey	Yatron
Scherle	Sullivan	Young, Fla.
Scheuer	Symington	Young, Tex.
Schneebeli	Talcott	Zablocki
Schwengel	Taylor	Zion
Scott	Terry	Zwach
Sebelius	Thompson, N.J.	

NAYS—11

Byrnes, Wis.	Landgrebe	Steiger, Ariz.
Derwinski	McClure	Teague, Calif.
Gross	Rarick	Teague, Tex.
Hall	Schmitz	

NOT VOTING—45

Abernethy	Esch	Long, La.
Addabbo	Evins, Tenn.	McCloskey
Belcher	Fish	McCulloch
Bell	Flynt	Miller, Calif.
Blackburn	Gallagher	Murphy, N.Y.
Burlison, Mo.	Hammer-	Purcell
Cederberg	schmidt	Saylor
Celler	Hanna	Thompson, Ga.
Clay	Hastings	Van Deerlin
Davis, S.C.	Hawkins	Waldie
de la Garza	Heckler, Mass.	Whalley
Devine	Hillis	Whitten
Diggs	Holifield	Wilson, Bob
Donohue	Jones, Tenn.	Wilson,
Edmondson	Kee	Charles H.
Edwards, La.	Landrum	

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

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Cederberg.
Mr. Burlison of Missouri with Mr. Devine.
Mr. Charles H. Wilson with Mr. Saylor.
Mr. Evins of Tennessee with Mr. Belcher.
Mr. Purcell with Mrs. Heckler of Massachusetts.
Mr. Flynt with Mr. Blackburn.
Mr. Abernethy with Mr. Whalley.
Mr. Miller of California with Mr. Bell.
Mr. Hanna with Mr. Fish.
Mr. Waldie with Mr. Bob Wilson.
Mr. Jones of Tennessee with Mr. Esch.
Mr. Whitten with Mr. Hillis.
Mr. Davis of South Carolina with Mr. Thompson of Georgia.
Mr. Van Deerlin with Mr. Clay.
Mr. Kee with Mr. Diggs.
Mr. Edmondson with Mr. Hammerschmidt.
Mr. Donohue with Mr. Hastings.
Mr. Gallagher with Mr. McCloskey.
Mr. Holifield with Mr. Long of Louisiana.
Mr. Hawkins with Mr. Celler.
Mr. Murphy of New York with Mr. Landrum.
Mr. de la Garza with Mr. Edwards of Louisiana.

Mr. TEAGUE of California changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, H.R. 3628, Equality of Treatment for Married Women Federal Employees.

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

There was no objection.

ADDITIONAL LEGISLATIVE PROGRAM

Mr. BOGGS. Mr. Speaker, I take this time to announce there are several additions to the program for this week:

The International Coffee Agreement Act, H.R. 8293, will be considered under an open rule with 2 hours of debate, and the rule on that has already been adopted, so it will be called up on Thursday.

The bill known as the National Guard technicians bill, S. 2296, will be called up under an open rule with 1 hour of debate, and that will be some time during the balance of the week.

PUBLIC HEALTH SERVICE HOSPITALS AND CLINICS

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and agree to the Concurrent Resolution (House Concurrent Resolution 370) to express the sense of Congress relative to certain activities of Public Health Service hospitals, outpatient clinics, and clinical research centers, as amended.

The Clerk read as follows:

H. CON. RES. 370

Whereas the improvement of national health care is one of the Nation's great goals; and

Whereas the Nation urgently needs more medical services in areas that do not have adequate medical facilities; and

Whereas the Public Health Service was created by an Act of Congress in 1798, and the Congress broadened its responsibilities in 1956, in 1966, and in 1970 to provide comprehensive health care for merchant seamen, Coastguardsmen, and military personnel and their families, and preventive medical care for urban and rural areas with inadequate medical facilities; and

Whereas the Public Health Service facilities provide medical services to more than one-half million people annually who could not obtain these services in the overcrowded private hospitals or on a first priority basis on the Veterans' Administration hospitals; and

Whereas the fiscal 1972 health budget proposes a reduction in funds and personnel for Public Health Service hospitals and clinics; and

Whereas the Emergency Health Personnel Act of 1970 provides an opportunity for expanded use of Public Health Service facilities to offer health care services to medically underserved areas; and

Whereas all resources of the Federal Government should be brought to bear on drug addiction and drug abuse; and

Whereas the Public Health Service hospitals, outpatient clinics and clinical research centers are valuable resources for treatment of drug addicts and drug abusers: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that all Public Health Service hospitals and outpatient clinics, and the clinical research centers located at Lexington, Kenucky, and Fort Worth, Texas, should remain open and remain within the Public Health Service at this time. The importance of health care delivery in urban and rural areas is so great that the Administration should fund and staff these facilities at a sufficient level to allow them to perform their multiple responsibilities during the entire fiscal year 1972. During this period, the Secretary and the Congress should explore the resources and capabilities of these facilities in their communications, to determine which facilities should continue to be operated by the Public Health Service, which facilities should be converted to community operation or other use, and which facilities, if any, should be closed.

SEC. 2. It is the further sense of Congress that the hospitals, outpatient clinics, and clinical research centers of the Public Health Service should be considered an integral part of the national health care delivery system.

The SPEAKER. Is a second demanded?

Mr. NELSEN. 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 concurrent resolution before the House today is the same as the concurrent resolution passed by the Senate on June 28 of this year, except that we have amended the resolution to refer specifically to the narcotic addict facilities at Lexington, Ky., and at Fort Worth, Tex.

Mr. Speaker, this resolution is very short, and expresses the sense of Congress that all public health service hospitals and clinics and the two research centers located at Lexington, Ky., and Fort Worth, Tex., should remain open and within the public health service during the fiscal year 1972. The intent of this resolution is to provide time for the Congress and the administration jointly to study the operations of the public health service hospitals and clinics with a view to determining what their future mission and role should be.

Mr. Speaker, it seems that every few years, regardless of what party is in power, proposals get made to get the public health service out of the business of running a hospital program. Sometimes the proposals are to close one or two hospitals; sometimes proposals are made to close the majority of them; and the latest proposal is in substance, to ask for no funds for their operation during fiscal year 1972, while a study is made to determine what is to be done with them.

We went through this in 1965, when the administration proposed to close seven hospitals, and transfer the responsibility for care of a substantial number of their patients to the Veterans' Administration. It was not until congressional committees were studying this subject that the administration discovered that it did not have the legal authority to provide care on a priority basis in VA facilities for PHS beneficiaries. I think this fact alone indicates how careful the studies were which served as a basis for the original decision in 1965.

Now we have a somewhat similar situation. The administration has submitted a budget assuming that the hospitals and

clinics will all be closed, and then after making that decision, they started to study the situation to determine whether they actually should go ahead and close the facilities, or some of them, or none of them, and what to do with the patients who have a statutory right to care—whether to put them in VA hospitals, or in contract facilities, or whether to keep some of the PHS hospitals open.

For years the public health service hospitals have been subjected to these periodic reevaluations; and during this same period, administration after administration has declined to ask for funds to modernize the hospitals, on the theory that their future role is still unsettled. This means that the hospitals steadily grow more and more out of date, while the so-called studies go on.

Hearings were held last December before the Merchant Marine and Fisheries Committee on rumors about possible closing of PHS hospitals; then this year our Subcommittee on Public Health and Environment held 4 days of hearings on the subject, plus holding another day of hearings at Fort Worth, Tex., at the clinical facility there.

As a result of the subcommittee's study of this problem, the subcommittee recommended to the full committee, and the full committee recommends to the House, adoption of a concurrent resolution expressing the sense of Congress that the hospitals should remain open at this time.

I urge the adoption of the resolution.

Mr. NELSEN. Mr. Speaker, I am supporting the resolution but I should like to point out that these hospitals were set up mainly for the care of merchant seamen of our country and of late these hospitals have moved in the direction of becoming more and more community facilities.

I endorse the idea. I believe it is a good idea. However, really they are operating in some respects illegally. I believe the law should have been clarified, expanding the authority under which they have been operating.

I will support the resolution. May I say I visited one of these hospitals in Galveston, Tex. The contribution being made to the community is extensive. Many people who have no other available medical center make use of the Galveston Center. Also, a lot of the interns from medical schools are taking training there.

There has been an impression left that the intent was to close them all. This is not exactly accurate. I want the RECORD to show that really HEW intended to close some, but encouraged that they be turned over more to a community facility under local sponsorship.

Financially this is too much of a burden, so I do support the resolution in its present form and believe our committee should review this at a future date.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. ROGERS), the chairman of the subcommittee.

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

I rise in support of House Concurrent Resolution 370, a proposal to express the intent of Congress that the Public Health Service Hospitals, Clinics and Clinical Research Centers at Fort Worth, Tex. and Lexington, Ky. remain open, operational, and within the Public Health Service.

This system originally came into being in 1798, under the Marine Hospital Act, and the first hospital was established in 1801 in Norfolk County, Va. In the 1870's, these hospitals came under control of a supervising surgeon and a commissioned corps was established to staff the hospitals. In 1875, members of the Revenue Cutter Service, which later became the Coast Guard, were authorized care at the Marine hospitals. By the late 1800's, further duties were assigned to the hospital service, including public health responsibility in the fields of infectious diseases and sanitation. The first Marine hospital research laboratory was established at the Staten Island hospital in 1887. This laboratory was the forerunner of the National Institutes of Health. The Service was renamed in 1902 and again in 1912, when it became the U.S. Public Health Service. The Service later had the responsibility for the care of veterans from 1918 until 1922 when this responsibility was transferred to the Veterans' Bureau.

By the beginning of World War II, the Service was operating 24 hospitals with over 3,000 beds and was providing care to American seamen, Coast Guardsmen and their dependents, commissioned officers of the Public Health Service and Federal employees injured in the line of duty. During the war, hospital patient loads increased significantly, but after the war, as services by American seamen decreased, so did Public Health Service hospital loads. Between 1946 and 1955, 11 hospitals were either closed or converted to outpatient clinics, leaving 12 general hospitals in operation in 1955.

Beginning in 1955, numerous studies of the Public Health Service system were made by the executive branch. The Bureau of the Budget generally favored the closing of the hospitals and the Department of Health, Education, and Welfare generally resisted. While this controversy continued, funding for the system was held at marginal levels, permitting considerable deterioration of the facilities and equipment. This deterioration is now used as a reason for closing the hospitals.

In 1965, the decision was announced to convert the seven smaller hospitals to outpatient clinics over a period of 4 years and to modernize the five remaining larger hospitals. Subsequent reaction by Public Health Service beneficiaries and Congress questioned the economy of this move as well as the power of the executive branch to close these facilities without congressional approval.

Opinions by the Comptroller General on these questions precluded such a move by the executive branch, and the proposal was not implemented as planned. Two hospitals, however, Chicago and Memphis, were converted to outpatient clinics because action to effect this conversion had reached an irreversible stage a tactic the present administration seems to be trying to use on the Fort Worth clinical research facility.

In 1965, the Office of Science and Technology study recommended that, first, the Public Health Service continue to operate a system of general hospitals; second, that the general hospitals be modernized and supported at levels consistent with their functions; and, third, that additional training programs be developed in sciences and services and that existing programs be strengthened and extended. In 1966 and 1967, $6.1 million was appropriated for studies preliminary to the modernization of the hospitals. However, no funds have been requested for construction since these studies were made.

In 1969, two more hospitals were closed and converted to outpatient clinics. During hearings held by the Senate at that time, the administration promised that the Congress would be fully advised of any future plans to close Public Health Service facilities.

Last year, the administration again decided to close the remaining 8 hospitals and 30 outpatient clinics, and proposed that the VA care for the Public Health Service beneficiaries. The same VA that is hard-pressed to meet its present demands for patient care by its own primary beneficiaries. To add weight to this decision, no funds for the Public Health Service hospital system were requested in the President's budget for fiscal year 1972. No funding at a time when alternative care for Public Health Service beneficiaries was still being studied. Finally through public outcry and congressional inquiry, it was agreed to continue funding the system until all questions regarding the disposition of this matter were answered and suitable alternatives proposed and accepted by the Congress.

Now just a few months later, we find the administration on the verge of transferring one of only 2 narcotic research and treatment centers to the Bureau of Prisons. While we are engaged in an all-out war on narcotic addiction, a plan is in effect to transfer the Public Health Service Clinical Research Center at Fort Worth, Tex., to the Justice Department. It is absurd to think of transferring part of our narcotic treatment capacity when we are in the midst of an addiction epidemic, a period in whch we find ourselves critically short of this type of facility.

Last week, I introduced an amendment to the Labor-HEW appropriation bill to restore the $14 million cut in the operating funds for the Public Health Service hospital system in 1972. The adoption of this amendment was one step in keeping the Public Health Service system in operation including the Fort Worth facility, but further steps are necessary.

Since 1946, we have seen the Public Health Service hospital system recede from 24 hospitals to 8, we have seen the physical facilities deteriorate because of inadequate funding, and we have seen recommendations for modernization ignored. It is now time to make the intent of the Congress on this matter very clear.

The Senate has already passed similar legislation, and I urge adoption of this

proposal which would further include the Clinical Research Centers at Fort Worth, Tex., and Lexington, Ky., a critical part of our capacity to combat the narcotic problem.

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

Mr. MACDONALD of Massachusetts. Mr. Speaker, I should like to clear up something said by the gentleman from Minnesota (Mr. NELSEN), who indicated, if I understood the gentleman correctly, that it was the intention of HEW at some future time to close down the already functioning public health hospitals.

Mr. NELSEN. I commented that the impression was left by our hearings they were going to close them all. I personally checked it out. This is not exactly accurate. There was a disposition on the part of HEW to close some. How many I do not know.

Mr. MACDONALD of Massachusetts. Does that include Brighton Marine Hospital, which is the only public health hospital which serves all New England?

Mr. NELSEN. I am not informed as to which were considered.

The point I wanted to make was I believe we should accurately present it. I do not believe our hearings did exactly that.

That is beside the point. The point is they are doing a good job. I am in favor of the resolution until further study is made, because I do believe really some of the communities in which these hospitals are located would be unable financially to carry them, and I am pleased our dollars can be spent in such a worthy cause.

If there is a need for change, I believe it should be reviewed before a committee. I think the chairman of the subcommittee would agree that this would be worthy of study looking to the future.

Mr. MACDONALD of Massachusetts. I thank the gentleman.

Mr. ROGERS. Will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman.

Mr. ROGERS. I would like to make it clear the reason why the statement was made that hospitals were to be closed was simply because there was no money in the President's budget. You cannot keep them open without money. The Office of Management and Budget said that we would draw the issue and simply say no money. The Department of HEW, as soon as it got out, got busy and said we will not do that now and we will come back and ask for more money to keep this going. This expresses the intent of the Congress that your hospital will not be closed during fiscal year 1972.

Mr. MACDONALD. I thank the gentleman and support the resolution.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. ADAMS) a member of the committee.

Mr. ADAMS. Mr. Speaker, I want to rise in support of this legislation and express appreciation to the subcommittee chairman and the chairman of the full committee.

One of these hospitals is in our area. As the gentleman from Florida mentioned, we had to testify both before the Committee on Merchant Marine and Fisheries and the Committee on Interstate and Foreign Commerce in order to keep this open through the year.

It is through this action that this will happen, and I know the people in my area are grateful as well as the people in other areas.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. MITCHELL).

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

I, too, have a hospital in my district. I suppose I have spent as much time on this particular project as any other since having been in the Congress testifying before various committees in an attempt to insure that this critical health system will remain intact.

I want to compliment the chairman for making this possible.

Mr. Speaker, this concurrent resolution is another chapter in the struggle of the 92d Congress to provide a level of health care for the American people commensurate with this Nation's wealth, over the objections of an administration which seems to be so enamored of its own rhetoric about the "health crisis" that it is unwilling to take any action which might alleviate that crisis.

Some Public Health Service hospitals, including Baltimore's Wyman Park Hospital, are now ready to begin to serve as laboratories for the kind of clinic-based, community-oriented medical care system which, in the opinion of many health-care experts, alone holds out hope of reducing health costs for everyone while providing adequate care to those who cannot obtain it under the present fee-for-service system.

And yet the budget figures clearly indicate the intent of the administration to eliminate the PHS hospital system.

Passage of this resolution will serve notice on our friends at the other end of Pennsylvania Avenue that we do not intend to stand idly by while this Nation's health-care system is further weakened.

Such notice is clearly overdue.

I hope that the vote this afternoon will be overwhelming to suspend the rules and pass.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the distinguished majority leader, Mr. BOGGS.

Mr. BOGGS. Mr. Speaker, I should like to concur in the congratulations which have been extended to the distinguished chairman and members of his committee for bringing this resolution to the floor.

As was pointed out here several days ago, when the appropriation bill was brought up these hospitals and other health facilities are essential in many places in our country. I trust the Department of HEW will get the message this time loud and clear.

I thank the gentleman very much.

Mr. LONG of Maryland. Mr. Speaker, I rise in support of House Concurrent Resolution 370.

This resolution is similar to the one I introduced on January 29, proposing that the Public Health hospitals and clinics remain open through the end of fiscal 1972. During this period, HEW and the Congress are to explore the resources, capabilities, and position of these facilities in their communities to determine which, if any, of the hospitals and clinics should be closed. Fifty-four other Representatives cosponsored my resolution. Senators KENNEDY, MAGNUSON, and MATHIAS were joined by 30 additional Senators in introducing a similar resolution.

I want to commend my colleague from Florida (Mr. ROGERS) for the prompt attention and thorough consideration which his Public Health and Environment Subcommittees gave my resolution and similar resolutions. I am glad that the Interstate Committee's version of this resolution also calls for the continued operation of the Lexington, Ky., and Fort Worth, Tex., Public Health Service Hospitals, which specialize in alcoholism and drug abuse.

At the hearings, I testified about the affect on the Baltimore area community of closing or changing the hospital's mission. Closing the hospital would mean the loss of 238 beds, outpatient services, emergency room facilities which are used by beneficiaries and local residents, a NIH cancer research unit, inability to implement plans for low-cost health care for the approximately 30,000 residents of the Homestead-Montebello area, and loss of the Public Health Service team, expertly administered by Dr. Edward Hinman. Changes in the hospital's mission or a shift to community control must provide for the medical needs of thousands of military personnel, their dependents, and retired military personnel, who are not PHS primary beneficiaries, but who made up 50 percent of the hospital's inpatient and outpatient caseload in fiscal 1970. Presently, Fort Holabird, Fort Meade, and Aberdeen Proving Ground provide medical care for military personnel. However, with the proposed closure of Fort Holabird, the other two bases cannot easily absorb former Holabird patients in their own crowded facilities—and would be hard pressed to consider caring for the thousands of military personnel and their dependents who are treated at the Wyman Park Hospital.

The uncertainty about the hospital's future has affected the staff. Annually the Baltimore hospital averages 10 interns. For fiscal year 1972 there are six. I think this implies that in the nationwide intern-hospital matching system, fewer doctors than usual chose the Baltimore hospital as their first choice. The hospital had many calls during the matching period asking whether there would be an intern program. In fiscal year 1971 the hospital had 32 resident physicians. There are 25 this fiscal year. Each year a few doctors leave the hospital before completing their 3- or 4-year training programs, some to serve their second year of national service as doctors, others shifting to different specialties. Seven left in June 1970, six of whom had completed 1 year's residency. This June, 10 left—only four were first year residents.

Congressional study has shown that HEW is uncertain about keeping some or all of the hospitals open throughout fis-

cal year 1972 and is in the early stages of investigating the logistics and costs of turning the facilities over to community or regional medical administration. The legal consequences of the proposed contract care for primary beneficiaries must be studied. Hospital operations are suffering in this uncertain period.

I think it is important to maintain the hospitals at their present operating level through fiscal year 1972. On June 29, the Senate passed Senate Concurrent Resolution 6, a similar resolution. Last week we added $14 million to the HEW appropriation bill to keep these hospitals and clinics open.

I urge the House to pass House Concurrent Resolution 370 today.

Mr. DOWNING. Mr. Speaker, I rise in strong support of the resolution and I hope it will pass by an overwhelming margin.

This idea of closing down national health facilities has always mystified me. Some years ago the administration then in power tried to close down these hospitals, as an economy measure, but the Congress reacted quickly and strongly and the effort was properly abandoned.

Now the present administration is trying to curtail the public service and I feel sure that the Congress will again react.

The President has stated that our Nation faces a national health crisis. We know that thousands upon thousands of servicemen are returning home with a drug habit. We also know that the drug habit within our own country has reached alarming proportions.

Several weeks ago, a very thoughtful constituent wrote me setting forth these facts and asking why we did not fully utilize the public health hospitals and facilities to combat this national menace. His suggestion made good sense and I am truly pleased that this bill is before us today.

Mr. FASCELL. Mr. Speaker, in the early part of this year many of our colleagues joined in expressing concern about the administration's proposal to close the Public Health Service's clinics and hospitals. Since that time, an effort has been made to clarify the status of PHS facilities thanks to the energetic efforts of our colleague and my fellow Floridian, PAUL ROGERS, chairman of the Public Health and Welfare Subcommittee, Chairman HARLEY STAGGERS of the full Interstate and Foreign Commerce Committee, and the distinguished members of the committee and subcommittee.

Today the House is considering House Concurrent Resolution 370, expressing the sense of the Congress that all Public Health Service hospitals and clinics, and the clinical research facilities located in Lexington, Ky., and Fort Worth, Tex., should remain open and remain within the Public Health Service during fiscal year 1972, while the Congress and the administration jointly determine how those facilities can best be used in the future. This is identical to the resolution passed by the Senate on June 29, 1971.

I support this legislation.

The report which accompanies House Concurrent Resolution 370 states that each PHS facility plays a unique role within its community. That is the case with the Public Health Service Clinic in Miami, Fla., one of the facilities which HEW had considered closing.

In my testimony before the Subcommittee on Public Health and Welfare in March, I pointed out that the PHS outpatient clinic at Miami, Fla., treated over 47,000 beneficiaries in fiscal year 1970 and estimated treating 55,000 in fiscal year 1971. This marked increase in service occurred despite a $20,000 cut in funds and authorization of one less staff position this year.

In addition to normal medical services, the clinic performs many functions outside the health needs of its primary beneficiaries—merchant seamen, Federal employees injured on the job, and uniformed service personnel, and their dependents. These "extras" include free inoculations for Americans about to travel abroad, physical examinations for aliens applying for citizenship, and treatment for Federal prisoners awaiting trial or transfer.

The Miami clinic is the only public medical service in Florida for the treatment of dormant leprosy. Those suffering from this affliction depend on the PHS clinic for the special medication which allows them to lead normal lives.

Immigration and quarantine officials also depend on the Miami clinic for their medical needs as they arise, even to the point of having PHS personnel from Miami accompany ailing deportees to their destination.

Perhaps the most valuable service rendered by the Miami clinic is its contribution to the welfare of Cuban refugees. In this regard the clinic supplies a blood specialist and a physical therapist for the Cuban Refugee Center in Miami. It has been estimated that these services, if contracted out to private physicians or institutions, would cost the Government more than $35,000 a year alone.

The unique service and contributions of this one PHS facility, and the evidence compiled by the subcommittee in its thorough consideration of this issue indicates clearly that the hospitals and clinics perform a vital function in the communities they serve and must be preserved.

House Concurrent Resolution 370 expresses that congressional intent, and I hope our colleagues will join in its support.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS), that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 370.

The question was taken.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 370, nays 4, not voting 59, as follows:

[Roll No. 232]

YEAS—370

Abbitt	Downing	Lent
Abourezk	Drinan	Link
Abzug	Dulski	Lloyd
Adams	Duncan	Long, Md.
Anderson, Calif.	du Pont	Lujan
	Eckhardt	McClory
Anderson, Ill.	Edwards, Ala.	McClure
Andrews, Ala.	Edwards, Calif.	McCollister
Andrews, N. Dak.	Eilberg	McCormack
	Eshleman	McDonald, Mich.
Annunzio	Evans, Colo.	
Archer	Fascell	McEwen
Arends	Findley	McFall
Ashbrook	Fish	McKay
Ashley	Fisher	McKevitt
Aspin	Flood	McKinney
Aspinall	Flowers	McMillan
Badillo	Ford, Gerald R.	Macdonald, Mass.
Baker	Ford, William D.	
Baring		Madden
Barrett	Forsythe	Mahon
Begich	Fountain	Mailliard
Bennett	Fraser	Mann
Bergland	Frelinghuysen	Martin
Betts	Frenzel	Mathias, Calif.
Bevill	Frey	Mathis, Ga.
Biaggi	Fulton, Pa.	Matsunaga
Biester	Fulton, Tenn.	Mayne
Bingham	Fuqua	Mazzoli
Blanton	Galifianakis	Meeds
Boggs	Garmatz	Melcher
Boland	Gaydos	Metcalfe
Bolling	Gettys	Michel
Bow	Giaimo	Mikva
Brademas	Gibbons	Miller, Ohio
Brasco	Gonzalez	Mills, Ark.
Bray	Goodling	Mills, Md.
Brinkley	Grasso	Minish
Brooks	Gray	Mink
Broomfield	Green, Oreg.	Minshall
Brotzman	Green, Pa.	Mitchell
Brown, Mich.	Griffin	Mizell
Brown, Ohio	Griffiths	Mollohan
Broyhill, N.C.	Gross	Monagan
Broyhill, Va.	Grover	Montgomery
Buchanan	Gubser	Moorhead
Burke, Fla.	Gude	Morgan
Burke, Mass.	Hagan	Morse
Burleson, Tex.	Haley	Mosher
Burton	Hall	Moss
Byrne, Pa.	Halpern	Murphy, Ill.
Byron	Hamilton	Myers
Cabell	Hanley	Natcher
Caffery	Hansen, Idaho	Nedzi
Camp	Hansen, Wash.	Nelsen
Carey, N.Y.	Harrington	Nichols
Carney	Harsha	Obey
Carter	Harvey	O'Hara
Casey, Tex.	Hathaway	O'Konski
Cederberg	Hays	O'Neill
Chamberlain	Hébert	Passman
Chappell	Hechler, W. Va.	Patten
Chisholm	Heckler, Mass.	Pelly
Clancy	Helstoski	Pepper
Clark	Henderson	Perkins
Clausen, Don H.	Hicks, Mass.	Pettis
	Hicks, Wash.	Pickle
Clawson, Del	Hogan	Pike
Cleveland	Horton	Pirnie
Collier	Hosmer	Poage
Collins, Ill.	Howard	Podell
Collins, Tex.	Hull	Poff
Conable	Hungate	Powell
Conte	Hunt	Preyer, N.C.
Conyers	Hutchinson	Price, Ill.
Corman	Ichord	Price, Tex.
Cotter	Jacobs	Pryor, Ark.
Coughlin	Jarman	Pucinski
Crane	Johnson, Calif.	Quie
Culver	Johnson, Pa.	Quillen
Daniel, Va.	Jonas	Railsback
Daniels, N.J.	Jones, Ala.	Randall
Danielson	Jones, N.C.	Rangel
Davis, Ga.	Karth	Rarick
Davis, Wis.	Kastenmeier	Rees
Delaney	Kazen	Reid, Ill.
Dellenback	Keating	Reid, N.Y.
Dellums	Keith	Reuss
Denholm	Kemp	Rhodes
Dennis	Kluczynski	Riegle
Dent	Koch	Roberts
Derwinski	Kuykendall	Robinson, Va.
Dickinson	Kyl	Robison, N.Y.
Dingell	Kyros	Rodino
Dorn	Landgrebe	Roe
Dow	Latta	Rogers
Dowdy	Lennon	Roncalio

Rooney, N.Y.	Smith, Iowa	Thone
Rooney, Pa.	Smith, N.Y.	Tiernan
Rosenthal	Snyder	Udall
Rostenkowski	Spence	Ullman
Roush	Springer	Vander Jagt
Roy	Stafford	Vanik
Roybal	Staggers	Vigorito
Runnels	Stanton,	Waggonner
Ruppe	J. William	Wampler
Ruth	Stanton,	Ware
Ryan	James V.	Watts
St Germain	Steed	Whalen
Sandman	Steele	White
Sarbanes	Steiger, Ariz.	Whitehurst
Satterfield	Steiger, Wis.	Wiggins
Scherle	Stephens	Williams
Scheuer	Stokes	Winn
Schneebeli	Stratton	Wolff
Schwengel	Stubblefield	Wright
Scott	Stuckey	Wyatt
Sebelius	Sullivan	Wylie
Seiberling	Symington	Wyman
Shipley	Talcott	Yates
Shoup	Taylor	Yatron
Shriver	Teague, Calif.	Young, Fla.
Sikes	Teague, Tex.	Young, Tex.
Sisk	Terry	Zablocki
Skubitz	Thompson, N.J.	Zion
Slack	Thomson, Wis.	Zwach

NAYS—4

Byrnes, Wis.	Schmitz	Wydler
Rousselot		

NOT VOTING—59

Abernethy	Erlenborn	McCulloch
Addabbo	Esch	McDade
Alexander	Evins, Tenn.	Miller, Calif.
Anderson,	Flynt	Murphy, N.Y.
Tenn.	Foley	Nix
Belcher	Gallagher	Patman
Bell	Goldwater	Peyser
Blackburn	Hammer-	Purcell
Blatnik	schmidt	Saylor
Burlison, Mo.	Hanna	Smith, Calif.
Celler	Hastings	Thompson, Ga.
Clay	Hawkins	Van Deerlin
Colmer	Hillis	Veysey
Davis, S.C.	Holifield	Waldie
de la Garza	Jones, Tenn.	Whalley
Devine	Kee	Whitten
Diggs	King	Widnall
Donohue	Landrum	Wilson, Bob
Dwyer	Leggett	Wilson,
Edmondson	Long, La.	Charles H.
Edwards, La.	McCloskey	

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Devine.
Mr. Burlison of Missouri with Mr. Belcher.
Mr. Charles H. Wilson with Mr. Goldwater.
Mr. Evins of Tennessee with Mrs. Dwyer.
Mr. Purcell with Mr. Erlenborn.
Mr. Flynt with Mr. Hammerschmidt.
Mr. Abernethy with Mr. Hillis.
Mr. Hanna with Mr. Bell.
Mr. Waldie with Mr. Thompson of Georgia.
Mr. Jones of Tennessee with Mr. Esch.
Mr. Whitten with Mr. King.
Mr. Davis of South Carolina with Mr. Blackburn.
Mr. Van Deerlin with Mr. McCloskey.
Mr. Diggs with Mr. Gallagher.
Mr. Kee with Mr. McDade.
Mr. Clay with Mr. Donohue.
Mr. de la Garza with Mr. Peyser.
Mr. Edmondson with Mr. Saylor.
Mr. Holifield with Mr. Hastings.
Mr. Miller of California with Mr. Smith of California.
Mr. Anderson of Tennessee with Mr. Veysey.
Mr. Alexander with Mr. Whalley.
Mr. Celler with Mr. Widnall.
Mr. Blatnik with Mr. Bob Wilson.
Mr. Foley with Mr. Hawkins.
Mr. Landrum with Mr. Leggett.
Mr. Colmer with Mr. Long of Lousiana.
Mr. Nix with Mr. Murphy of New York.
Mr. Patman with Mr. Edwards of Louisiana.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of public health service hospitals and out-patient clinics.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 6

Whereas the improvement of national health care is one of the Nation's great goals; and

Whereas the Nation urgently needs more medical services in areas that do not have adequate medical facilities; and

Whereas the Public Health Service was created by an Act of Congress in 1798, and the Congress broadened its responsibilities in 1956, in 1966, and in 1970 to provide comprehensive health care for merchant seamen, coast guardsmen, and military personnel and their families, and preventive medical care for urban and rural areas with inadequate medical facilities; and

Whereas the Public Health Service facilities provide medical services to more than one-half million people annually who could not obtain these services in the overcrowded private hospitals or on a first priority basis in the Veterans' Administration hospitals; and

Whereas the fiscal 1972 health budget proposes a reduction in funds and personnel for Public Health Service hospitals and clinics; and

Whereas the Emergency Health Personnel Act of 1971 provides an opportunity for expanded use of Public Health Service facilities to offer health care services to medically underserved areas: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Public Health Service hospitals and outpatient clinics should remain open at this time. The importance of health care delivery in urban and rural areas is so great that the Administration should fund and staff these facilities at a sufficient level to allow them to perform their multiple responsibilities during the remainder of the fiscal year 1971 and during the entire fiscal year 1972. During this interval, the Secretary and the Congress should explore the resources and capabilities of these facilities in their communications, to determine which facilities should continue to be operated by the Public Health Service, which facilities should be converted to community operation, and which facilities, if any, should be closed.

It is the further sense of Congress that the hospitals and clinics of the Public Health Service should be considered an integral part of the national health care delivery system.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion. The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the resolving clause of Senate Concurrent Resolution 6 and to insert in lieu thereof the provisions of House Concurrent Resolution 370, as passed.

The motion was agreed to.

AMENDMENT TO THE PREAMBLE

Mr. STAGGERS. Mr. Speaker, I offer an amendment to the preamble of Senate Concurrent Resolution 6, so as to make it read the same as the preamble of House Concurrent Resolution 370.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Amend the preamble of Senate Concurrent Resolution 6 by striking out all "whereas" clauses and inserting in lieu thereof the "whereas" clauses of House Concurrent Resolution 370.

The amendment to the preamble was agreed to.

The Senate concurrent resolution, as amended, was concurred in.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 370) was laid on the table.

ALIEN AMATEUR RADIO OPERATORS

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9261) to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

The Clerk read as follows:

H.R. 9261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(l) of the Communications Act of 1934 (47 U.S.C. 303(l)) is amended by inserting at the end thereof a new paragraph as follows:

"(3) Notwithstanding paragraph (1) of this subsection, the Commission may issue licenses for the operation of amateur radio stations to aliens admitted to the United States for permanent residence who have filed under section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)) a declaration of intention to become a citizen of the United States: *Provided,* That when an application for a license is received by the Commission it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further,* That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."

SEC. 2. Section 310(a) of the Communications Act of 1934 (47 U.S.C. 310(a)) is amended by adding at the end thereof the following new paragraph:

"Notwithstanding paragraph (1) of this subsection, a license for an amateur radio station may be granted to and held by an alien admitted to the United States for permanent residence who has filed under section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)) a declaration of intention to become a citizen of the United States: *Provided,* That when an application for a license is received by the Commission, it shall notify the appropriate agencies of

the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further,* That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."

The SPEAKER. Is a second demanded?

Mr. NELSEN. 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, H.R. 9261 would authorize the Federal Communications Commission—FCC—to grant amateur radio licenses to aliens who have been admitted into the United States for permanent residence and have filed a declaration of intention to become U.S. citizens. They would, of course, have to pass the same test in the English language that is required of citizens in order to obtain an amateur radio license. Any application under this legislation would be checked by appropriate agencies of the Government concerned with national security.

Originally, Mr. Speaker, the Communications Act provided that only citizens and nationals could be granted radio licenses. In 1964, the act was amended to permit the FCC to grant authorizations to operate amateur radios in the United States to aliens who were licensed by their governments to operate amateur radio if their governments granted reciprocal rights to U.S. citizens. The 1964 legislation had security provisions identical to those in the legislation now before the House. It has worked successfully and over 1,700 authorizations have been granted.

But, through oversight, the 1964 legislation made no provision for granting such licenses to aliens who have been admitted for permanent residence and have filed a declaration of intention to become citizens. Such a situation is highly discriminatory against these aliens. They are required to pay our taxes and can be drafted into the armed services. This legislation would correct the oversight in the 1964 amendments to the Communications Act.

I urge its passage by the House.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Massachusetts (Mr. MACDONALD), the subcommittee chairman.

Mr. MACDONALD of Massachusetts. Mr. Speaker, H.R. 9261 will correct an oversight that occurred when the Communications Act was amended in 1964. The 1964 amendments empowered the Federal Communications Commission to grant to alien amateur radio operators authority to operate in the United States if they were licensed by their own government and their government granted reciprocal rights to citizens of the United States. Unfortunately, the amendments made no provision for aliens admitted into the United States for permanent residence who have filed a declaration of intention to become U.S. citizens.

H.R. 9261 would correct this anomaly by authorizing the FCC to grant licenses to such resident aliens. Of course, they would have to take the same test, in the English language, as American citizens who want to operate ham radio stations.

One facet of the legislation to which the Subcommittee on Communications and Power, of which I have the honor to chair, devoted particular attention was the compatibility of the legislation with the national security. The legislation includes the same provisions contained in the 1964 amendments which require that the agencies of the Federal Government concerned with national security be notified of amateur radio license applications by aliens. Those agencies report back to the FCC with any information in their possession bearing on the compatibility of the application with the national security. The subcommittee was satisfied that these security provisions have worked effectively in the 1964 amendments and will amply protect the national security when the legislation now before the House becomes law. Furthermore, such license applications and the modification, suspension, or cancellation of such licenses are not subject to the procedural provisions which are applicable to licenses applied for and granted to U.S. citizens.

In closing, Mr. Speaker, I would like to point out that these resident aliens with their language capabilities and ham radios would have a unique capability to inform the world about the United States and its people, something we seem to be having trouble doing lately.

Mr. Speaker, I hope the House will pass H.R. 9261.

Mr. NELSEN. Mr. Speaker, we find our committee is unanimous in support of this bill.

I want to compliment the chairman of the subcommittee as well as the chairman of the full committee on their efforts in this regard.

I believe this bill has merit and should be passed.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 9261.

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.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of an identical Senate bill, S. 485, to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 485

An Act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(1) of the Communications Act of 1934 (47 U.S.C. 303(1)) is amended by inserting at the end thereof a new paragraph as follows:

"(3) Notwithstanding paragraph (1) of this subsection, the Commission may issue licenses for the operation of amateur radio stations to aliens admitted to the United States for permanent residence who have filed under section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)) a declaration of intention to become a citizen of the United States: *Provided,* That when an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further,* That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."

SEC. 2. Section 310(a) of the Communications Act of 1934 (47 U.S.C. 310(a)) is amended by adding at the end thereof the following new paragraph:

"Notwithstanding paragraph (1) of this subsection, a license for an amateur radio station may be granted to and held by an alien admitted to the United States for permanent residence who has filed under section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)) a declaration of intention to become a citizen of the United States: *Provided,* That when an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further,* That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."

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

A similar House bill (H.R. 9261) was laid on the table.

MOTOR CARRIER REPORTS TO INTERSTATE COMMERCE COMMISSION

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1074) to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports

on the basis of a 13-period accounting year, as amended.

The Clerk read as follows:

H.R. 1074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 220(b) of the Interstate Commerce Act (49 U.S.C. 320(b)) is amended by inserting "either (1)" after "information", and by striking out "different date, and" and inserting in lieu thereof the following: "different date; or (2) for a thirteen-period accounting year ending at the close of one of the last seven days of each calendar year, if the person making the report keeps his books on the basis of such an accounting year, subject to such rules and regulations as the Commission may prescribe, and elects to make such report on the basis of such accounting year. Any annual report".

The SPEAKER. Is a second demanded?

Mr. NELSEN. 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, H.R. 1074 would permit motor carriers and others subject to part II of the Interstate Commerce Act who keep their books on a 13-period accounting year basis to make their annual reports to the ICC on the same basis. Under existing law, such reports must be submitted on a calendar year basis even though the person reporting keeps books on a 13-period year basis.

The committee has amended the bill to make it clear that the authority to report on the basis of a 13-period accounting year would be subject to such rules as the ICC might prescribe.

At the present time, section 220 of the act requires that reports filed with the ICC must be on a calendar year basis. This legislation would provide an additional option to those required to file those annual reports—namely, to file on the basis of a 13-period accounting year. This option, of course, could only be exercised if their books of account were kept on that basis.

Mr. Speaker, many businesses have their accounting system set up on a 13-period basis. Under such a system the year is divided into 13 periods of 28 days each of which is evenly divisible into four 1-week—7 day—periods. This must be contrasted with using calendar months which vary in length from 28 to 31 days and prevent exact comparisons. Using a 13-period basis makes it possible to end each period on the same day; the last day of the business week, for instance whether it be Friday, Saturday, or some other day. This avoids the necessity of using certain accrual and deferral bookkeeping procedures which are time consuming and costly.

There are, however, some complexities in using the 13-period system in that 1 day must be picked up by the following year for 5 years and every 6th year consists of 53 weeks instead of 52.

I should like to point out, Mr. Speaker, that the ICC permits motor carriers to keep their books on the basis of a 13-period accounting year and permits them to file quarterly reports on that basis. We on the committee can see no reason why this option should not be extended to annual reports. The committee is satisfied that the ICC will be able to obtain all the information from annual reports filed on the basis of a 13-period accounting year that it obtains presently from annual reports based on calendar years. Furthermore, it saves those filing the reports from making time consuming, and therefore, costly conversions.

I urge the passage of the bill by the House.

Mr. HALL. Mr. Speaker, will the distinguished chairman of the committee yield?

Mr. STAGGERS. I shall be happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I wonder if the distinguished gentleman from West Virgina, chairman of the full committee, would explain to the House in just a few more extended words why the Interstate Commerce Commission is so adamantly opposed to this legislation as according to the committee's own report?

Mr. STAGGERS. They were opposed to the bill as introduced. But it has been conveyed to the committee that they are not opposed to the bill as amended by the committee. The committee amendment gives the ICC rulemaking authority with regard to reports filed with it under section 220(b) of the Interstate Commerce Act on the basis of a 13-period accounting year.

Mr. HALL. Well, Mr. Speaker, if the gentleman will continue to yield to me, that sounds very logical to hear my friend from West Virginia explain it, but why in heaven's name does the report carry the very objectionable letter from the chairman of the Interstate Commerce Commission, and when did they change their mind and on what basis?

Mr. STAGGERS. As I indicated they changed their mind after the bill was amended by our subcommittee. The letter of the ICC was included because it is a part of the legislative history of the bill.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I surely realize that we do not like the creations of Congress itself such as the commissions, agencies and so forth directing us as to what statutory procedure we should follow with reference to their regulation. We probably originate and assure due process in developing such legislation.

Mr. Speaker, I think the gentleman has answered my question satisfactorily. As I understand it, it is covered under the amendments in the bill, we have for consideration under a suspension of the rules?

Mr. STAGGERS. The distinguished gentleman is correct.

Mr. NELSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. QUILLEN).

Mr. QUILLEN. Mr. Speaker, I rise in support of H.R. 1074 and ask unanimous consent to revise and extend my remarks.

I am deeply gratified that this measure has reached the floor, as I first introduced it in 1968, then again in 1969.

As I pointed out to the Committee on Interstate and Foreign Commerce, this bill amends the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of 13 4-week periods. The committee amended my bill in line 10 after the word "year" adding "subject to such rules and regulations as the Commission may prescribe."

Part II of the Interstate Commerce Act authorizes the Interstate Commerce Commission to require annual, periodical, or special reports from all regulated motor carriers.

Section 220(b) of the act specifies that such annual reports shall contain all the required information for the period of 12 months ending on the 31st day of December—in other words on a calendar-year basis.

A number of trucking companies, as well as many other businesses, set up their accounting systems on the basis of 13 4-week periods, commonly referred to as 13-period accounting.

There are many benefits obtained from 13-period accounting. Two important benefits are that such accounting makes it unnecessary to accrue wages, withholding taxes, and related payroll expense. In addition, since each period consists of 4 weeks, comparison with prior periods is excellent.

Because of the present requirement that annual reports be filed on a calendar-year basis, trucking companies using 13-period accounting must go to the trouble of picking up a few days revenue and expense at yearend in order to file their annual reports as of December 31.

Such adjustments may seem minor, but for companies having hundreds, and in some cases thousands of accounts, this is a time-consuming job.

It is my understanding that many more trucking companies and motor carriers would like to utilize the 13-period accounting but are reluctant to do so because of the many yearend adjustments which are necessary to satisfy the Commission's requirements.

It appears that the reason for the Commission's requirement that all annual reports be filed on a calendar-year basis is to have uniform comparability. However, I believe that annual reports filed on the basis of 13-period accounting which would cover a year ending on one of the last 7 days of the calendar year would, for all practical purposes, be comparable to annual reports filed on a calendar-year basis.

To be more specific, I will give you a few examples:

First. H.R. 1074 gives a carrier the option of a 28-day period or a regular month. The 28-day period may be helpful to a carrier for comparison purposes as each period would have the same number of days.

Second. Any carrier that chooses to do so can adopt a 13-period calendar and distribute all expense over 13 periods instead of 12 months. This does not mean that the adoption of 13-period accounting would be mandatory for all carriers.

Third. At present, any carrier having 13 periods at the end of each year must close on its 13-period calendar and then find a way to secure expenses and revenue for the additional days just to report to the ICC on an annual basis. These

companies must constantly explain to lending institutions and auditors why their reports differ from the general ledgers. It seems to me that this additional clerical work is burdensome and unnecessary. Is the Government interested in relieving the transportation industry of this mass of paperwork? This is a small way we can say that we are interested.

Mr. Speaker, I urge passage of this much-needed legislation.

Mr. NELSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. KUYKENDALL.)

Mr. KUYKENDALL. Mr. Speaker, I rise in support of the bill. I think this is an orderly and just thing that the trucking industry has asked for. The amendments that were passed in the committee took care of some of the objections that the ICC had in the beginning. I think this gives a clear picture here of allowing the trucking industry to use the bookkeeping system which best fits in with their salary periods, that best fits their billing system.

Mr. Speaker, I think that this bill which has been introduced by my colleague from Tennessee (Mr. QUILLEN), will go a long way toward helping this very important part of the transportation industry.

Mr. Speaker, therefore, I support the 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 H.R. 1074, 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.

FEDERAL-STATE COMMUNICATIONS JOINT BOARD

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7048) to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes.

The Clerk read as follows:

H.R. 7048

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 "Federal-State Communications Joint Board Act".

SEC. 2. The Communications Act of 1934, as amended, is further amended by adding a new subsection (c) at the end of section 410 (47 U.S.C. 410) to read as follows:

" (c) The Commission shall refer any proceeding regarding the jurisdictional separation of common carrier property and expenses between interstate and intrastate operations, which it institutes pursuant to a notice of proposed rulemaking and, except as provided in section 409 of this Act, may refer any other matter, relating to common carrier communications of joint Federal-State concern, to a Federal-State Joint Board. The Joint Board shall possess the same jurisdiction, powers, duties, and obligations as a joint board established under subsection (a) of this section, and shall prepare a recommended decision for prompt review and action by the Commission. In addition, the State members of the Joint Board shall sit with the Commission en banc at any oral argument that may be scheduled in the proceeding. The Commission shall also afford the State members of the Joint Board an opportunity to participate in its deliberations, but not vote, when it has under consideration the recommended decision of the Joint Board or any further decisional action that may be required in the proceeding. The Joint Board shall be composed of three Commissioners of the Commission and of four State commissioners nominated by the national organization of the State commissions, as referred to in sections 202(b) and 205(f) of the Interstate Commerce Act, and approved by the Commission. The Chairman of the Commission, or another Commissioner designated by the Commission, shall serve as Chairman of the Joint Board."

The SPEAKER. Is a second demanded?

Mr. NELSEN. 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, H.R. 7048 is a new expression of creative federalism. It would permit members of State utility commissions nominated by the National Association of Regulatory Utility Commissioners—NARUC—to participate with the Federal Communications Commission—FCC in formulating new procedures for establishing bases for interstate and intrastate telephone rates and to recommend decisions relating to commor carrier communications of joint Federal-State concern.

As most Members of the House know, Mr. Speaker, telephone rates are based on the plant, equipment, and expenses involved in providing telephone service. The State utility commissions regulate intrastate telephone rates for their respective States and the FCC regulates interstate telephone rates. But as we all know the same plant, equipment, and expenses are in most instances involved in providing both intrastate and interstate telephone service. Hence plant and equipment are "separated," to use the jargon of the industry, for purposes of ratemaking. Some is attributed for intrastate purposes, the remainder for interstate purposes. As you might expect, Mr. Speaker, these separation procedures are highly complex. But there is no alternative for them since the Supreme Court decided the case of *Smith* v. *Illinois Bell Telephone Co.*, (232 U.S. 133 (1930)) and ruled that an appropriate separation of commonly used telephone plant and associated expenses was essential to the exercise by the Federal Government and the States of their regulatory jurisdiction of interstate and intrastate telephone rates.

The history of this legislation on telephone separations goes back about 2 years when our colleague on the committee, the gentleman from Pennsylvania, FRED ROONEY, introduced H.R. 12150 in the 91st Congress on behalf of NARUC. Later in 1969, the FCC authorized reductions in interstate rates of the Bell Telephone System amounting to about $237 million, to take effect early in 1970. At about the same time the Bell System had petitions for intrastate telephone increases amounting to over a half billion dollars pending before various State public utility commissions. Of course, there was quite a lot of interest and concern about all this and so the Subcommittee on Communications and Power held hearings on H.R. 12150 early last year. Let me note that that bill differed from the bill now before the House in that it gave the final decision on separation procedures to the Federal-State joint board. The State commissions came in and supported the legislation and the FCC opposed it. The FCC opposed it on the grounds that giving the Federal-State joint board the final decision on separations would undercut their rate regulation responsibilities. The Chairman of the FCC suggested that he be given an opportunity to work matters out with the State commissions. A joint board was then appointed consisting of four State commissioners and three members of the FCC.

The joint board shortly therafter, a week or so I believe, recommended a plan—the so-called Ozark plan—which was subsequently adopted by the FCC in a rulemaking proceeding.

The legislation now before the House would write the procedure used last year in arriving at the Ozark plan into law as section 410(c) of the Communications Act. Under the bill, the FCC would be required to refer any proposed rulemaking regarding the jurisdictional separation of common carrier property and expenses between interstate and intrastate operations to a Federal-State joint board. In addition, any other matter relating to common carrier communications of joint Federal-State concern could be referred to such a board.

The joint board would prepare a recommended decision for review and action by the FCC. The State commissioners who were members of a joint board would be permitted to sit with the FCC if any oral arguments were held before the Commission in the proceedings and they could also participate in considerations of the FCC involving the joint board's recommended decision.

However, they would have no vote in the course of FCC consideration of the matter.

Any joint board appointed under the legislation would consist of four State commissioners nominated by NARUC and approved by the FCC. Three members of the FCC would make up the balance of the board. One of the FCC members would be chairman of the board. State commission members of any joint board would receive no pay or other reimbursement from the Federal Government for serving as such.

Mr. Speaker, H.R. 7048 has the support of the FCC and NARUC. It establishes a mechanism to permit the States and Federal Government to operate in greater harmony and with greater under-

standing of one and another. I urge its passage by the House.

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

Mr. STAGGERS. I am happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the distinguished chairman of the Committee on Interstate and Foreign Commerce yielding to me.

The natural reaction of Members who were not privy to know about the hearings so that they could appear against the bill, is that they feel at first blush for goodness' sakes, here is another board, another commission that will cost the taxpayers considerable money. On carefully reading the distinguished gentleman's report I notice that these are already either Federal Government or State government employees, and it will not cost an additional dime.

Mr. STAGGERS. That is right.

Mr. HALL. The distinguished gentleman's last paragraph of his explanation also explains why the Federal Communications Commission should be for this. As I understand it, they are including State's representation so that they can help control the intrastate communications costs at the same time.

Mr. STAGGERS. That is right.

Mr. HALL. Under those circumstances, although I had come to the floor deciding to vote against the establishment of an additional board and vote against setting up a new ratemaking function that I thought we created in the Federal Communications Commission for the sole purpose of performing, I see no objection to the bill.

Mr. STAGGERS. I thank the gentleman from Missouri for his remarks.

Mr. Speaker, I now yield whatever time he may require to the gentleman from Massachusetts (Mr. MACDONALD), a member of the committee.

Mr. MACDONALD of Massachusetts. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to say to the gentleman from Missouri that he is absolutely correct. There will be no cost to the Federal Government. This a sop given to the States that have wanted a voice in the ratemaking procedure. They will have a voice at hearings. They will be heard from and their views will be made known to the FCC at that point, and as our chairman has very adequately stated, there has been no opposition to the bill which I feel is a step in the right direction for better relationship between the Federal Government and the State regulatory agencies.

Mr. Speaker, H.R. 7048 was introduced by a member of my Subcommittee on Communications and Power, the Honorable FRED ROONEY of Pennsylvania. It represents 2 years of effort at working out an accommodation between the Federal Communications Commission and the various State utility commissions with regard to the classification of telephone plant, equipment, and expenses for the purpose of establishing rate bases for interstate and intrastate telephone rates.

As most Members know intrastate telephone rates are regulated by State public utility commissions and interstate telephone rates are regulated by the FCC. The difficulty arises because the telephone plant equipment and expenses on which telephone rates are based is in most instances used for making both local or intrastate calls and long distance or interstate calls. Therefore, telephone plant, equipment, and expenses must be separated for ratemaking, a most difficult task.

The whole matter became critical early last year when the FCC approved rate decreases for interstate telephone service provided by the Bell Telephone System amounting to $237 million while over $500 million in requests for rate increases for intrastate telephone service were pending before State public utility commissions.

At that point the Subcommittee on Communications and Power held hearings and received testimony from the National Association of Regulatory Utility Commissioners—NARUC—23 State public utility commissions, and the FCC.

The legislation then before the subcommittee—H.R. 12150—would have given final authority with regard to telephone separations to a Federal-State joint board. It was supported by NARUC and the State commissions but was opposed by the FCC. The Chairman of the FCC, the Honorable Dean Burch, asked for time to work the matter out with NARUC and the State commissions. H.R. 7048 is the result of that effort.

In hearings before the subcommittee earlier this year the legislation was endorsed by the FCC and NARUC, speaking for itself and the several State public utility commissions. No one, to my knowledge, opposes enactment of the legislation. It will provide a framework which will permit the FCC and the State commissions to operate together effectively in working out telephone separation procedures for the purpose of telephone ratemaking and regulation—a most difficult task I can assure you, Mr. Speaker.

Mr. Speaker, I trust the House will pass H.R. 7048 overwhelmingly.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may require to the author of the bill, the gentleman from Pennsylvania (Mr. ROONEY).

Mr. ROONEY of Pennsylvania. Mr. Speaker, I rise today to ask my colleagues to support H.R. 7048.

Mr. Speaker, I am most grateful to my subcommittee chairman, the gentleman from Massachusetts (Mr. MACDONALD) and the chairman of our full committee, for passing this bill out of our committee.

I also want to thank my distinguished colleagues on the other side for their unanimous support for the establishment of the Federal-State Communications Joint Board.

As the chairman said, it will not cost the taxpayers any additional funds. I do appreciate the unanimous support that we have had in committee, and I urge its adoption.

Mr. Speaker, I rise today to ask that my colleagues support H.R. 7048. The bill provides for the establishment of a Federal-State joint board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service.

The inequities of this situation were brought to my attention by my distinguished friend, George Bloom, who has been chairman of the Pennsylvania Utilities Commission since 1965 and is the current president of the National Association of Regulatory Utilities Commissioners. During these years of service, George Bloom has been in the forefront of all progressive legislation concerning the regulation of utilities, and both the State of Pennsylvania and the Nation owe George Bloom a debt of gratitude.

Our national communications system transmits approximately 169 billion calls a year. The FCC regulates approximately 3 billion interstate long distance calls a year and the State commissions regulate approximately 166 billion intrastate toll and local exchange calls a year.

Since the vast bulk of telephone plant and expenses are used in furnishing both interstate and intrastate service, such plant and expenses must be separated between the interstate and intrastate uses for purposes of ratemaking by the respective Federal and State jurisdictions. The procedures employed in the division of these joint telephone costs are commonly referred to as "separations procedures."

The cost of long distance circuits has sharply declined in recent years due to the extensive use of microwave facilities and coaxial cables. This trend is a continuing one.

But similar economies from technological advance cannot be achieved for local exchange service. Although exchange plant is utilized in both interstate and intrastate service, the investment is determined by the number of exchange subscribers served and not by local traffic volume.

Thus, exchange plant costs vary directly with the number of subscribers, while actual usage determines the scope of long-distance plant investment. This high use factor permits a great degree of efficiency in long-distance communications.

Obviously, the only means of affording economic relief to local users, under existing technology and in this age of inflation, is to utilize any excess earning in interstate operations for the benefit of local users by allocating more of the cost of our national communications system to interstate operations and thereby affording relief in local operations.

H.R. 7048 calls for the creation of a Federal-State Communications Joint Board, to be composed of three FCC commissioners and four State commissioners nominated by the National Association of Regulatory Utility Commissioners and approved by the FCC.

The procedures that would be required under the bill have already been put into practice, and it was during these proceedings that the FCC and the NARUC reached agreement on legislation which would write into law the procedures then being followed. The bill is approved by all of the State commissions, and I urge my colleagues to approve the legislation

and thereby afford relief to local telephone users across the Nation.

Mr. NELSEN. Mr. Speaker, I note in the memorandum I have here a statement of the Federal authority agreeing that this is good legislation.

I also wish to point out without communication and without dialog it is pretty hard to get any understanding on anything. This bill will do that.

A point has been emphasized, and I want to reemphasize it, which is the fact that there is no money involved, and I think that is a welcome part of this resolution, and I hope it passes. It is a good piece of legislation.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 7048.

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

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the four bills just passed.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, pursuant to the order of the House of July 27, I call up the joint resolution (H.J. Res. 829) making further continuing appropriations for the fiscal year 1972, and for other purposes, and ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 829

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of July 1, 1971 (Public Law 92–38), is hereby amended by striking out "August 6, 1971" and inserting in lieu thereof "October 15, 1971": *Provided,* That obligations may be incurred for the activities of the Federal Power Commission from July 1, 1971, in anticipation of appropriations for the fiscal year 1972, and are hereby ratified and confirmed if otherwise in accord with the applicable terms of Public Law 92–38, amended.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the President signed a continuing resolution on July 1, 1971—Public Law 92–38—which enabled the various agencies and departments of Government for which appropriations had not been made for the current fiscal year 1972 to operate through August 6.

Now that the Congress is to take a summer recess beginning on August 6, and because the continuing resolution is expiring on that date, which is Friday of this week, it is necessary for us to have a further continuing resolution in respect to ongoing programs and activities for which final appropriation action has not been taken.

That is the purpose of this pending joint resolution.

This resolution is a standard resolution enabling certain functions of the Government to continue on a minimum basis through not later than October 15. By October 15 it would be hoped—barring hangups on authorization bills—that all the appropriation bills required for the consideration of the House and the Senate would be cleared and enacted into law. I do not believe there is any troublesome aspect about the resolution before us.

I might say that due to the very fine cooperation of the other body and the chairman of the Committee on Appropriations of the other body, we have been able to secure early conferences following the passage of the bills through the House and through the Senate, and we have disposed of 10 of the major annual appropriation bills for fiscal year 1972; that is, we have passed them through the House and through the Senate. Conference reports on eight of them have been filed, and seven of the eight have cleared Congress.

There are two of these 10 bills upon which conferences have not been held. We are now seeking to arrange for conferences on those bills. Those would be the Labor-HEW appropriation bill and the public works-AEC appropriation bill. We cannot foresee what the developments will be with regard to those.

As Members know, we have today approved the conference report on the State-Justice-Commerce-Judiciary appropriation bill, and it is antcipated that favorable action may be taken on that conference report by the other body tomorrow.

We all know that we cannot bring to a halt the various functions of the Government agencies and departments. We have to have this continuing resolution in order to prevent that situation from occurring. So I would think that unless there are questions, this is probably an adequate statement of the situation. We will have further opportunity to discuss the matter of appropriations in general later this week.

The gentleman from Missouri is on his feet and I yield to him.

Mr. HALL. Mr. Speaker, I appreciate the distinguished chairman of the Committee on Appropriations yielding. Mine is merely for a technical question concerning a proviso. In my opinion, this is adequately explained in the report. Indeed, the gentleman and his staff have talked to me about it. My question, then, concerning the Federal Power Commission, which, as explained on the first page of the report, brings under the umbrella of the other commissions and functioning bodies and creatures of Congress, the Federal Power Commission, which was inadvertently left out of the earlier resolution. My question is: Is there any escape clause by which this Commission could do other than expend a lesser amount than last year's appropriation or one passed by either or both bodies of the Congress in the fiscal year 1972?

Mr. MAHON. The gentleman is correct—last year's rate or the rate approved in the budget, whichever is lower.

Mr. HALL. In other words, this would cover the Federal Power Commission as in Public Law 92–38 with all the provisos?

Mr. MAHON. The gentleman, I believe, has precisely outlined the situation.

Mr. HALL. I thank the gentleman for yielding.

The SPEAKER. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. HALL was allowed to proceed for 3 additional minutes.)

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

Mr. PUCINSKI. Would the distinguished chairman be good enough to advise the House whether this continuing resolution includes the $75 million continuation of the emergency school aid funding, the temporary desegregation bill?

Mr. MAHON. I am familiar with the gentleman's interest in this important matter, and I would say that the continuing resolution before us does continue the availability of funds on the same basis as heretofore in the prior continuing resolution.

Mr. PUCINSKI. Do I understand in a continuing resolution of this nature, the Office of Education can only spend two-twelfths of that amount; that is, for the remainder of August and for September?

Mr. MAHON. The annual rate under the resolution is $75 million, and I would assume that it would be proportioned generally on the basis of 12 months.

Mr. PUCINSKI. Earlier today we passed a resolution by an overwhelming vote of 351 to 36, making an inquiry of the Secretary of Health, Education and Welfare of any funds that are being used for busing children to achieve racial balance. Does the distinguished chairman know whether any of these $75 million are being used for that purpose?

Mr. MAHON. I would not be able to say, definitely. I would assume not, but I do not know.

Mr. PUCINSKI. Would it be the chairman's understanding, in view of the action previously taken by the House prohibiting the use of Federal funds for this purpose, that none of this money could be used for that purpose?

Mr. MAHON. That would seem to me to be the case, because the action of the Congress is very clear on this subject, as I understand it.

Mr. PUCINSKI. I thank the chairman.

Mr. MAHON. I thank the gentleman.

I yield to the distinguished gentleman from Ohio (Mr. Bow).

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

I can only say the gentleman has cooperated with us fully on this, and I am in full accord with this continuing resolution.

Mr. MAHON. I would say the fixing of the date was agreed on between the gentleman from Ohio and me, and in con-

cert with the leadership on both sides of the aisle.

Mr. BOW. That is correct.

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

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

Mr. GROSS. Mr. Speaker, can the gentleman tell me the magic of the date of October 15?

Mr. MAHON. It is 3 days after Columbus Day.

It allows about 5 weeks for us to finish our work on the appropriation bills after we return from the August recess.

Hopefully, it will give the authorizing committees—for example, the committees dealing with foreign aid—an opportunity to complete action on the authorizations, get them enacted into law, so that we can pass the related appropriation bills.

We hope it allows time for the Committee on the District of Columbia to pass the revenue bill, so we can in turn bring in the appropriation bill for the District of Columbia.

The SPEAKER. The time of the gentleman from Texas has expired.

(On request of Mr. GROSS and by unanimous consent, Mr. MAHON was allowed to proceed for 2 additional minutes.)

Mr. GROSS. Mr. Speaker, if the gentleman will continue to yield, if the gentleman is speaking of the foreign aid bill, if he will join me tomorrow in my opposition to it, I am sure the gentleman will not have any further worries on foreign aid, either on the part of the House, or on the part of the Appropriations Committee. We can take care of that in 1 day.

But I am interested in this October date. Is the gentleman not optimistic in thinking that the House will have finished its work by October 15?

Mr. MAHON. I am cautiously optimistic on the subject. I do know if we can get the authorization bills approved reasonably early after we return—and I would have to include, of course, the authorization for the Defense Department—it does seem to me we would be able to conclude these appropriations very promptly, and with some good fortune, it seems to me, we might move on very rapidly, and I would hope we could adjourn by that time. If we can achieve it, we want to achieve it as soon as possible. I share with a great number of the Members the hope that we can adjourn by that date.

Mr. GROSS. Mr. Speaker, I admire the gentleman for his optimism. With him I hope for the best and fear the worst, but I thank the gentleman for yielding.

The SPEAKER. The time of the gentleman from Texas has expired.

(On request of Mr. DELLENBACK, and by unanimous consent, Mr. MAHON was allowed to proceed for 1 additional minute.)

Mr. DELLENBACK. Mr. Speaker, if the gentleman will yield, does the gentleman have any idea at the moment as to how many dollars are involved? Is the gentleman able to inform the House under the bills which would be carried forward under this continuing apppropriation measure for approximately 1⅓ months or so—does he have any rough estimate as to how many dollars are involved in such a spending program?

Mr. MAHON. No, but the Government is spending at the rate of about $229 billion a year, perhaps a little more. One can take a month and get some kind of a figure. But a lot of this expenditure total has to do with trust funds—social security and highways and so forth.

At any rate, it is a vast sum of money indeed which is involved in the continuing resolution. It involves the pay of hundreds of thousands of Federal workers, it involves the defense of the country, and many other aspects.

Mr. DELLENBACK. Of course I know the passage is absolutely essential. The gentleman has replied to my question, and I thank him very much.

Mr. MAHON. I might add that in the four bills not yet reported to the House—Defense, military construction, foreign aid, and the District of Columbia—about $79 billion of budget requests are now involved. We will not act on these bills before the summer recess. In addition, if we should be unable to conclude conferences on the Labor-HEW bill and the public works-AEC bill, additional budget requests of about $24.7 billion would carry over for action after the summer recess. While the budget requests do not in many instances control the rate of interim spending, those totals give a fairly good indication of what is involved in total.

Mr. Speaker, under leave to extend, I include pertinent excerpts from the committee report accompanying the joint resolution:

TIME PERIOD AND CONCEPT OF THE RESOLUTION

The resolution extends to *not later than* October 15. The current resolution (Public Law 92–38) expires August 6, the beginning of the scheduled congressional summer recess. The time between September 8, when the summer recess is scheduled to end, and October 15 should be sufficient in which to wind up the appropriations business of the session, assuming of course no major authorization bill hang-ups.

The resolution follows the basic form and concept of the one now in effect for the period July 1–August 6, 1971—Public Law 92–38, which was based on House Joint Resolution 742 and which is explained in very considerable detail in House Report No. 92–302.

Some question has arisen that the original continuing resolution did not clearly encompass provision for interim funding of the Federal Power Commission, arising out of the fact that this year, it is to be funded in a different appropriation bill and that the resolution, being divided into several groupings of bills and items, lists the two bills (last year's and this year's) under different ground rules relating to expenditure rates. The Commission has, of course, continued operations since July 1 subject to the ground rules otherwise applicable and the House, in H.R. 10090, the Public Works-AEC Bill, has made full-year provision for it. Language is included in the accompanying joint resolution to remove any question of doubt.

STATUS OF APPROPRIATION BILLS

Ten of the 14 regular annual appropriation bills for the fiscal year 1972 have passed the House. All 10 have also passed the Senate. Four remain to be reported to the House. They are:

1. Military Construction, on which hearings were concluded June 29 but which has been awaiting the related authorization bill (H.R. 9844) which has recently passed the House.

2. Foreign Assistance, on which hearings were concluded July 1, but which has been awaiting the related authorization bill.

3. District of Columbia, on which hearings were recently concluded, but which is significantly dependent on revenue legislation.

4. Department of Defense, on which hearings were concluded June 10, but which has been awaiting further developments on the related authorization bill (H.R. 8687), now pending in the Senate.

There will also probably be a closing supplemental bill, to be considered not too long after the end of the summer recess.

The Senate has moved the appropriation bills quite expeditiously. Bills are moving through conference as indicated in the following table:

FISCAL YEAR 1972 APPROPRIATION BILLS

Bill	House passed	Senate passed	Conference report cleared
1. Education	Apr. 7	June 10	June 30
2. Legislative	June 4	June 21	June 30
3. Agriculture-EPA, etc	June 23	July 15	July 28
4. Treasury-Post Office-General Government.	June 28	June 29	June 30
5. State-Justice-Commerce-Judiciary.	June 24	July 19	(2)
6. HUD-Space-Science-Veterans	June 30	July 20	Aug. 2
7. Interior	June 29	July 16	Do.
8. Transportation	July 14	July 22	Do.
9. Labor-HEW	July 27	July 30	
10. Public Works-AEC	July 29	July 31	
11. Military Construction	(1)		
12. Foreign assistance	(1)		
13. District of Columbia	(1)		
14. Defense	(1)		
15. Supplemental, 1972	?		

[1] Pending developments on related authorization bills.
[2] Conference report filed. (Cleared House Aug. 2.)

DETAILS ABOUT THE RESOLUTION

Comporting with continuing resolutions over a period of many years and with the one currently in force, the emphasis in the resolution is on the *continuation of existing projects and activities* at the lowest of one of three rates, namely, the fiscal year 1971 rate; the budget request for 1972, where no action has been taken by either House; or the more restrictive amount adopted by either of the two Houses. The main thrust of the resolution is to keep activities of the Government, for which the regular bills have not been enacted, functioning on a minimum basis until funds for the full year are otherwise determined upon.

In this general connection, some of the regular annual appropriation bills—now at either the conference stage or just recently cleared conference—contain annual appropriation provision for a handful of on-going programs and activities to which, in each instance, there is attached some sort of language making the appropriation contingent upon enactment into law of authorization legislation. Examples would be the Office of Saline Water in the Interior Appropriation Bill, and the activities relating to waste treatment construction grant, water quality, child nutrition, and certain activities under the Act of August 1, 1958, in the Agriculture-Environmental and Consumer Protection Appropriation Bill. All are on-going programs which have continued in operation under the continuing resolution provisions since July 1, and which, by inclusion of *full-year* funding provisions for them in the applicable annual appropriation bill, Congress has indicated a presumption that appropriate legislative authorization action to make the annual appropriation effective will be forthcoming. Accordingly, in respect to such

programs and activities, the Committee in reporting the accompanying joint resolution, does not look upon clause (a) or (b) of Section 102 of the current continuing resolution—which is extended to not later than October 15—as in any way shutting off continued interim funding pending final disposition of the applicable legislation. Clause (b), for example, by its terms goes only to instances where the applicable appropriation Act is enacted without "any" provision for such project or activity. Such is not the case with the class of items here referred to.

THE APPROPRIATIONS BUSINESS OF THE SESSION

Fiscal year 1971

In this session, Congress has processed 4 appropriation measures relating to the current fiscal year 1971, namely, a special supplemental relating to the Department of Labor; an urgent supplemental bill; the Second Supplemental Bill; and a continuing resolution making final disposition of the regular annual appropriations for the Department of Transportation.

In summary, budget requests for new budget (obligational) authority considered in these 4 measures totaled $8,972,709,077. Amounts enacted totaled $8,061,742,973, for a net reduction of $910,966,104.

Fiscal year 1972

As of today, the House has passed 10 of the 14 regular annual appropriation bills for fiscal 1972.

The Senate has passed all 10 of the bills sent to it by the House.

As of today, Conferences have been finalized on 8 of the 10 bills.

The following table shows the situation in summary form:

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS, 1972 AS OF JULY 29, 1971

[Note.—As to fiscal year 1972 amounts only]

Bill	Budget requests considered	Approved	Change (+) or (−)
In the House:			
1. Education	$5,068,343,000	$4,800,088,000	[1]−$268,255,000
2. Legislative	455,744,595	449,899,605	−5,844,990
3. Agriculture—Environmental and Consumer Protection	$12,104,813,850	$12,423,896,050	+$319,082,200
4. State-Justice-Commerce-Judiciary	4,204,997,000	3,684,183,000	[2] −520,814,000
5. Treasury-Postal Service-General Government	$4,780,576,000	$4,487,676,190	−$292,899,810
6. Interior	2,164,569,035	2,159,508,035	−5,061,000
7. HUD-Space-Science-Veterans	17,457,017,000	[3] 18,115,203,000	[3] +658,186,000
8. Transportation	2,833,229,997	[4] 2,559,048,997	[5] −274,181,000
Advance 1973 appropriation	(174,321,000)	[4] (174,321,000)	(——)
9. Labor-HEW	19,942,996,000	20,361,247,000	+418,251,000
10. Public works-AEC	4,615,945,000	4,576,173,000	−39,772,000
11. Summer feeding programs for children (H.J. Res. 744)	——	17,000,000	+17,000,000
12. District of Columbia (Federal funds)	(168,569,000)	——	——
13. Defense	(73,249,259,000)	——	——
14. Military construction	(2,313,375,000)	——	——
15. Foreign assistance	(3,634,775,000)	——	——
16. Supplemental, 1972	——	——	——
Total, House bills	73,628,231,477	73,633,922,877	+5,691,400
In the Senate:			
1. Education	5,153,186,000	5,615,918,000	[1] +462,732,000
2. Legislative	535,349,607	532,297,749	−3,051,858
3. Treasury-Postal Service-General Government	4,809,216,000	4,752,789,690	−56,426,310
4. Agriculture-Environmental and Consumer Protection	12,104,813,850	13,621,677,050	+1,516,863,200
5. Interior	2,194,594,035	2,226,023,035	+31,429,000
6. State-Justice-Commerce-Judiciary	4,216,802,000	4,098,083,000	−118,719,000
7. HUD-Space-Science-Veterans	$17,457,017,000	[3] $18,698,518,000	[3] +$1,241,501,000
8. Transportation	2,686,006,997	[4] 2,784,608,997	[4] +98,602,000
Advance 1973 appropriation	(174,321,000)	(174,321,000)	(——)
9. Labor-HEW	20,123,637,000	21,018,317,000	+894,680,000
10. Public Works-AEC	4,615,945,000	4,716,922,000	+100,977,000
11. Summer feeding programs for children (H.J. Res. 744)	——	17,000,000	+17,000,000
Total, bills cleared Senate	73,896,567,489	78,082,154,521	[1] +4,185,587,032
Enacted:			
1. Education	5,153,186,000	5,146,311,000	[1] −6,875,000
2. Legislative	535,349,607	529,309,749	−6,039,858
3. Treasury-Postal Service-General Government	4,809,216,000	4,528,986,690	−280,229,310
4. Agriculture-Environmental and Consumer Protection	12,104,813,850	13,276,900,050	+1,172,086,200
5. State-Justice-Commerce-Judiciary	4,216,802,000	[6] 4,067,116,000	−149,686,000
6. Interior	2,194,594,035	[6] 2,223,980,035	+29,386,000
7. HUD-Space-Science-Veterans	17,457,017,000	[3] 18,339,738,000	[3] +882,721,000
8. Transportation	2,686,006,997	2,730,989,997	+44,983,000
Advance 1973 appropriation	(174,321,000)	(174,321,000)	(——)
9. Labor-HEW	——	——	——
10. Public Works-AEC	——	——	——
11. Summer feeding programs for children (H.J. Res. 744)	——	17,000,000	+17,000,000
Total, bills enacted	49,156,985,489	50,860,331,521	[1] +1,703,346,032

[1] As passed by both House and Senate, the education appropriation bill did not include $400,000,000 requested in the budget for purchase of student loan notes from colleges and universities, contingent upon legislative authority not yet enacted. If the $400,000,000 is excluded from all of the figures shown, the amount in the House-approved bill is in effect a net increase of $131,745,000 over the budget requests considered by the House; the Senate-approved bill on the same basis is $862,732,000 over the budget requests considered by the Senate; and the enacted bill on the same basis is $393,125,000 over the budget requests considered.

[2] $352,715,000 of this figure is apparent, not real, because all maritime programs and 1 judiciary item were struck by floor points or order.

[3] Taking into account $850,000,000 in the budget as a proposed supplemental for special revenue sharing, or one-half year funding in certain housing and urban development programs, the House bill is $191,814,000 below the budget requests; the Senate bill is $391,501,000 above the requests; and the enacted figure is $32,721,000 above the requests.

[4] House bill does not include $248,000,000 floor addition to "Federal payment to Airport and Airway Trust Fund" since, technically, it is not new budget authority until appropriated out of the trust fund. Senate bill adds another $219,800,000 to this "Federal payment" account. Conference report adds $239,000,000 to the budget for this "Federal payment."

[5] Includes $235,000,000 related to prior decision to terminate the SST.

[6] Conference report filed.

The foregoing table relates to the regular annual appropriation bills.

COMPREHENSIVE BUDGET SCOREKEEPING REPORTS

For general reference purposes of Members and others, it may be of interest to again call attention to the periodic budget "scorekeeping" reports issued by the staff of the Joint Committee on Reduction of Federal Expenditures. These reports are designed to keep tabs, currently, on what is happening in the legislative process to the budget recommendations of the President, both appropriation-wise and expenditure-wise, and on the revenue recommendations, and not only from actions in the revenue and appropriation bills but also in legislative bills that affect budget authority and expenditures (backdoor bills, bill that mandate expenditures, and so on).

Several such reports have been issued—the latest one as of July 22—and another is due at the summer recess break. Copies are sent to the office of each Member.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

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

The joint resolution 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 joint resolution.

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 350, nays 6, not voting 77, as follows:

[Roll No. 233]

YEAS—350

Abbitt	Arends	Biester
Abourezk	Ashley	Bingham
Abzug	Aspin	Blatnik
Adams	Badillo	Boggs
Alexander	Baker	Bolling
Anderson, Calif.	Barrett	Bow
Andrews, Ala.	Begich	Brademas
Andrews, N. Dak.	Bennett	Brasco
Annunzio	Bergland	Bray
Archer	Betts	Brinkley
	Bevill	Brooks
	Biaggi	Brotzman
Brown, Mich.	Danielson	Fulton, Pa.
Brown, Ohio	Davis, Ga.	Fulton, Tenn.
Broyhill, N.C.	Davis, Wis.	Fuqua
Broyhill, Va.	Dellenback	Galifianakis
Buchanan	Dellums	Garmatz
Burke, Fla.	Denholm	Gaydos
Burke, Mass.	Dennis	Gettys
Burleson, Tex.	Dent	Giaimo
Burton	Derwinski	Gibbons
Byrne, Pa.	Dickinson	Gonzalez
Byron	Dingell	Goodling
Cabell	Dorn	Grasso
Caffery	Dow	Gray
Camp	Downing	Green, Oreg.
Carey, N.Y.	Drinan	Green, Pa.
Carney	Dulski	Griffin
Carter	Duncan	Griffiths
Casey, Tex.	du Pont	Grover
Cederberg	Eckhardt	Gubser
Chamberlain	Edwards, Ala.	Gude
Chappell	Edwards, Calif.	Hagan
Chisholm	Eilberg	Haley
Clark	Erlenborn	Halpern
Clawson, Del	Eshleman	Hamilton
Cleveland	Fascell	Hanley
Collier	Findley	Hansen, Idaho
Collins, Ill.	Fish	Harrington
Collins, Tex.	Fisher	Harsha
Colmer	Flood	Harvey
Conable	Flowers	Hathaway
Conte	Foley	Hechler, W. Va.
Conyers	Ford, Gerald R.	Heckler, Mass.
Corman	Ford, William D.	Helstoski
Cotter	Forsythe	Henderson
Coughlin	Fountain	Hicks, Mass.
Crane	Frelinghuysen	Hicks, Wash.
Culver	Frenzel	Hogan
Daniel, Va.	Frey	Holifield
Daniels, N.J.		Horton

Hosmer	Montgomery	Schwengel
Howard	Moorhead	Scott
Hull	Morgan	Sebelius
Hungate	Morse	Seiberling
Hunt	Mosher	Shipley
Hutchinson	Murphy, Ill.	Shoup
Jacobs	Myers	Shriver
Jarman	Natcher	Sikes
Johnson, Pa.	Nedzi	Sisk
Jonas	Nelsen	Slack
Jones, Ala.	Nichols	Smith, Calif.
Jones, N.C.	Obey	Smith, Iowa
Kastenmeier	O'Hara	Smith, N.Y.
Kazen	O'Konski	Snyder
Keating	O'Neill	Spence
Kee	Passman	Springer
Keith	Patten	Stafford
Kemp	Pelly	Staggers
Kluczynski	Perkins	Stanton,
Koch	Pettis	J. William
Kyl	Pickle	Stanton,
Kyros	Pike	James V.
Landgrebe	Pirnie	Steed
Latta	Poage	Steele
Lennon	Podell	Steiger, Ariz.
Lent	Poff	Steiger, Wis.
Link	Powell	Stephens
Lloyd	Preyer, N.C.	Stokes
Long, Md.	Price, Ill.	Stratton
Lujan	Price, Tex.	Stuckey
McClory	Pryor, Ark.	Sullivan
McCloskey	Pucinski	Symington
McClure	Quie	Talcott
McCollister	Quillen	Taylor
McCormack	Railsback	Teague, Calif.
McDade	Randall	Teague, Tex.
McDonald, Mich.	Rangel	Terry
	Rarick	Thomson, Wis.
McEwen	Reid, Ill.	Thone
McFall	Reid, N.Y.	Udall
McKay	Reuss	Ullman
McKevitt	Rhodes	Vander Jagt
McKinney	Riegle	Vanik
Macdonald, Mass.	Roberts	Veysey
	Robinson, Va.	Vigorito
Madden	Robison, N.Y.	Waggonner
Mahon	Rodino	Wampler
Mailliard	Roe	Ware
Mann	Rogers	Watts
Martin	Roncalio	Whalen
Mathis, Ga.	Rooney, N.Y.	White
Matsunaga	Rooney, Pa.	Whitehurst
Mayne	Rosenthal	Widnall
Mazzoli	Rostenkowski	Wiggins
Meeds	Roush	Williams
Melcher	Roy	Wilson, Bob
Metcalfe	Roybal	Winn
Michel	Runnels	Wolff
Mikva	Ruppe	Wyatt
Miller, Ohio	Ruth	Wydler
Mills, Ark.	Ryan	Wylie
Minish	St Germain	Wyman
Mink	Sandman	Yates
Minshall	Sarbanes	Yatron
Mitchell	Satterfield	Young, Tex.
Mizell	Scherle	Zablocki
Mollohan	Scheuer	Zion
Monagan	Schneebeli	Zwach

NAYS—6

Ashbrook	Hall	Schmitz
Gross	Rousselot	Young, Fla.

NOT VOTING—77

Abernethy	Dwyer	Long, La.
Addabbo	Edmondson	McCulloch
Anderson, Ill.	Edwards, La.	McMillan
Anderson, Tenn.	Esch	Mathias, Calif.
	Evans, Colo.	Miller, Calif.
Aspinall	Evins, Tenn.	Mills, Md.
Baring	Flynt	Moss
Belcher	Fraser	Murphy, N.Y.
Bell	Gallagher	Nix
Blackburn	Goldwater	Patman
Blanton	Hammer-schmidt	Pepper
Boland		Peyser
Broomfield	Hanna	Purcell
Burlison, Mo.	Hansen, Wash.	Rees
Byrnes, Wis.	Hastings	Saylor
Celler	Hawkins	Skubitz
Clancy	Hays	Stubblefield
Clausen, Don H.	Hébert	Thompson, Ga.
	Hillis	Thompson, N.J.
Clay	Ichord	Tiernan
Davis, S.C.	Johnson, Calif.	Van Deerlin
de la Garza	Jones, Tenn.	Waldie
Delaney	Karth	Whalley
Devine	King	Whitten
Diggs	Kuykendall	Wilson, Charles H.
Donohue	Landrum	
Dowdy	Leggett	Wright

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Anderson of Illinois.
Mr. Burlison of Missouri with Mr. Belcher.
Mr. Charles H. Wilson with Mr. Bell.
Mr. Evins of Tennessee with Mr. Kuykendall.
Mr. Purcell with Mr. Skubitz.
Mr. Flynt with Mr. Blackburn.
Mr. Abernethy with Mr. Hillis.
Mr. Hanna with Mr. Don H. Clausen.
Mr. Waldie with Mr. Broomfield.
Mr. Jones of Tennessee with Mr. Mills of Maryland.
Mr. Whitten with Mr. Byrnes of Wisconsin.
Mr. Davis of South Carolina with Mr. Hammerschmidt.
Mr. Van Deerlin with Mr. Goldwater.
Mr. Diggs with Mr. Gallagher.
Mr. Murphy of New York with Mrs. Dwyer.
Mr. Clay with Mr. Donohue.
Mr. de la Garza with Mr. Esch
Mr. Edmondson with Mr. Clancy.
Mr. Miller of California with Mr. Mathias.
Mr. Celler with Mr. Hawkins.
Mr. Moss of California with Mr. Peyser.
Mr. Landrum with Mr. Whalley.
Mr. Pepper with Mr. Thompson of Georgia.
Mr. Anderson of Tennessee with Mr. Edwards of Louisiana.
Mr. Nix with Mr. Leggett.
Mr. Hays with Mr. Devine.
Mr. Thompson of New Jersey with Mr. Hastings.
Mr. Hébert with Mr. King.
Mr. Aspinall with Mr. Saylor.
Mr. Wright with Mr. Long of Louisiana.
Mr. Boland with Mrs. Hansen of Washington.
Mr. Tiernan with Mr. Stubblefield.
Mr. Johnson of California with Mr. McMillan.
Mr. Evans of Colorado with Mr. Fraser.
Mr. Ichord with Mr. Baring.
Mr. Blanton with Mr. Rees.
Mr. Delaney with Mr. Dowdy.
Mr. Karth with Mr. Patman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SETTLEMENT OF THE RAILROAD STRIKE

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

Mr. GOODLING. Mr. Speaker, I did not know until 1 minute ago that the railroad strike had been settled. That is what I wanted to comment on today.

I include for the RECORD communications I have received this morning:

P. H. GLATFELTER CO.
Spring Grove, Pa., July 30, 1971.

Hon. GEORGE A. GOODLING,
House Office Building,
Washington, D.C.

DEAR GEORGE: A survey of the effects of the present railroad strike on the operations of the P. H. Glatfelter Company indicates a rapidly deteriorating situation.

The availability of raw materials to operate this plant is declining.

With the next railroad shutdowns, particularly the B&O, C&O, on August 6, our inability to obtain necessary materials will be seriously curtailed.

Our best forecast shows that unless the strikes are terminated immediately, we will be unable to get chlorine, coal and clay to operate. We will face curtailed operations during the week of August 8 and a complete mill shutdown by August 14.

This would result in the layoff of 1100 persons, not including our wood procurement and wood supplier personnel.

We urge the government to take immediate intervention steps and put an end to this nationwide emergency.

Sincerely yours,

P. H. GLATFELTER III,
Chairman and President.

[Telegrams]

WEST ALLIS, WIS.,
July 29, 1971.

Hon. GEORGE A. GOODLING,
U.S. House of Representatives,
Washington, D.C.:

Current railroad strike situation critical to our business. Additional work stoppages this week will curtail all rail movements. We request your assistance to alleviate this very serious national problem.

GLEN W. MCGREW,
Manager, Material Control and Transportation.

QUAKER OATS CO.,
Chicago, Ill., July 30, 1971.

Hon. GEORGE A. GOODLING,
U.S. House of Representatives,
Washington, D.C.:

Selective strike against four railroads has closed Quaker Oats Food Manufacturing plants and distribution centers at Los Angeles, Denver, Portland, Oreg., Chattanooga, Tenn., Danville, Ill., and Doraville, Ga. Strike scheduled for Friday will close Kansas City and deliveries to all grocery distributors in the major markets of Houston, St. Louis, and Chicago will be disrupted. Altogether, delivery of essential food products to at least 50 percent of United States is impaired. The struck railroads are partially protected by strike insurance and the striking employees receive unemployment compensation plus union benefits, employees of companies like ours and the general public are the innocent victims. This is not an unusual circumstance, but simply the latest in a long series of transportation disruptions which clearly demonstrates the inadequacy of present machinery, including single-shot congressional action, to cope with the transport labor situation, it is essential that legislation providing for finality of negotiations without a strike similar to that proposed by the administration in S. 560 and H.R. 3596 be enacted before summer recess. Your leadership in coping with this national emergency is urgently requested.

ROBERT D. STUART, Jr.,
President.

BUSING OF SCHOOL CHILDREN

The SPEAKER pro tempore (Mr. RANDALL). Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 60 minutes.

Mr. MIZELL. Mr. Speaker, last week the Washington, D.C., Star published an editorial column by James J. Kilpatrick, entitled "The Bus Route from Education to Madness."

The article dealt mainly with the concerns voiced by secondary school officials over the issue of forced busing, an issue that now threatens the very existence of public education in this country.

It is this same issue with which we intend to deal in this special order today. I have requested this time in which to express the concerns that I have about this growing crisis, as well as those related to me by my constituents in the Fifth District of North Carolina, and people in other areas of the State as well.

I also intend to press for immediate consideration of a solution to this grave and growing problem which I have proposed, and which has been endorsed by

others in this Chamber today and by Members of the Senate.

That proposed solution is a constitutional amendment to prohibit the assignment of students to a particular school on the basis of race, creed, color or national origin.

Joining with me in this effort are many of my distinguished colleagues representing constituencies not only from the South, but also from New England, the eastern seaboard and the industrial Midwest.

It is our intent to impress upon other Members of this House the severity of the problem, the value of the solution I have proposed, and the urgency of our need to act, and act effectively.

In his column, Mr. Kilpatrick expertly identifies all that the simple word "busing" has come to connote. He writes:

The term "busing" has come to mean a great deal more than the mere physical transportation of pupils from Point A to Point B.

In today's lexicon, it connotes such measures as "pairing" and "clustering" and "closing," and by extension, it takes in all the problems of discipline, white flight, and school-community relations that afflict southern school systems today.

Mr. Kilpatrick cites the example of Austin, Tex., where the Department of Health, Education, and Welfare has demanded imposition of a plan that would give each school the same ethnic mix of the city at large—64.5 percent white, 20.4 percent Chicano, and 15.1 percent black.

After describing this situation, Mr. Kilpatrick concludes:

This is education? No. This is madness.

And madness it is, Mr. Speaker. Public education in the South has been in turmoil for years. A whole generation has gone from the first grade through college amid chaotic conditions brought on by court-ordered social experimentation.

In 1954, the Supreme Court ruled that the assignment of students to public schools, on the basis of race, was unconstitutional.

In 1971, the Supreme Court ruled in effect that anything other than the assignment of students to public schools on the basis of race was unconstitutional.

Caught in the middle of this judicial about-face are millions of American schoolchildren, who have no voice in this issue at all. Even worse, not even their parents have a voice, and this, to me, is an intolerable situation in a country that professes democracy.

But if the children cannot be heard by the courts, they have certainly caught my attention with the many, many letters they have written me on the subject of busing.

One young lady from Winston-Salem, where massive busing and school clustering has been ordered by a Federal court, wrote me recently with her views of the situation. She enclosed another letter which she requested I read to the Congress.

In part, the letter reads:

DEAR CONGRESS: The representative from my district has urged you to enact his proposed constitutional amendment prohibiting the assignment of pupils on the basis of race.

Before making a decision, please listen to someone who is in the midst and is suffering from the busing of students.

I am a senior and have been going to East Forsyth. Maybe that doesn't mean very much to you. It means an awful lot to me. Maybe it's because I can't look forward to the night of the Senior Prom from East or the night which means so much to me—the night of my graduation.

Sure, I can graduate, but I can't look forward to it. You see, I'm one of the unfortunate 15,000 students to be transferred from my school. I am deeply involved in my school, and this is not giving me a fair chance to take pride in the honors I received in the 11th grade.

I'm having to leave behind my place on the school's drill team, my membership in a singing group and in an honor group. I have worked so hard to help make my school one of the best. Now it was all for nothing.

Do you think this is fair, to the school and individuals? I've heard there will be no sports in the schools. What is a school without any spirit, and what is spirit without any sports?

Mr. Speaker, this young lady's letter raises the same concerns that have been raised in dozens of other letters I have received in the past few weeks.

Nowhere in the court decisions is there any consideration for the unsettling affect that forced busing has on the people who are actually being bussed. This is simply further proof that American children are mere pawns in a game enjoyed only by judges and bureaucrats, neither of which is in any direct way responsible to the people whose lives they are so effectively disrupting.

As one young man put it in another letter to me:

I think it's really bad when Americans allow themselves to be pushed around by a bureaucracy.

I think it is "really bad," too, Mr. Speaker, and I think it is time we put a stop to it.

And it is an unmistakable fact that parents as well as students agree with me by an overwhelming margin. In a recent poll taken by H. Long Marketing Poll, Inc., from a representative cross-section of the people of North Carolina, a full 83-percent said they disagreed with the Supreme Court's decision in the Charlotte case, which paved the way for massive busing and student reassignment.

One parent who wrote me expresses a sentiment that is widespread. He says:

It seems that all justice, commonsense and economical practices have been abandoned to achieve what one man feels is racial justice (speaking of a federal judge). I feel that if a vote was taken among the citizens of our country, a majority, black and white alike, would prefer to stay in the neighborhood school system.

How is it, then, that one individual's objection can cause this whole (busing) situation to come into law?

Mr. Speaker, I think that is a fair question, and one that deserves an answer.

Another question being asked, especially among local government officials, is, "Where is the money for all this busing going to come from?"

So far, Mr. Speaker, there is not an answer for that one.

One suggestion being made in my area is a 1-cent increase in the local sales tax, to be imposed principally to finance the large costs entailed in massive busing which will cost approximately $2 million.

The local officials are talking about a referendum to approve the sales tax, but recent history shows that these referendums are meeting with less and less success all over the country.

And there is little reason for surprise when we heard of one bond referendum for education after another being defeated across the country. Why should the people be expected to shoulder another heavy financial burden to pay the cost of a program, like busing, which they strongly oppose?

The obvious answer is that there is no good reason for people to pay that kind of price. And there is a byproduct of that refusal just as obvious. By opposing additional funds for housing, people are having to abandon any effort to provide additional funds for more fundamental educational needs—better teacher's pay, more school construction money, and other educational improvements.

But the cost is not only staggering in terms of money. As I noted before, a heavy toll is being paid by the children involved, through the inconvenience of being bused as much as 40 miles a day to school and back, and through the disruption of having to leave behind friends and activities that have played a major role in their young lives.

Additional costs will ultimately be paid in the loss of qualified teachers, already under financial strain because of below-average salaries, and now beginning to feel emotional strains brought on by the disciplinary nightmares that forced busing has fostered.

The Winston-Salem/Forsyth County schools complied last year with the Federal court order to integrate. The system did so at great expense. This year they are having to start all over again, to come in line with the Supreme Court's Charlotte decision.

And if the Court demands even greater increases in integration next year, the pattern will be repeated.

And where are the teachers all this time? They are still waiting for well-deserved pay increases while the school system buys new fleets of buses. They are still trying to cope with a volatile emotional situation while the courts have more coals on the fire and pour more salt on the wounds.

But the teachers cannot be expected to simply stand and wait much longer. Even the most devoted teachers must feel the temptation to go into more lucrative fields, where the pay is better and where tensions are infinitely more relaxed. This is an ambition that is only human, and one that appeals to more and more teachers as the school situation grows worse.

Some of these teachers are going to private schools, and private schools have shown a marked increase in this country in the past 2 years.

Will we, in the name of quality education, destroy a public school system that is the envy of the world? Will we sacrifice our best teachers? Will we so distort our aims that only the rich will be able to afford an education for their

children, as is the custom in the world's less developed nations?

This is a senseless course we are on. We must choose a new road, and choose it now. We, in the Congress, have the power to set this new course, if we will only heed the people's expressed will.

And let us remember, Mr. Speaker, that we are not speaking of a mere regional issue. Opposition to busing has been outspokenly expressed nationwide.

I will have a closing statement to make at the conclusions of this special order, Mr. Speaker.

At this time I would like to yield to my colleagues who wish to speak on this issue, and to thank them for waiting long and patiently through this long day's activity. Certainly, this is an indication of their great concern for the survival of our great educational system.

And now I am happy to yield to my distinguished colleagues who have waited patiently to participate in this special order—certainly through an indication of their great concern for public education.

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

Mr. MIZELL. I yield to my distinguished colleague from North Carolina.

Mr. LENNON. Mr. Speaker, as the sponsor of House Joint Resolution 639, proposing an amendment to the Constitution of the United States to prohibit school students or teachers, because of race, creed, or color, being required to attend or to be assigned to a particular school, I join in this special order today on school busing.

The Supreme Court ruled on April 20, 1971, that school busing to achieve integration was constitutional. In my opinion, the decision is in contravention to the Constitution and to the statutes enacted by the Congress forbidding the Department of Health, Education, and Welfare to use taxpayers' money for busing to achieve racial balance.

What the Supreme Court has decided about busing does not make it mandatory or de jure segregation, as distinguished in all parts of the country. The April decision applies only to State-imposed from de facto segregation resulting from neighborhood housing patterns.

To me the Constitution says laws are color-blind. I believe persons of every color should be treated equally and have the same opportunities. It is as wrong to favor individuals because of their color as it is to discriminate against them for this reason. Let us require that all students be treated equally and not classified according to race.

The Supreme Court has usurped the power of the people to make lawful choices, and freedom of choice is the very heart of American liberty.

Most parents of every race prefer to see their children in schools near their homes. The neighborhood plan has proven to be fair, practical, and economical. It is a plan based on freedom of choice.

Requiring children to be unnecessarily bused across town in a race-mixing plan is not conducive to quality education. It is an expensive waste of time and money. I deeply deplore that our schools are considered a vehicle for integration rather than a place for educating our children.

Mr. Speaker, I urge prompt consideration of the proposed constitutional amendment to preclude the busing of students, because of race. This amendment is necessary to preserve our basic neighborhood school concept and to improve the quality of education for our children.

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

Mr. MIZELL. I am glad to yield to my colleague, the gentleman from North Carolina (Mr. RUTH).

Mr. RUTH. Mr. Speaker, I congratulate my colleague for his action today.

I am pleased to join my colleague from North Carolina to discuss a topic that involves the whole Nation today.

The Department of Health, Education, and Welfare to this day still seems more concerned about racial balance than about quality education that all children need from their teachers and their schools.

It has been my firm belief and the belief of most persons in my district, that desegregation has come a long way in the past 10 years, and if school authorities and parents are left alone. they can accomplish racial balance as well as harmony in the school districts.

Parents, teachers, and their school districts want to raise the educational level of all their children. This can best be done if there is positive assistance from all governmental units.

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

Mr. MIZELL. I would be glad to yield to my friend from Virginia.

Mr. WHITEHURST. Mr. Speaker, I wish to congratulate my colleague from North Carolina for the fine statement he has made and I thank the gentleman for taking this special order so that we might have this time to bring this issue before the House.

Mr. Speaker, I received a letter today from a constituent of mine in the Norfolk area and I would like to read portions of this letter which, I think, sum up the anxiety of the people in my district who are being faced with mass busing:

DEAR CONGRESSMAN WHITEHURST: Stop this madness! Stop busing! Please work very hard to pass legislation to stop busing and return to our children the freedom to go to neighborhood schools. The following is my personal reasons why I am so concerned.

The NAACP, the school board, and the courts expect me to cooperate to make busing work, when to do so, I would be totally irresponsible as a parent.

I am expected to allow my shy, immature, asthmatic, 6-year-old, first-grade son to walk five blocks, which is farther away than the nearest elementary school, to catch a Virginia Transit bus for which I must pay. My son can't read, yet he is expected to be able to board the right bus twice a day and ride about 1½ hours each way to a dilapidated school which is 15 miles from his home. The school is surrounded by condemned houses.

I feel that the only responsible solution to this outrageous problem is to enroll my child in a private school, which I can't afford.

Please, I beg of you, work hard to correct this terrible injustice by the 1972 school year. If this situation isn't corrected by then, I will be forced to sell the home I've owned for 10 years.

I will probably have to take a loss, as the property values in my neighborhood have hit rock bottom since the judge's decision treated the Bay View secton of Norfolk so unfairly.

And he goes on, and concludes his letter.

I think this very poignantly sums up the situation faced by thousands of families in the city of Norfolk. Over 20,000 children are going to be bused in September. What is going to be the result of this? I do not mean just the single case that we have just heard about in this letter. What about the practical problems that all of us as parents and all of our children are going to have to face?

What is going to happen to a sick elementary schoolchild? As it has been in the past when a problem of this sort arose, the parents were able to go to the school and pick up that child. Now we do not have enough buses to go around, and that child has to stay in the school all day.

As the gentleman in the well has pointed out so formidably, the neighborhood school is a product of the neighborhood, and it is a neighborhood institution. What is going to become of the PTA's that have heretofore watched what goes on in those schools, and the education processes in that neighborhood? We are going to see their demise. Can you imagine parents traveling 12, 15, or 20 miles into a neighborhood where they know no one? There is no question but what there will be a change of interest there.

Then think of the money that we are going to have to be spending for busing which we could more properly be spending to improve the schools where they are already.

Then what is going to happen next year, when the neighborhood patterns change? What is going to occur then? Are we going to sit down and redraw our districts on top of a new cluster?

We are playing musical chairs with our children and their education. What my constituent has said is true. This is madness. The final demise that will occur will be that of our public school system itself, because the people who can afford to are going to leave; they are not going to give up a basic freedom, the freedom of being able to choose their neighborhood, their churches, their shopping centers, and their schools. They are not going to give this up. We are seeing this occur already, we are seeing houses going on the market, and we are seeing and we will continue to see the decay of the city itself, the loss of tax revenues—the final demise is coming.

I know what my responsibility is, and that is why I am here this evening, standing here with my colleagues who feel very keenly about this. I think the only course that is left for us is the path of a constitutional amendment.

This morning a reporter called me, and he said, "I do not think you have a chance, you have not got a chance in the world," Well I think we do have a chance. I think we have a good oppor-

tunity to act through this amendment, and we will continue to work toward this goal just as we have tried to do in the various bills in which we have tried to express our views in the various legislative forms.

I say to my colleagues who are not here tonight, my colleagues from elsewhere in the country who do not need to bite the bullet, your turn is coming. We are going to be calling on you as soon as the recess is over, and we are going to ask you to join us in a discharge petition of a constitutional amendment to restore the neighborhood schools to our people. You are next.

I thank my colleague for yielding to me.

Mr. MIZELL. Mr. Speaker, I also wish to thank my colleague, the gentleman from Virginia (Mr. WHITEHURST) for his contributions. His record in the educational field is outstanding and he has made tremendous contributions not only at the high school level, but at the college level as well. I know of his great concern to see our educational system continue to move forward, to make progress, and to provide the educational opportunities that are so important to the young people in this nation.

Again I thank him for his contributions.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. MIZELL. I yield to the gentleman.

Mr. YOUNG of Florida. Mr. Speaker, I thank our distinguished colleague (Mr. MIZELL) for yielding.

I think he has done a really fine job in pointing out some of the problems that have come about in areas where the busing of students is required in order to carry out a court order and pupil assignment plan.

I think if we carry this as far as we might, we might arrive at the day not too many years away—or too many months away, even—when the final court decree might be the placing of school children on a bus with an educational television set in the front, and then driving the children around from neighborhood to neighborhood all day long just to give them a little touch of the social activities of these various areas.

I say that in jest. I would hope the day would never come that that would happen. However, in view of what we have seen in recent months, it could very likely happen—that or something just as ridiculous.

Mr. Speaker, the fight to preserve a public school system or neighborhood schools is not partisan, it is not racial, and it is not philosophical.

To give you an example, there was a rally of concerned parents in my district just last Saturday night in St. Petersburg, Fla. More than 3,000 people attended the rally and there they heard statements from elected officials, from the schoolteachers, and from Boy Scout officials, as well as written statements from Senator LAWTON CHILES, of Florida, and Senator EDWARD GURNEY, of Florida. Senator CHILES, as my colleagues know, is one of the leading Democrats in the great State of Florida, and Senator GURNEY is one of the leading Republicans in the great State of Florida.

So I say to you again it is not a partisan issue—this battle to preserve our public school system and our neighborhood schools.

It is not racial, as my mail will indicate—and believe me, I have had some thousands of unsolicited and unorganized types of letters and post cards on this issue pour into my office since I have had the privilege of serving in the U.S. Congress this year. These letters and cards are from parents of white children and they are from parents of black children and they are from the children themselves—I can say to you that parents of black children do not like these pupil assignment plans and forced busing any better than do the whites.

I say to you it is not racial, nor is it philosophical. If you will just look at the names of the sponsors of the various House resolutions and the proposed constitutional amendments pending before this very House today, you will find the philosophical spectrum covering one end to the other—liberals, conservatives, whatever you might like to call them, the philosophies are there—they are all represented by cosponsors of a bill or a resolution or an amendment to the Constitution to correct this situation.

So I say that the battle to preserve our public school system or our neighborhood schools is not partisan and it is not racial and it is not philosophical. Rather it is responsible and it is logical—aside from the savings in money that our colleague, Mr. MIZELL, mentioned.

Think for just a moment of the young child starting in public school. And I think this is a point that is too often overlooked. For when he begins his career, you might say, in public school, he is for the first time in his life getting a real exposure to life outside of the family and outside of his neighborhood circle of friends. He is getting his first real exposure to the responsibilities of citizenship and what those responsibilities of citizenship are—not only in the classroom where he is under the formal control of a teacher, but during the recess and especially during the after-school activities, when he may play, or get into a Boy Scout troop, or become a member of a band, or play football, or belong to a service club or civic club. He is getting the idea of what civilization is all about outside of his home. He is finding out what his civic responsibility to the other students is.

I say to you that the neighborhood school is very important, not just so far as reading, writing, and arithmetic are concerned but as the scene of a youngster's first exposure, outside the home, to the real responsibilities of citizenship.

Mr. Speaker, I would like to close my comments by saying that practically all of the bad things connected with busing have come from the rulings of the Federal courts based on one segment of our Constitution. I strongly support that Constitution, as do the rest of my colleagues in the House of Representatives, but I very respectfully submit that they have overlooked a very important part of our Constitution.

Mr. Speaker, I would just like to read the one sentence—the preamble to the Constitution—and these are the words that tell us why we even formed this Government and why we even wrote this Constitution in the first place. The preamble to the Constitution says:

> We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

I go back, Mr. Speaker, to these three words: "insure domestic tranquility." I ask you to look around the United States today. Look around in the Southern States, especially, in the Midwestern States, and, yes, even in some of the Northern States, as time goes by; I ask you to look at St. Petersburg, Greenville, S.C., and some of the many cities we can talk about, and I ask you where is that domestic tranquility guaranteed to those young children who are formed to be bused out of their neighborhood areas to schools many miles away, to schools where they will not have an opportunity to participate in the important activities that go along with being in school? Where is there domestic tranquility? I think that is the important question.

I say to you, Mr. Speaker and my colleagues, that our classrooms are for the purpose of educating our children, and this Congress has the responsibility to guarantee that they not be turned into laboratories for the social experiments of some tinkerer sitting on a Federal bench who would like to plan, propose, suppose, and do what he could socially in this great Nation.

Mr. MIZELL. I thank my colleague from Florida for his contribution. I know that he had another engagement that was pressing this evening, but because of his great concern he has waited these long hours. I thank him for his remarks.

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

Mr. MIZELL. Before I yield to my colleague from North Carolina, I would like to say that I appreciate the dean of my delegation from the other side of the aisle waiting patiently. He is here because of his concern. I appreciate the gentleman staying to participate in this special order this evening. I yield to the gentleman.

Mr. FOUNTAIN. Mr. Speaker, I want to thank my distinguished colleague, the gentleman from North Carolina, for yielding, and also for his very kind remarks.

Mr. Speaker, I want to commend my distinguished colleague from North Carolina for spotlighting the problem of cross-town and cross-community busing of schoolchildren. And I would like to associate myself with his remarks.

Mr. Speaker, the problem we are focusing on today is nationwide in scope—not regional. If carried to the ultimate conclusion, as its backers seem bent on doing, busing to achieve racial balance will affect almost every school child in America, from coast to coast.

Make no mistake about it, this is the year of the bus and the years that lie ahead will also be years of the bus, unless responsible action is soon taken.

This fall additional thousands of schoolchildren in North Carolina and

elsewhere will be forced to waste millions of hours of valuable learning time in order to take daily rides through heavy, rush-hour traffic at the command of the Federal Judiciary. In addition, hundreds of millions of dollars will be spent in truth and in fact wasted.

To other tens of thousands of children, these unnecessary expensive rides will be no new experience, just a repetition of what has gone on before.

Bear in mind that these children will often be riding past the doors of not just one neighborhood school, but perhaps even two or three, in order to participate in a doubtful sociological experiment by attending a school far removed from their homes. In fact, many thousands will be leaving schools next door, across the street, or within short walking distances from their homes.

Additional dozens of North Carolina school districts must now place their students in this same illogical predicament as a result of the latest judicial fiats. Whether or not it will be humanly possible for them to do so within the time allowed is a $64 question, but, of course, they will try. Nonetheless, voters cannot be forced to approve bond issues for school facilities they neither need or want. Yet, if they do not, our children suffer the consequences.

In the past we have adopted numerous legislative amendments against busing to achieve a racial balance, adding them to appropriation bills as well as authorizations, but none has proved effective. Ingenious legal reasoning has been used to evade the intent of the Congress in this regard. As one HEW memorandum put it:

> These provisions are not applicable in the case of a school district which is being required to take action to complete the process of desegregating its schools. In such a case, the action taken is not to "overcome racial imbalance" but rather to carry out the Constitutionality required actions of dismantling the dual school system.

In other words, the antibusing amendment was interpreted in such a way that it did not apply in these cases where the Congress intended it to apply. And so it meant exactly nothing.

Clearly, if we do not wish to allow our vitally important public school system to deteriorate even more than it has, and the most precious crop we grow—our children to suffer the consequences, we must take steps to amend the Constitution of the United States.

In this connection, the House Judiciary Committee now has numerous constitutional amendments before it, which speak to this point. For instance, House Joint Resolution 628, which I introduced on May 11, 1971, would, if adopted, clear up the confusion we are now in and get our schools back on the track.

My amendment reads:

> No governmental authority shall at any time, nor for any purpose, shape, determine or prescribe attendance assignments in public schools on the basis of race or color.

But the Judiciary Committee has not yet taken any action. I urge the committee to act soon to allow the House of Representatives to work its will on one of these measures. When they do, I shall do everything within my power to secure the passage of my own resolution or any other responsible measure which would accomplish this desperately needed goal.

The children are suffering from irresponsible busing; quality education is seriously endangered by the deterioration process, and the fate of public education is at stake. Our Federal courts and nonelected bureaucrats have therefore taken it to the brink of disaster. The punitive, discriminating, vindictive use of busing just must be stopped.

In the meantime, however, it is truly interesting to observe the rapidly changing moods and attitudes of some of the Members of this body—especially those who have so piously voted, time and time again, to dictate the manner in which the public schools of the South are to be operated. Their own school systems are now about to become victims of their misguided actions against the South.

Mr. MIZELL. Mr. Speaker, I thank my colleague, the gentleman from North Carolina.

Now, Mr. Speaker, I yield to the gentleman from Louisiana, who has waited so long.

Mr. RARICK. Mr. Speaker, I am most appreciative of the gentleman from North Carolina (Mr. MIZELL) for his leadership in obtaining this special order so that we might have a chance at bat in order that we can collectively help focus attention on this evil of busing school children which threatens the safety and security of the people of our Nation. I also want to thank the gentleman for yielding to me so that I might be able to add my thoughts and observations to his special order.

As the fall school session approaches, more and more parents will become personally affected by busing through implementation of the unconscionable Swann against Charlotte-Mecklenburg Supreme Court decision to bus school children out of their neighborhood to achieve some theoretical ideal through statistics of racial balance.

Many parents who have paid for one community school system in a settled neighborhood are now learning that their children are to be denied the use of their neighborhood school. Parents who paid high real estate premiums to select their community and environment are being told that their children must be bused away to a neighborhood in which they would never choose to live nor near their family.

Other parents who have fled the cities because of violence, fear, and chaos—subtle excuses for anxiety provoked by the liberals' race-mixing solutions to law and order—are now learning that the race mixers are going to hunt them down in the suburbs, kidnap the children of these hard-working, taxpaying, silent Americans, and transport them by buses back to the inner city to be used as teaching aids for further classroom experimentation. And all of these latest torture tactics are programed so that some bureaucrat can satisfy himself that he has punished the human race by forcing them into an unnatural relationship of racial proportions.

From the polls taken in my district and from letters I have been receiving from around the Nation, no one seems to want busing except the Supreme Court, the egalitarian socialists, the manufacturers of school buses, and a few foundation-financed, so-called civil rights organizations whose fascism is beginning to show as they assume the dictatorial position that they are better-informed as to what is good for the youth of America than the parents and local educators.

What disturbs me most is that many of our colleagues are writing to these frantic, frustrated parents who are beginning to feel the pinch of socialistic control over their children and telling them that there is nothing Congress can do because the Supreme Court has spoken. This is completely erroneous and misleading, unless they are prepared to admit that the Constitution has been overthrown and that Congress is no longer the lawmaking body. Or they confess that Congress does not control the purse, but rather has been reduced to a rubber stamp existing solely for the purpose of raising revenues to finance the new socialistic endeavors being forced upon our people by guidelines, executive orders, and de facto legal decisions. Congress controls the purse. Congress is the hall of the people. Congress had a chance to stop the school busing just last week but failed to do so because there were not enough Members who had been listening to the parents back home in their District.

On July 27, an amendment was offered by Congressman THOMPSON of Georgia to delete a portion of the $12,000,000 allocated in the Labor and HEW appropriations bill, earmarked in part for enforcement of the Swann busing decision—including, of all things, over $1,000,000 from social security trust funds.

Without even commenting on the legal gymnastics, the Supreme Court went through to arrive at its legislation of busing to achieve racial proportions, I can honestly say that I have never received a letter from any of my constituents of any shade or color who agreed with the decision or indicated that they wanted to spend any of their hard earned tax money to be whipped into line by additional busing directed by the Office for Civil Rights.

A poll in my district showed approximately 2 percent favored busing. This 2 percent were white upper-class people who entertain idealistic theories on equality—they put their children in private schools.

Those who can afford it, those parents who make great sacrifice still have freedom of choice—private schools. No one wants this busing of schoolchildren. The parents and taxpayers have grown weary of financing the destruction of their community school systems. What will they now think when they learn their social security trust funds are also being considered as funds to bus their children?

The cities are already wailing about financing woes from too many racial experiments. Busing will further aggravate the situation by requiring the cities to finance massive numbers of buses and additional employees.

Certainly the Members of this body who were so laudatory in praise of the Civil Rights Act of 1964 recall that definition (b) of 42 U.S.C. 2000 C reads:

> But desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

The civil rights bill has never been declared unconstitutional, although the matter has been to the Supreme Court; therefore, it is the law of the land as provided in article VI of the Constitution:

> This Constitution and the Laws of the U.S. which shall be made in pursuance thereof . . . shall be the supreme law of the land.

Busing to achieve racial balance is therefore illegal and is in violation of the Civil Rights Act.

I also remind the Members that in the appropriation hearings, the civil rights director also announced his intent to use these funds to extend the busing concept to higher education, thereby denying to some college students the right to seek their campus.

To approve of this busing appropriation, knowing in advance that the taxpayers' dollars will be used in carrying out the de facto busing laws of the Supreme Court in direct contravention of the law of the land was not only a breach of the oath of office but also a mockery of the existing laws already enacted by this Congress. Some Members are reluctant to support our own laws.

I am reminded of Thomas Jefferson's Bunker Hill analogy on the "independence of the judiciary" trampling on the "independence of the legislature." If the States and Congress were to defy the Constitution, who then, if not the Supreme Court, would defend it? The answer is most obvious—the people. The people can get at legislators who defy the basic law on each election day and replace them. But there is no election day for the Supreme Court. The more serious question arises, "Who will defend the Constitution if the Supreme Court abuses it?" The answer is obvious. The Congress. The power of the purse rests with us here in Congress to delete all funding for any agency until it assures Congress that it will obey the laws of this legislative body and the Constitution, not de facto laws enacted by raw judicial power. This is the solemn responsibility of each of us who believes in maintaining the "independence of the legislature."

Unfortunately, so few of our colleagues expressed an interest in the appropriation to the Office for Civil Rights for busing—only 14 Members of the 435 stood—that no recorded vote could be obtained so that people at home would know who the busing Congressmen are.

Congress alone has the power of the purse. If Congressmen defy the Constitution and betray their trust to the people, then it remains to the people to defend the Constitution.

This the people can do by reminding their elected representatives that there was something that could have been done to stop busing and to prevent taxpayer-financed enforcement of de facto Supreme Court decisions. There will be other opportunities if the people demand protection.

If the people get the word that there are Members of Congress playing "footsie" with Federal judges and unelected bureaucrats—to fund enforcement of illegal theories such as busing—we can expect to see new faces in Congress next term.

The voices we now hear are no longer limited to the anguish of Southern parents. Busing is no longer a nightmare confronting someone else's child—busing has become an American dilemma. It will be solved by the American people.

Those in positions of responsibility who do not listen—who do not hear—do so at their peril.

I yield back to the gentleman from North Carolina.

Mr. MIZELL. Mr. Speaker, I thank my colleague and friend from Louisiana for his very pointed remarks with regard to this situation.

Now I would like to yield to one of the freshman Members from Tennessee whom I have the privilege of serving with on the Committee on Public Works. I have developed a great admiration for this distinguished Congressman, so it is with high delight that I yield to him at this time.

Mr. BAKER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I want to commend the gentleman from my neighboring State of North Carolina. He has distinguished himself in the sports world in this Nation, and now he is certainly distinguishing himself as a Member of this Congress by the wisdom which he injects into our proceedings.

Mr. Speaker, ours is the wonderful and radical ideal of educational opportunity for everyone. We continually strive for new standards of excellence. Yet, we are now watching many of our public schools go right down the drain.

Across our Nation, an outcry of ills can be heard, overcrowded classrooms, drugs, disruption, violence, changing ethnic patterns, increased racial tension, failure to obtain local financial support, et cetera.

And now we have the Supreme Court handing down another concept; "that in order to prepare students to live in a pluralistic society, each school should have a prescribed ratio of Negro to white students."

Most people will agree that students should be prepared to live in a pluralistic society. But are there not better ways to help our youngsters to become aware of the differences in individuals and develop a respect for those unique differences which make up the wonderful pluralistic nature of our society?

In the Los Angeles case, the Charlotte case, in my own district the city of Chattanooga, the ability of the courts to determine that a particular action is constitutionally required allows that court, without complete knowledge of school district needs, to set priorities in the allocation of resources.

Before these and other decisions, busing was one of a number of possibilities for which the school district might spend its money. It might have gone for teachers' salaries, the purchase of teaching materials, the construction and/or rehabilitation of school buildings and classrooms, the provision of special programs and the like. But these decisions elevated busing above all other purposes. The prime educational needs have not been ruled constitutionally invalid, they have simply not as yet been required by a court as constitutionally necessary. Therefore, teachers' salaries and classrooms and equipment and other functions and obligations of the school board must take second place behind a purpose which the court has now required.

Now, I do not think for one moment our judges are intentionally heartless, but they certainly do not—cannot—know the individual and unique facts and problems involved in each and every school district.

We have jurists assuming the roles of educators, bureaucrats assuming the role of parents, and the concept of the neighborhood school being destroyed.

We already know that our schools are trying to cope with inadequate operating budgets and now they must develop plans for busing, for pairing, for clustering, for closing. We see our children being used as pawns, school buildings lying vacant, students uprooted from their neighborhoods and forced into new and strange situations, a vast disarray of educational plans, and cluttered conflict in our schools.

Trapped in a numbers game, we see educators no longer educating. They must work out all these plans for racial balance—closing some schools, buying buses, transferring records, moving furniture; the sheer logistics of complying with these court decisions are staggering. Our educators have to spend so much time fitting our children to the computer's ratios, they simply will not have time to educate, to help our children fulfill their potential as marvelous individuals.

After long years of wasting time and money, we finally got around to eliminating assignment by color and busing children to keep them separate, only to come around just about full circle to assignment by color and busing to put the children together by set ratios.

We have taught the Constitution to say the law should be color blind. We came to believe each person, regardless of the color of skin, economic status or religious belief, should be treated equally and given the same opportunities. Now the courts tell us we must be color conscious, that our children must also be color conscious.

Since the courts feel there is a legal distinction to be made between Americans of different skin color, will the courts also define color for us? Are we to draw up legal standards about skin tones as is done in South Africa? Do we check their genealogy for several generations back before assigning our children to their appropriate schools?

Massive forced busing of our schoolchildren to create artificial racial balances can also, I would like to point out, have a tragic impact on our youngsters and their school programs. Education is more than class instruction. It means clubs, bands, sports, the cementing of lasting friendships. Now our children are denied the right to attend their neighborhood school and are shifted to schools at the other end of town.

How can they participate in any extracurricular activities. Instead of clubs or band or batting practice, they must rush to catch their buses. Do these children not mean anything as individual human beings? Are they only statistics to be shifted around to fit the percentages worked out by machines?

Vermont Royster's article "Forced Integration: Suffer the Children" appeared in the Wall Street Journal over a year ago, in February of 1970. His comments remain valid today. Pointing out that the Government would not dare to shove adults around as it wants to shove little children around, he wrote:

The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.

There are many things wrong with the forcible transfer of children from school to school to obtain the "proper" racial mix. It is for one thing, wasteful of time, energy and money that could be better applied to making all schools better.

To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.

Both are insolent assertions of white superiority. Both spring from the same bitter seed.

Mr. Speaker, I include the article from the Wall Street Journal in the RECORD at this point.

[From the Wall Street Journal, Feb. 26, 1971]

FORCED INTEGRATION: SUFFER THE CHILDREN

(By Vermont Royster)

"Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure."

The words of Stewart Alsop in Newsweek will serve as well as any. They are startling, honest and deeply true. Whatever anyone else says otherwise, however shocked we may be, we know he is right.

The proof lies in the fact that Congress, in a confused sort of way, has made it clear that it no longer thinks forced integration is the way to El Dorado. Since Congress is a political body, that in itself might be evidence enough. But Mr. Alsop has also put the statement up for challenge to a wide range of civil rights leaders, black and white, ranging from Education Commissioner James Allen to black militant Julius Hobson, and found none to deny it. Beyond that, we have only to look around ourselves, at both our white and our black neighbors, to know that the failure is there.

But that only plunges us into deeper questions. Why is it a failure? And why is it tragic? Why is that something on which so many men of good will put their faith has at last come to this? Where did we go wrong?

And those questions plunge us yet deeper. For to answer them we must go back to the beginning. It is the moment for one of those agonizing reappraisals of all our hopes, emotions, thoughts, about what is surely the most wretched of all the problems before our society.

A SIMPLE PROPOSITION

We begin, I think, with a simple proposition. It is that it was, and is *morally* wrong for a society to say to one group of people that because of their color they are pariahs—that the majesty of law can be used to segregate them in their homes, in their schools, in their livelihoods, in their social contacts with their fellows. The wrong is in no wise mitigated by any plea that society may provide well for them within their segregated state. That has nothing to do with the moral question.

In 1954, for the first time, the Supreme Court stated that moral imperative. Beginning with the school decision the judges in a series of decisions struck down the legal underpinnings of segregation.

Since emotions and prejudices are not swept away by court decisions there were some white people in all parts of the country who resisted the change. But they were, for all their noise, in the minority. The great body of our people, even in the South where prejudice has congealed into custom, began the task of stripping away the battens of segregation. Slowly, perhaps, but relentlessly.

Then some people—men of good will, mostly—said this was not enough. They noticed that the mere ending of segregation did not mix whites and blacks in social intercourse. Neighborhoods remained either predominantly white or black. So did schools, because our schools are related to our neighborhoods. So did many other things. Not because of the law, but because of habit, economics, preferences—or prejudices, if you prefer.

From this came the concept of "de facto" segregation. This Latin phrase, borrowed from the law, describes any separation of whites and blacks that exists in fact and equates it with the segregation proscribed by law. The cause matters not. These men of good will concluded that if segregation in law is bad then any separation that exists in fact is equally bad.

From this view we were led to attack any separation as de facto segregation. Since the first attack on segregation came in the schools, the schools became the first place for the attack on separation from whatever cause. And since the law had served us well in the first instance, we chose—our lawmakers chose—to use the law for the second purpose also. The law, that is, was applied to compel not merely an end to segregation but an end to separation by forced integration.

It was at this point that we fell into the abyss. The error was not merely that we created a legal monstrosity, or something unacceptable politically to both whites and blacks. The tragedy is that we embraced an idea *morally* wrong.

That must be recognized if we are to understand all else. For what is wrong about forced integration in the schools is not its impracticality, which we all now see, but its immorality, which is not yet fully grasped.

Let us consider.

Imagine, now, a neighborhood in which 95% of the people are white, 5% of them black. It is self-evident that we have here a de facto imbalance. We do not have legal segregation, but we do not have integration either, at least not anything more than "tokenism."

Let us suppose also that for some reason—any reason, economics, white hostilities, or perhaps black prejudice against living next door to whites—the proportion does not change. The only way then to change it is for some of the whites to move away and, concurrently, for some blacks who live elsewhere to move into this neighborhood. One is not enough. Both things must happen.

CREATING AN IMBALANCE

Or let us suppose the proportion does change. Let us suppose that for some reason—any reason, including prejudice—large numbers of white families move out of the neighborhood, making room for black people to move in, so that after a few years we have entirely reversed the proportions. The neighborhood becomes 95% black, 5% white.

Again we have an imbalance. Again we do not truly have segregation but call it that, if you wish; de facto segregation. In any event we do not have integration in the sense that there is a general mixing, together of the blacks and whites.

Now suppose that we act from the assumption that this is wrong. That it is wrong to have the neighborhood either 95% white or 95% black. That the mix, to be "right," must be some particular proportion.

What action is to be taken? In the first instance, do we by law forcefully remove some of the white families from the neighborhood so that we can force in the "proper" number of black families? Or, in the second instance, do we by law prohibit some of the white families from moving out of the neighborhood? If we do either, who decides who moves, who stays?

The example, of course, is fanciful. We do none of this. No one has had the political temerity to propose a law that would send soldiers to pick people up and move them, or to block the way and prevent them from moving. No one stands up and says this is the moral thing to do.

Stated thus boldly, the immorality of doing such things is perfectly clear. No one thinks it moral to send policemen, or the National Guard bayonets in hand, to corral people and force them into a swimming pool, or a public park or a cocktail party when they do not wish to go.

No one pretends this is moral—for all that anyone may deplore people's prejudice—because everyone can see that to do this is to make of our society a police state. The methods, whatever the differences in intent, would be no different from the tramping boots of the Communist, Nazi or Fascistic police states.

All this being fanciful, no one proposing such things, it may seem we have strayed far from the school integration program. But have we?

The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.

There are many things wrong with the forcible transfer of children from school to school to obtain the "proper" racial mix. It is, for one thing, wasteful of time, energy and money that could better be applied to making all schools better.

To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.

Both are insolent assertions of white superiority. Both spring from the same bitter seed.

Still, the practical difficulties might be surmounted. The implied arrogance might be overlooked, on the grounds that the alleged superiority is not racial but cultural; or that, further, both whites and blacks will gain from mutual association. That still leaves the moral question.

Perhaps it should be restated. Is it moral for society to apply to children the force which, if it were applied to adults, men would know immoral? What charity, what compassion, what morality is there in forcing a child as we would not force his father?

It is a terrible thing to see, as we have seen, soldiers standing guard so that a black child may enter a white school. You cannot help but cringe in shame that only this way is it done. But at least then the soldiers are standing for a moral principle—that no one, child or adult, shall be barred by the color of his skin from access to what belongs to us all, white or black.

But it would have been terrifying if those same soldiers had been going about the town rounding up the black children and marching them from their accustomed school to an-

other, while they went fearfully and their parents wept. On that, I verily believe, morality will brook no challenge.

Thus, then, the abyss. It opened because in fleeing from one moral wrong of the past, for which we felt guilty, we fled all unaware to another immorality. The failure is tragic because in so doing we heaped the burdens upon our children, who are helpless.

MUST WE TURN BACK?

Does this mean, as many men of good will fear, that to recognize as much, to acknowledge the failure to forced integration in the schools, is to surrender, to turn backward to what we have fled from?

Surely not. There remains, and we as a people must insist upon it, the moral imperative that no one should be denied his place in society, his dignity as a human being, because of his color. Not in the schools only, but in his livelihood and his life. No custom, no tradition, no trickery should be allowed to evade that imperative.

That we can insist upon without violating the other moral imperative. So long as he does not encroach upon others, no man should be compelled to walk where he would not walk, live where he would not live, share what company he would shun, think what he would not think, believe what he believes not.

It we grasp the distinction, we will follow a tragic failure with a giant step. And God willing, not just in the schools.

Is this social experiment worthy of trial, as the courts seem to think? Even if, through the need of understanding, our communities are going to be destroyed? How do we establish our priorities? What about the learning situations we are developing? Can young and tender minds be exposed to the turmoil generated by adult attitudes and backgrounds? Ought they be the guinea pigs in this attempt to correct the problems of the past and still construct adequate learning situations? I have very serious reservations about the extent of conflict which can exist and still produce the objective results the court foresees. What parent wants to expose his child to tense situations, to cross-busing, not knowing what kind of restrictions and supervision will protect his child? We want our children to be ready for, to participate fully in, this pluralistic society—can we achieve that end result at this time, in this manner, with the emotions and circumstances now involved?

I cannot view the busing of children under the guise of improving education by achieving racial balance as anything but "phony." Forcing children together is not going to improve the situation. Busing is a mere surface effort, not a solution to the overall problem.

Antidiscrimination and freedom of choice are basic to the American way of life. Regardless of the attitude of the intelligentsia, a person cannot be forced to learn unless he is properly motivated. We must get to the root of the problem by creating a desire within the community to motivate an individual to study and learn—to understand and to contribute to that better world we all want.

I have urged my constituents to respect our recent busing ruling and to approach the controversial problem with a mature mind and heart, with a dedication to preserve peace and tranquility in our community. We must make the best of the situation. Yet, each parent must determine how best to serve the interests of his children. After all, quality education should be our goal, and it should take priority over any kind of cross-busing social experiment.

If the Supreme Court correctly interpreted our U.S. Constitution in making its decision, I agree with the gentleman from North Carolina: the Constitution must be changed to reflect our basic protection of individual rights, our basic philosophy of local control of our public schools, and our local responsibility for our schools.

I thank the gentleman from North Carolina for yielding.

Mr. MIZELL. I thank my colleague from Tennessee for his contribution and certainly for his awareness of what is really at stake in our public schools. His remarks lend weight to the question we are considering here this evening.

Mr. Speaker, I thank all of my colleagues who have spoken so well on this subject which concerns all of us so deeply.

Mr. MINSHALL. Mr. Speaker, as a cosponsor of House Joint Resolution 646, the constitutional amendment to prohibit mandatory school busing, I was most impressed by a letter I received this morning. It states succinctly and well the reasons why most parents of all races and incomes oppose such busing.

My correspondent refers in his letter to House Joint Resolution 777, an amendment identical to the one cosponsored earlier this year by my good friend the gentleman from North Carolina (Mr. MIZELL), myself, and several other Members of the House. I urge the attention of those who have not carefully considered all of the ramifications of school busing to give thought to Mr. Grisham's objections, and I particularly urge members of the House Committee on the Judiciary to weigh the damage such busing may do to the Nation's children.

I want, also, to extend to my colleague, Mr. MIZELL, my good wishes and continued support for adoption of this very important amendment to the Constitution.

The letter follows:

NORFOLK, VA.,
July 28, 1971.

Hon. W. E. MINSHALL,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR MR. MINSHALL: I apologize for the use of a form letter, but due to the pressing problem and the shortage of time I have no other alternative.

As an Ohio resident and voter, I feel obligated to voice to you my opposition to the Supreme Court ruling to bus our children miles from home for the sole reason of racial balance.

I am a Navy man stationed here on official orders. Six years ago I purchased a home for my family in an area that is very convenient to a church of our faith, an elementary school and a junior high school. All are within walking distance of our home. Now, due to the Supreme Court ruling, they will be required to ride a city bus ten miles—almost to downtown Norfolk. School will begin at five different times, ranging from 7:00 a.m. to 10:00 and will dismiss at five different times. During the winter months, our children will be on the streets before daylight and after dark.

I am not opposed to equal rights for Negroes. I feel this should have happened long ago. I sincerely believe that most of the Negroes feel as I do about the children being bussed back and forth across the city every day. It creates not only a financial hardship upon the parents, but more important, it causes an emotional disturbance within the children because in many cases they are separated from their brothers, sisters, and friends. There is a family near me that has four children, with each child attending a different school. No thought has been given to the safety and welfare of the children. Common sense tells you that you would not place a small child on a bus and permit him to travel unescorted. Crime and accident rates are soaring higher and higher each year.

As member of the armed forces, I am not permitted to express my opposition by public demonstrations. Speaking for myself, I cannot afford to be jailed, robbed of the rights to use the schools in my area, nor can I afford to place my children in private schools and continue paying taxes at the same time.

This is supposedly a "free country" in which the rights and opportunities of all men are considered equal. Many thousands of emigrants come to our country each year for this reason. What gives the Supreme Court the privilege to DICTATE to me where I MUST send my children to school? I realize there are many emergencies which may arise in our schools which could cause a temporary change in school schedules . . . fires, floods, epidemics, shortage of teachers, etc., but I do not think that the Supreme Court should be permitted to disrupt a nation by shifting children around the schools as if they are furniture. With the Negroes now having equal housing opportunities, the racial balance in the schools will take care of itself . . . maybe a little slower than the NAACP would like, but at least very few of the disadvantages stated in my previous paragraphs would arise.

I would like to voice my support of the following resolutions: H.J. Res. 777, July 12, 1971; S.J. Res. 112, June 9, 1971.

"ARTICLE —

SECTION 1. No public school student shall, because of his race, creed or color, be assigned to or required to attend a particular school.

"SECTION 2. The Congress shall have the power to enforce this article by appropriate legislation."

There are many servicemen who are Ohio residents and voters stationed here in Norfolk, and the surrounding area. All of our children are affected by this amendment. There are many families that feel as I do, but for some reason they do not know how effective a letter can be. In behalf of those who do not write, my family and I would very much appreciate your support in helping to restore our neighborhood schools.

Sincerely,

RICHARD E. GRISHAM.

Mr. DANIEL of Virginia. Mr. Speaker, in the basement of the Longworth Building, on the wall of the House Stationery Room, hangs a poster. It is beautiful. Against the blue-and-purple sky of early evening, the alabaster-white dome of the Capitol stands out sharp relief. Above it are printed these words:

Here, Sir, the People Govern.

In the interest of honesty, I submit there should be added:

Providing it is in accord with the wishes of the Federal courts and certain bureaucrats.

It would not be nearly so dramatic, but it would certainly more accurately reflect the facts.

We are here today to discuss the subject of busing of schoolchildren, for whatever distance decreed, in order to effect a percentage balance of the races within a school district, or—if the need be—a combination of districts.

This is a subject we should not have to discuss. The Supreme Court's first decision regarding race and the schools said simply that, in the Court's opinion, separate-but-equal schools were unconstitutional; it made no mention of the forced integration or of methods to achieve integration. The 1964 Civil Rights Act specifically provided that integration does not mean the busing of students to achieve racial balance. The House of Representatives, through specific language written into last year's Office of Education appropriation bill, made it quite clear that the funds so appropriated should not be used for the purpose of busing. It made no difference. No one within the Federal court system or the Office of Education's bureaucracy paid the slightest heed.

There is much that I could say—indeed, there is much I have said—on the subject of busing. Instead, let me share with you what others who live in the Commonwealth of Virginia and who are living day to day with the problems created have to tell us.

One family stated it this way.

As parents with two young daughters, eleven and six, we feel we must write to express our concern with the end of neighborhood schools and the forced bussing of our children for sociological reasons. Bussing of children for considerable distance to strange schools in unfamiliar neighborhoods cannot possibly serve any useful purpose. Certainly the need for quality education is not met in this manner.

We would ask that you take all steps possible to restore sanity to our school system. Please support any and all legislation to amend the Constitution. Then maybe once again we will have our rights as citizens restored.

Or another:

The Constitution of the United States was established in part to "insure domestic tranquility . . . and secure the blessings of liberty to ourselves and our posterity." The unnecessary busing of our children to a distant school is a matter which we consider with a complete lack of tranquility, and cannot classify as a blessing.

And yet another:

As concerned parents of three school-age children, please help us to save our neighborhood schools. We live within one mile of an excellent school and our community has worked hard to make this school a model for our area. We are so proud of this school that we would like for you to come and visit.

What can be gained by taking our children away from their neighborhood and familiar surroundings to a school ten miles away? Who would be responsible if our children are hurt going to or from or *at* school? Why should we pay, with our tax money, to send them this distance? Why isn't this done in Northern cities?

These are *our* children. We have struggled to see that they had proper medical attention, a balanced diet, a Christian background, a neat physical appearance, and a clean, pleasant home in which to live. We feel that *we* have the right, as honest, hard-working taxpayers, to select the school our children will attend.

Please help us. We feel so desperate and helpless at this time, as each day our concern grows for our children and our entire school system.

Well and good, you say. These parents do not like busing, and want no part of it. But let us be fair; let us quote some letters from those who do approve of busing. I am afraid you will have to go elsewhere for those letters. Not one letter have I received from a parent who felt busing was desirable, or that there was good to be gained from it.

Millions of people are greatly concerned about the future of their schools. The confusion brought about by decisions in the courts and the administrative councils have made it difficult, if not impossible, for teachers in the classroom to perform their responsibilities in the most effective way. The taxpayer is contributing billions of dollars for our schools and at the same time witnessing an erosion of their total impact. Something must be done. The taxpayers will not continue to support increased education expenditures to implement policies to which Congress and the majority of the people are opposed.

As we are all well aware, the Constitution does not require busing of students to provide for racial balance, nor has Congress enacted a law requiring it. The idea of busing is purely a figment of the Federal judiciary, aided and abetted by bureaucrats who sit in Washington and dictate the operations of school districts across the land.

This maze must have an ending somewhere. It cannot be allowed to wreck our schools. To outlaw forced segregation is one thing, but to force percentage balance in the schools by totally artificial means is something else. Congress cannot be much clearer than it has been. The House is clearly in favor of the right of parents to determine, within the law, the school to which their children will go. Those who are most affected by this—our children—do not have a vote, and are merely pawns in a power game that must be stopped.

Following the Supreme Court's ruling in the Charlotte-Mecklenburg School cases, a friend of mine—a lawyer—shared with me a letter he had received from a colleague who had devoted considerable time to the subject. I offer a portion of that letter:

The Court's decision is that, for a time undefined and to an extent undefined, the attendance of children at public schools may be shaped and prescribed solely according to race and color. The Court has adopted the philosophy that wherever there has been an old State compulsion based on race, there shall now be a new Federal compulsion based on race—that the Constitution of the United States so requires—and that the Constitution gives no individual any protection against the imposition of this new racial compulsion.

Against this "interpretation" of the Constitution there is now no relief except to write into that Charter an explicit provision to the contrary.

Along with many of my colleagues, I have sought to have just such an explicit provision written into our Constitution. I believe in the Constitution. I believe it is just as valid a document as it was when it was drafted almost two centuries ago. But I believe when the few use it to impose their will upon the many, it is time to amend the Constitution to reflect the wishes of the people.

I have sponsored and supported legislation to bring about this change. So long as it remain the obvious will of the overwhelming majority of the people I represent that such an amendment be made, I shall continue to fight to return control of the destiny of their children to the people of this country.

Mr. NICHOLS. Mr. Speaker, I come before my fellow colleagues today to express my views on the urgent problem of busing which is facing our schools in selected parts of the country and in particular, the congressional district which I have the privilege to serve. The whole issue of busing is one which is charged with emotion, and I think that it is time for the Congress to reflect upon this matter in a cool, calm, and rational manner. The overwhelming majority of people in the Fourth Congressional District, both black and white, appear, to me, to be opposed to the idea of busing.

Let me briefly review the concepts of "de facto" segregation and "de jure" segregation. As I understand, we in the South, have had the "de jure" type of segregation—that is to say, segregation has been sanctioned under the laws of the State. With the advent of the civil rights movement, these laws have been struck down by the Federal courts, until "de jure" segregation, in fact, does not exist.

Now let me turn to "de facto" segregation, a term certainly familiar to my colleagues who reside north of the Mason-Dixon Line. In essence, "de facto" segregation is simply "segregation, in fact." The Northern States of this great country of ours, always claiming to be more enlightened than their sister States to the south, abolished any State vestiges of "de jure" segregation—that is, segregation by law. However, the abolition of these laws did not at all mean that segregation, in fact, was abolished. What now exists in the northern sections of our country is the embarrassing phenomenum of "de facto" segregation which has arisen due to the residential living patterns of the people in the North. Now, certainly, no one would even dare speculate that our friends to the north could possibly harbor deep in their hearts and minds the least trace of racial prejudice, bias, or discrimination. Somehow, someway, the residential neighborhoods in the North "just" ended up sort of "segregated." To this very day, I still do not understand how the label of "racism" has attached itself so exclusively to the South, when there are other areas in the Northern United States which acutely reflect the worst sort of racial prejudice.

But hypocrisy has existed, I feel surely, since the times of Julius Ceasar, to the present, and no more clearer example can be seen than in the recent Supreme Court decision involving the city of Charlotte, N.C., and Mecklenburg County. In its decision, the "wise" Court upheld busing as a valid technique to achieve a unitary school system—but only in the South. The Court refused to rule on the issue of busing as it would affect the areas of the North where "de

facto" segregation exists on a rampant scale. I ask, simply, why must we in the South be treated inequitably?

Already in the city of Anniston, Ala., our school problems are increasing daily. Our school officials are pushed to the breaking point as they anguish over trying to provide quality education while at the same time trying to follow the edict of some Federal judge who has told us that we are an odious lot who practices racial bias with the relish of a wolf which has just caught his supper for the night. A suit has been filed in Federal court against the School Board of Anniston requiring the board to make additional faculty reassignments and this suit follows a finding by a hearing examiner in the Department of Health, Education, and Welfare that the local school board had taken effective action to assure a fair faculty ratio. We have been, and are being, hounded to death by persons in high Government positions who refuse to be fair, to be pragmatic, and to be cognizant of the hardships being placed on our local officials who are charged with the moral, if not legal, responsibility to provide a quality education to its children.

Thus, Mr. Speaker, the issue of busing must be viewed from a practical standpoint. Is the goal of a good education to be sacrificed to some pie-in-the-sky bleeding heart theory of a judge, whose responsibility is to adjudicate, and not to make social policy? I strongly say "No" and so do the people in the Fourth Congressional District of Alabama. We would ask, that if busing is to be given continued sanction, that this policy be applied equally to all citizens of the United States. Thus, when our children arise at 5:30 and 6 in the mornings to get ready to be shipped across town, we in the South can take comfort in the fact children on Long Island are also getting ready for school which is located somewhere in the Bronx or Harlem. What is good for the goose is also good for the gander.

Mr. DERWINSKI. Mr. Speaker, as a cosponsor of House Joint Resolution 646, I commend the gentleman from North Carolina (Mr. MIZELL) for taking this special order to emphasize the complexities, costs, controversy, and difficulties raised by forced school busing throughout the country.

The amendment which we basically support would provide that no public school student would be assigned to or required to attend a particular school because of race, color, or creed.

From the experiences a number of school districts within my congressional district have had with forced busing edicts, it is obvious to me that the interests of education are not served by arbitrary percentage rulings. Also, the effective administration of neighborhood schools has diminished, the children suffer from lack of educational benefits, and the vague social benefits to be derived from busing are not, in fact, achieved.

In addition, Mr. Speaker, I do not believe that the Justice Department nor the courts have respected nor properly interpreted the intent of Congress in this area. Specifically, I believe the Supreme Court has legislated in this field and that the Justice Department has been interested in prosecuting local districts rather than improving educational opportunities.

Mr. BENNETT. Mr. Speaker, I strenuously object to the Supreme Court's decisions requiring forced busing to achieve racial ratios. The courts rule this way on their theory that the Constitution requires it. When these decisions were first made I introduced in Congress a constitutional amendment to prohibit forced busing, which is the only way Congress can set aside court decisions on the Constitution, but the Judiciary Committee has refused to even hold hearings on the amendment. There is a way to bypass the committee, and that is to get a majority of the Members of the House to sign a petition discharging the committee's power on the proposal and bringing it directly to the floor. I have filed such a petition and contacted every Member of the House asking each to sign. I do not yet have the required number, but I am still trying. The U.S. Constitution can also be amended by action initiated in State legislatures, and I am also encouraging this action in the Florida Legislature and in other State legislatures.

Mr. MONTGOMERY. Mr. Speaker, I will keep my remarks brief, but I did want to voice my strong support for House Joint Resolution 646. The measure was authored by my very able colleague, the gentleman from North Carolina, Congressman MIZELL, and I was happy to be able to add my name as a cosponsor.

In a nutshell, the legislation would amend the U.S. Constitution to prohibit the assignment of a public school student to a particular school based on his race, creed, or color. Stated in another way, it would prohibit the massive and forced busing of public school students just to satisfy the personal opinions of bureaucratic social planners.

A second important impact of the legislation would be to set one national policy on public school attendance. No longer would local school boards have to run to the courts or HEW to find out how their schools are to operate.

School officials would know once and for all just where they stand. They would know for a fact that any child would be able to attend the school of his or her choice.

Mr. Speaker, it is time the Congress of the United States took a position on the public schools. For too long we have abdicated our responsibilities in this important area to the courts, which has resulted in confusion and chaos for public education.

I commend Congressman MIZELL for requesting this special order this afternoon and I would urge the Members of the House Committee on the Judiciary to begin hearings on House Joint Resolution 646 as soon as possible.

Mr. CHAPPELL. Mr. Speaker, the time has certainly come for the Congress to deliberate all aspects of the busing situation.

We realize there are those on the sidelines who will cry racism and who will deliberately cloud the issue involved here with pointed fingers and caustic accusations. The time has come, nonetheless, to delve beyond the facade of intentions involved in busing to the basic principles and the actual impact of busing.

Arbitrarily checkerboarding our children from one area to another to get a balance of so many white children into a black area and to get so many black children into a white area are tugs at the very concept of our freedoms. The principle of self-determination must not be dealt another blow by the forces of the Health, Education and Welfare Department.

Most of the people in my district, both black and white, have indicated a strong desire to cooperate—to live in harmony and assistance—one to the other. They do not, however, wish to relinquish their children to every Utopian scheme that some bureaucrat in a Federal agency might dream up. My people want their sons and daughters close to them; they want them in neighborhood schools where they can readily reach them in any kind of emergency. To yank these children away from the reaches of their protective arms to be used as pawns in this gigantic political charade, strikes at the very soul of our democracy.

Busing also represents a desertion of the purpose and principles of education. This Nation needs better educated children. It needs children who can grow to a productive adulthood to serve communities of the 21st century; who can achieve educational levels capable of producing the finest doctors, ministers, and governmental leaders suited to meet the challenges of the years ahead. But instead, the Government disrupts the orderly educational process; confuses today's students who will be tomorrow's leaders; sets numerical balance standards ahead of all other considerations; and devotes untold man-hours and dollars to the false hope that emotions can be legislated and dictated by forcing children to attend certain schools. Today's children should not be made to pay for the mistakes of the last hundred years. The purposes in sending Johnny to school is to teach him how to read—not how to ride the bus.

Extensive busing creates an impact on the children themselves. They are subjected to prolonged trips to and from home. Their safety is in danger since they are more exposed to occasions for accidents. I have received an untold number of letters from parents who want their children close to their homes, close to their neighborhoods. One mother wrote about her child who has a chronic illness. When the child has a problem, she needs to get to him immediately because he needs immediate medical attention. If this child is 25 miles away from the doctor or the person who usually takes care of him, it can be detrimental to his health and safety. We must bring back the right of the people to run and operate their own schools and to select the schools which their children will attend.

Many students have shown hostility to busing. One young lady tearfully relayed to me her objections to being bused away from the school she had always attended. She was upset at being yanked away from her teachers and friends, but more than that, she had planned to carry out

family traditions by being graduated from that particular school. At a time when this Nation so needs roots and stability, it is a shame to uproot our young.

Consider the tremendous expense involved in busing. The cost of new buses and extended routes involves a huge amount of money—money that could well be used to enrich the present education programs for all children, regardless of color.

The time has come to ignore the bleeding hearts, the do-gooders, the vicious name callers; the time has come to consider this problem on the constitutionality and ineffectiveness of busing.

Mr. Speaker, the time has come for us to stand by the basic concepts of freedom, and forced busing is a sure infringement on those rights.

Mr. DOWNING. Mr. Speaker, we are witnessing the breakdown of one of the greatest public institutions of our times—our public education system. The culprit is involuntary busing of our young people to achieve racial balance. Every student—black or white—has to submit to this deplorable child handling regardless of what damage it does to him, the educational system or society in general.

As U.S. citizens and taxpayers it would seem to me that we have a constitutional right to place our children in whichever school we desire providing of course, the school is physically able to receive them. The busing scheme deprives us of that very valuable right. It is an unwanted and despised device which was never intended by the Congress of the United States, to be used in this fashion.

I am definitely opposed to busing students for the sole purpose of achieving a racial balance. I am convinced that this ill-conceived move will be extremely detrimental to the best interests of both black and white and just might destroy the great institution of free public education. Certainly the quality of our educational system has deteriorated in those areas where forced busing has been required.

Let me review how this all came about.

Back in 1964 the Congress passed the controversial civil rights bill. Title VI of that bill is the provision under which the Supreme Court upheld busing along with other constitutional philosophies.

On February 7, 1964, during the course of that debate I spoke to the House of Representatives on what I thought were the dangers of enacting title VI. I said then:

> The ultimate result of Title VI would be the retroactive amendment of every federal statute which advocates federal funds. It could—and probably would—reach down into such fine institutions as the FHA, the 6.1 programs, the school construction programs, the school lunch programs and countless other humanitarian programs. If carried out, it could adversely affect every element of our society, every phase of our commerce, every color of our citizenry.

Despite my misgivings, the Congress passed title VI of that bill. It is one of the reasons we are in trouble today. The Congress has since realized the harmful effect of forced busing of students. In 1966, I believe, the so-called Whitten amendment was introduced to the education bill. This amendment said in effect, "no part of these funds—educational—shall be used for the purpose of busing students to achieve racial balance." The House rejected the amendment that year. But as more busing was required and the public became more aroused, Members of Congress began having second thoughts. The next year it passed the House but failed in the Senate. The next year it passed both Houses, and it is now public law.

You would have thought this would have settled the matter, but you forget the Supreme Court. That Court ruled the "Whitten" amendment unconstitutional and, therefore, of no effect. So the U.S. Office of Education went merrily on its way decreeing more busing whenever racial integration of schools could not be accomplished by other means despite the damage it did to the educational system and the student.

As I see it, this is not a black versus white situation. It is a misdirected effort of the Office of Education to accomplish a purpose—regardless of the harm it might do to both of the races.

Now, realistically, what can be done to rectify this miserable predicament?

I am afraid there is no immediate solution.

The Supreme Court could reverse itself, but this is highly unlikely.

Legislation is useless because of the Court's ruling on the "Whitten" amendment and other cases.

The only recourse we have now is to see a constitutional amendment which would prohibit involuntary busing for this purpose. I have introduced House Joint Resolution 769 which seeks to accomplish this. A number of other Congressmen and Senators have introduced similar proposed legislation.

At the present time a number of my colleagues and I are trying to have at least one of these bills brought to the floor of the House by means of the "discharge petition." Such a petition requires the signature of at least 217 Members. We shall endeavor to obtain that number.

I will do everything within my power to expedite the proceeding I outlined above.

Mr. MIZELL. I thank the gentleman, and all of my colleagues, who have spoken so well on this subject which concerns all of us deeply.

In closing, Mr. Speaker, I wish to cite an example of what lies ahead if my constitutional amendment or other corrective legislation is not enacted.

The city of San Francisco, long recognized as the most cosmopolitan city in America, was drawn into the busing controversy recently as a result of a private suit being filed in a Federal court, calling for the busing of 24,000 black, Chinese-American, Mexican-American, and white students to 100 elementary schools, beginning this fall.

The mayor of that city said the plan was opposed by "large percentages of the Mexican-American, black, Chinese, and white communities," and he was further quoted as saying:

> I don't see why it has to be thrust upon the people.

The cost is estimated at $2.5 million.

And this, Mr. Speaker, is precisely the point. Here is a city known for its variety of ethnic backgrounds and for its spirit of community involvement. A private suit has disrupted this spirit of accord, not because of any racial animosity, but because a policy of forced busing is as repulsive to the majority of the residents of San Francisco as it is to the citizens of Winston-Salem, N.C.

At this point, Mr. Speaker, I will enter into the RECORD the text of an article describing this situation, which appeared in a San Francisco newspaper recently.

If forced busing can be implemented in San Francisco, if racial percentages for four nationalities can be demanded and forced, then where will it all end?

It will not end with the South, though I suspect some of our northern colleagues had entertained such thoughts. It will not end with the integration of blacks and whites; it has already gone farther than that in San Francisco.

It would not surprise me at all to see the courts rule that a certain percentage of every nationality represented in this great "melting pot of humanity" be proportionately represented in each of this Nation's schools.

How will the city of New York react when it has to integrate certain percentages of Anglo-Saxons, black Americans, Mexican-Americans, Chinese-Americans, Italian-Americans, Jewish-Americans, and every other conceivable hyphenated American?

I predict it will react in much the same way that we in the South have reacted, and rightly so.

Forced anything is not acceptable in any part of this country, and I, for one, am thankful for that. We are a nation in love with freedom, and we guard that freedom jeolously.

For almost 200 years, this has been a government of the people, by the people and for the people. This means that those who are elected by the people should serve as the voice of the people.

But the dominant voice in the continuing controversy over our public schools has not been the voice of the people—it has been the voice of a tyrannical judiciary.

This House has on several occasions expressed its opposition to the concept of busing schoolchildren away from their neighborhood schools to a more distant school, simply to pacify the courts.

In the 1964 Civil Rights Act, passed by this House and by the Senate, and signed into law by President Johnson, there was included the most explicit language forbidding the assignment of students to particular schools simply on the basis of their race.

On several occasions since I have been a Member of Congress, this same position has been reaffirmed through HEW appropriations, in which the use of Federal funds for busing simply to achieve racial balance has been strictly forbidden—Today, by passing H.R. 539 by the overwhelming vote of 351 to 36 the House has again expressed its growing concern about what is being forced on our public schools.

President Nixon has made clear his position in favor of neighborhood schools and opposing forced busing.

These are clearly the voices of the people, speaking through their elected officials, and yet the people are helpless to stop enforcement of this unreasonable policy that threatens the very existence of public education in America.

It is time that we in the Congress took action to make the people's voice heard again, to make the people's will what counts in this democracy.

The constitutional amendment I have proposed would give new authority to the people's voice and to their will. The time for passage of that amendment is now.

To conclude, I would like to read into the RECORD the text of James J. Kilpatrick's column, to which I referred at the outset of this discussion, The column needs no more introduction, it speaks for itself.

The material follows:

THE BUS ROUTE FROM EDUCATION TO MADNESS

(By James J. Kilpatrick)

ROANOKE, VA.—Several hundred principals, supervisors, and others engaged in education at the elementary school level met here a few days ago for a conference on what ails them. The delegates came from six southern states, whites and blacks alike, and for three days they listened dutifully to a program built around trade unionism and the new worry of "accountability."

These are important concerns. The unionization of public school teachers has become a fact of educational life, and the principals, understandably, were eager to know all those things about contract negotiation they always had been afraid to ask. The business of accountability embraces the growing demand of parents for a kind of quality control in the classrooms. If Miss Jackson's third-grade pupils fail to learn to read at third-grade levels, fire Miss Jackson.

But back in their rooms, or over a drink in the hotel pub, these deeply troubled professionals were not talking of militant unions or critical parents. They were talking of busing. A summer conference at a modestly posh hotel ought to mean happy times. These were the saddest sessions I ever sat in on.

The term "busing" has come to mean a great deal more than the mere physical transportation of pupils from Point A to Point B. In today's lexicon, it connotes such measures as "pairing" and "clustering" and "closing," and by extension it takes in all the problems of discipline, white flight, and school-community relations that afflict southern school systems today.

By way of example, consider two elementary schools in a major southern city. One of them, Hyde Park, on the east side of town, is located in a section of the city that has been wholly black for 70 years. The other, Bellhaven, on the west side, serves a neighborhood once wholly white but now substantially mixed. Each of the schools has a capacity of 800 pupils.

Under court order, Hyde Park and Bellhaven were paired for the 1970–71 school year. Roughly 160 white children were shipped every day to Hyde Park, and roughly 120 black children were shipped every day to Bellhaven. All six grades were maintained at each school, and the situation created problems that were "real but not intolerable."

For the coming year, the schools are to be "split-paired." The local District Court has decreed that all schools in the city system must be racially mixed, as nearly as may be practicable, in a ratio of 65 blacks to 35 whites. A part of the decree requires that Hyde Park abolish its kindergarten, first, second and third grades; and that Bellhaven abolish is fourth, fifth and sixth grades. The object is to place 520 blacks and 280 whites in each school.

The principal of Bellhaven, who happened to be telling me all this, is a plump fellow in his early 50s; his face looks as if all the happiness had been squeezed out. He has spent the past six weeks, since the school year ended, in these educational endeavors: He has moved all his school furniture for fourth, fifth, and sixth graders to Hyde Park, and he has received like shipments in return. He has worked with his librarian in purging the Bellhaven shelves of 2,200 books beyond the third-grade level and is swapping these with the Hyde Park collection for tiny tots.

Mostly he has been on the phone with parents. His opposite number, 11 miles across town, has been equally engaged. Infuriated black parents are threatening violence and boycott. Outraged white parents have filed 230 requests for pupil records as a preliminary to placing their children in private schools. The principal of Bellhaven at this moment has no idea "if I can produce my 280 whites." He won't know until Sept. 7.

I do not identify the city or the principal; educators have been warned they may be in contempt of court if they publicly criticize busing. Those are not the true names of the two schools. But the story is absolutely true. It is entirely typical. Down in Austin, Tex., the government has been demanding imposition of a plan that would give each school the same ethnic mix of the city at large—64.5 percent white, 20.4 percent Chicano, and 15.1 percent black. This is education? No. This is madness.

[From the San Francisco Chronicle, May 30, 1971]

A SCRAMBLE TO INTEGRATE

(By Jim Wood)

Computer experts are working through the weekend holiday in a frantic scramble to provide data for integrating the San Francisco schools this fall.

From all appearances yesterday, and through no fault of the computer specialists, it looked like a case of too little, too late.

The district received a tongue lashing Friday from U.S. District Judge Stanley Weigel and attorneys for the NAACP who have been pressing the district for almost a year to prepare for integration.

The NAACP meanwhile was known to be drawing a hard-nosed integration plan calling for nearly equal representation of black students in almost all schools.

BUSING

The NAACP plan is being drawn by some of the most respected educators in the country, including two who participated in the keystone Charlotte-Mecklenburg districting approved in April by the U.S. Supreme Court. The San Francisco NAACP proposal is understood to make extensive use of busing.

NAACP partisans, including the organization's attorney Arthur Brunwasser in court Friday, have openly expressed doubts about the district's sincerity in seeking integration.

When the district's board of education voted last week to appeal the integration order, Brunwasser and others interpreted the action as just one more instance of the San Francisco schools stalling on desegregation.

Brunwasser pointed out in court that the NAACP has been seeking integration in San Francisco since 1960. (The Brown decision ordering integration was handed down by the U.S. Supreme Court in 1954.)

WEIGEL WARNING

The district last August and September was warned by Judge Weigel to prepare for city-wide integration, but no serious effort was made until late this spring.

As a result, the district now finds itself in a terrible bind.

It has appropriated no adequate amount of money to integrate next September (the cost is estimated at $2.5 million, and the district will be lucky to come up with $500,000).

There is doubt that buses will be available to carry out an integration order. Planning is stalled because schools which do not meet earthquake standards may be closed, thus disrupting any plan for pupil assignment.

PROGRESS SLOW

The district has placed Donald Johnson, one of its most capable administrators (who proved his skill by working out busing problems in the Richmond complex) in charge of integration efforts. But even with Johnson leading the effort, progress has been slow.

Although Citizens Advisory Committee members are meeting every day with district staff members in an attempt to work out the problems associated with integrating, the district is finding itself unready to meet Judge Weigel's deadline for preparing a plan—June 10.

PLAN BY DEADLINE

In court Friday, school attorneys promised they would have a plan ready by the deadline. Committee members and administration representatives alike are saying that if they had more time the plan would be a sounder one. They were in court to discuss with Weigel a stay in execution as well as an appeal. Hearing was set June 3.

The district's appeal followed a study by board member Howard Nemerovski who told the board that he could not accept some of Weigel's findings of fact (that the board had actively discriminated) nor his conclusions of law.

The district had, Nemerovski argued, a duty to appeal and the board voted 4–3 to do so.

The board also suggested preparing a plan for desegregating all San Francisco schools, not just elementary schools as ordered by Weigel. There was a "but," though: The plan should be for September 1972.

The district has gone ahead, however, with the '71 plan, although it must be approved by the board before becoming the official proposal to be given to Weigel.

EIGHT PLANS

Eight plans have been considered, modified and programmed for the computer. Tuesday the committee is to select three or possibly four of the plans and then pass them to the board of education.

Some meet state guidelines for racial balance: no school varies more than 15 percent from district wide racial averages. Other do not. It will be up to the committee, first, to decide which plans to offer the board and then the board to decide which of the plans offered should be presented to Weigel.

CHINATOWN

Chinese parents argue that if their children are bused far from Chinatown, the children will miss the special Chinese language and cultural schools and lose the special bi-lingual training in English and Chinese that will enable them to more quickly make their way in Western society.

The district's plans, admittedly drawn in a hurry and without real community participation, go to the board Thursday night. They may or may not be acted upon then. After that the district will have one week to meet its deadline with Judge Weigel.

For a district that takes months to carry out the simplest actions (the radiators are still at winter full-blast in the district's headquarters), it seemed an almost impossible deadline.

CITIES CUT SCHOOL CLASSES IN MONEY BIND

(By Peter Milius)

Chicago will simply shut down its public schools for most of December if Mayor Richard J. Daley and the state legislature cannot come up with another $22.8 million.

Philadelphia cut out all extracurricular activities, including high school sports. It had to pay its teachers in scrip at the end of last school year. It is starting this year $68 million in the hole, is "going to open in September and carry on as long as funds permit." Detroit let 200 teaching positions remain unfilled last spring, stopped repainting its old schools, put its maintenance crews on a four-day week instead of five and still finished with a $20 million deficit. Assured 1971–72 school revenue is $230 million. Projected school expenses—$280 million. So far, no answer to the dilemma.

These are three touchy examples of a national school money crisis building up in some degree in almost every school district as the new school year approaches. It is most acute and most dramatic in big cities. So acute that growing numbers of districts do not have enough money to stand still.

District after district is having to cut back on school services or, as the Chicago school board voted to do last Wednesday, close down the school system for months—if necessary.

"It's happening all over, and it's getting worse," says Sam M. Lambert, executive secretary of the National Educational Association (NEA). "It's the tightest year in the last 20."

The problem is no longer crowded classrooms from the postwar baby boom and rising enrollments; as it was in the 1950's and most of the 1960's. In big cities especially, enrollments now are stable, or even declining slightly.

PROBLEM: TEACHER PAY

Nor is the issue bringing down class sizes, adding remedial teachers, offering new foreign languages, or other improvements in service.

The problem now is finding funds to cover steadily increasing teacher pay.

In Chicago, Philadelphia, Detroit, and elsewhere, the impending deficits are due almost entirely to pay raises sought and won in collective bargaining by those cities' strong teacher unions.

Boston's public school enrollment has held steady recently, yet its school budget "has doubled in the last five years, which is since collective bargaining began," says Leo J. Burke, the system's business manager.

It is difficult, however, for even the severest of critics to argue that teachers in Boston or elsewhere are driving taxpayers to rebellion and school systems into bankruptcy.

In Boston five years ago a beginning teacher with a bachelor's degree was paid $3,500, according to Burke. Starting pay now is $7,600, more than double the five-year-old figure—but still not a princely sum.

A few statistics suggest the national dimensions of the problem.

SALARY INCREASE

In the 10 school years from 1960–61 to 1970–71, public school enrollment nationwide rose 27 per cent, according to NEA calculations.

In the same period, public school expenditures rose 152.1 per cent.

Part of the cost increase was due to school improvement. The number of public classroom teachers rose by 45.4 per cent, more than half again as fast as such factors as enrollment, lower class sizes, and more course offerings.

But a larger part of the cost increase was due to pay raises. Teacher pay typically makes up three-fifths to three-fourths of school budgets, and average teacher pay went up 77.9 per cent in the 1960's, from $5,449 in 1960–61 to $9,689 in 1970–71.

Meanwhile, taxpayers expressing their opinions.

In 1969, American voters approved only 56.8 per cent of the public school bond issues put before them—43.6 per cent of dollar value of the offerings.

In just that year, the total rejected was $2.2 billion. Compared with this, the total rejected in 1960 was $368 million—only 20.4 per cent of all bonds at stake in that year.

The game can be tough. In New Jersey, voters in most towns must approve, not just bonds, but whole school budgets at the polls each year. According to NEA's Lambert, this year they have voted down 153 of 440.

CITIES FARE WORST

The emerging teacher-taxpayer tug-of-war is strongest in cities, partly because teacher unions are typically more powerful there, partly because big-city tax bases are eroding and have more demands on them than do those in the suburbs.

Some cities manage to stay short of disaster. Los Angeles, Cleveland, Dallas and Miami think they can make it through the year without serious cutbacks—but without major improvements, either.

But New York, with all of its other problems, is $40 million short of what it needs to cover next school year's higher pay rates. And it hasn't yet decided how it will cut back to make ends meet.

The problem is also less acute here than in some other urban areas. Both the D.C. and Prince Georges systems, respectively the nation's 13th and 10th largest, will be making some cutbacks this year. The District cutback is the first in recent memory.

The money crisis has produced various calls for reform. Some say the schools aren't giving the taxpayers their money's worth. "We must stop congratulating ourselves for spending nearly as much money on education as does the entire rest of the world—$65 billion a year on all levels—when we are not getting as much as we should out of the dollars we spend," President Nixon told Congress in his 1970 message on educational reform.

"Major new expenditures" should be preceded by "fundamental studies," Mr. Nixon said. "We will ask the Congress to supply many more dollars for education," but only "as we get more education for the dollar."

MORE FEDERAL MONEY

On the other side of the issue are those who say schools need more money now, in particular more federal money.

The federal government now supplies about 7 per cent of public school revenues, the states 41 per cent, local government 52 per cent.

Key House Democrats recently introduced bills that would raise the authorized federal share to more than 30 per cent in five years. They tried to tack their proposal onto the President's proposed $1.5 billion school desegregation bill, as a Democratic alternative to his revenue-sharing plans.

Last week the Democrats failed in a House subcommittee. They say that they will try again in full committee and on the floor. They think there may be enough public outcry when schools open in September to pass the bill.

Chicago began 1971 with a $646.6 million budget, up $85 million from the 1970 figure. The budget did not take account of about $50 million in pay and other compensation increases for teachers and other school employes.

The state legislature came through with some extra money, but not enough. Supt. James F. Redmond told the Chicago board last week that it had three alternatives: One was to shut down an extra 12 school days in December, a 6 per cent cut in the scheduled 188-day school year. A second was to cut out 4700 jobs, many of them teaching positions, and thus increase class size. The third was to borrow against 1972 revenues.

Redmond urged the board not to borrow, because it already faced trouble enough in 1972. Contracts already negotiated will raise the payroll another $68 million that year.

The board voted for the December shutdown.

DEFERRED PAY BOOSTS

Philadelphia has already done what Redmond urged the Chicago board not to do: defer one year's problem to the next.

Philadelphia's teachers were supposed to get one pay raise in 1970 and another this year. The board didn't have the money for last year's pay boost, and asked the teachers to defer it. They agreed. Thus the board owes the teachers a total of $54 million in additional pay this year, and is faced with other cost increases besides. The state legislature may give it an extra $45 million. The rest, about $23 million, is nowhere in sight.

GENERAL LEAVE

Mr. MIZELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

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

There was no objection.

LOCKHEED

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I want to make a few comments about my vote on the Lockheed guarantee. It was with great reluctance that I voted in favor of the guarantee, but I did vote for it. For me, the overriding concern was the additional unemployment that would have been created if this guarantee did not go through. I regret very much that in order to prevent additional unemployment, at a time when the last thing this economy needs is more unemployment, it was necessary to vote for a U.S. Government guarantee for Lockheed. I think that there is much to be said against proceeding in this manner to assist hard-pressed firms. I think that it raises the most fundamental and far-reaching questions. I think serious reservations are always in order whenever the Government intervenes in the economy in favor of one corporation or another, especially in such a fiercely competitive environment as the aircraft industry. The most serious opposition to the Lockheed loan, not surprisingly, came from those firms which were, in fact, in competition with Lockheed's Tri-Star. I also resent very much the fact that this House was forced to vote on such an important issue with a gun literally at its head. In setting up an August 8 deadline, a foreign government, Great Britain, was literally calling the shots on the timing of this assistance and seriously circumscribed our freedom of action. I certainly hope we never get into a situation like this again, where political considerations in another country are of paramount influence in dictating a national

solution to our domestic industrial problems. I also feel very strongly that the bankers, in turning to the Government as the bank of last resort, have given the country evidence that they want the best of both worlds. They want commercial relationships free of Government intervention, as long as they are profitable, but when the risk becomes too great, they want to be able to turn to the Government to bail them out. For years the banks have been dealing with Lockheed with their eyes wide open, in possession of much more inside information on the financial details and problems facing the company than the Government has even today, insisting on getting such lucrative arrangements as substantial compensating balances and collateral business arrangements. Now that the company is in serious trouble and the relationship does not appear profitable they demand a bailout by the U.S. Government, trying to have us believe that they can go no further than they already have with the company. In this respect, I was in favor of making this a one-time arrangement and was opposed to the generic concept, in order to serve notice on the banks that this is not to be a precedent and so as not to encourage them in their belief that all the easy risks are theirs and the more difficult risks belong to the U.S. Government. I think that Lockheed and the banks have been less than honest with this Government all along and I can only hope that the intensity of opposition to the guarantee request has served notice not only on these banks and this company, but on all banks and all companies in this country that Congress does not enjoy being held to ransom every 3 months by either Penn Central, Boeing, or Lockheed.

But in the end as I said, I did vote for the guarantee, in the face of all these very genuine and serious reservations, because I was not prepared, as one Congressman among many, to cast my vote for additional unemployment at this time. For, as I see it, a vote against this guarantee would certainly have led to serious unemployment consequences. The workers, as I see it, in the aerospace industry are not the culprits in all of this. And yet, clearly they would be paying a tremendous price for Congress' refusal to guarantee additional borrowings by Lockheed, at this particular juncture in the firm's history. In teaching Lockheed a lesson, in punishing its inept management, Congress would really ultimately be punishing the workers involved by threatening them with the loss of their very livelihood. Again, if economic conditions around the country were better just now, especially in the areas of greatest concentration of aerospace employment, it might be another matter. One could feel that perhaps those who lost their jobs with Lockheed and the contractors or subcontractors to Lockheed could find employment elsewhere, but such is not the case today. Ultimately, one does have to deal with things as they are and not as they should be. For close to a year now, I have been rising to address this House on a regular basis to draw attention to the seriousness of the growing unemployment situation in the country. Well, today these warnings have caught up with me and I just cannot have it on my conscience that I, as a Congressman, by a deliberate vote on my part added to the unemployment rolls. Those who voted against this guarantee, because of the potential cost involved should Lockheed fail and the Government have to honor its guarantee of $250 million, have not added up the cost to both the National Government and local government resulting from unemployment. The loss in revenue, the costs of unemployment benefits, and finally, increased welfare burdens add up to considerably more than the price tag on this guarantee.

A few months ago, this Congress twice voted down continuation of the SST program. I was one of those who so voted. In that vote, the choice was once again between the most serious consequences, no matter how one voted. In the end, I decided that the risks and problems of continuing with the SST program far outweighed the potential loss of jobs in Boeing. While I have admitted from the outset that there are serious questions of principle involved in voting for Lockheed, I just do not feel that they are paramount, in this case, to the question of additional unemployment. To me, it was a case where Congress would, in effect, be singling out one particular industry in this country and by decree creating additional unemployment. In order to get away with something like that, this Government, as a matter of responsibility, would have had to have been able to offer those who would lose their businesses in this industry, alternative employment. The sad facts of the situation are that, at present, there are no such alternative positions.

Thus, albeit reluctantly, I voted for the guarantee. I hope that we have learned our lesson. I hope that those who were quick to fashion this guarantee arrangement will now devote their talents to coming up with long-range solutions to the problems facing the aircraft industry in this country, before we are called upon to come to the rescue of other firms at other times. Because, I can assure you, if I did not feel that unemployment was today the No. 1 domestic problem facing this Nation, I would not have cast my vote in favor of this guarantee. Congressmen, again and again, are called on to make difficult decisions in casting their votes. I can honestly say few decisions have caused me more agony and more uneasiness than my vote last Friday.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

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. Although only approximately one-third as large and four-fifths as populous as the U.S.S.R., the United States of America retains outstanding supremacy in many fields of economic endeavor. For example, on essentially the same amount of cultivated land, the United States produces 23 times as much corn, three times as much cotton, twice as much oats, and about four times as much tobacco. Furthermore, the United States of America possesses almost 1½ times as many cattle as the U.S.S.R.

PERMANENT ANTISTRIKE LEGISLATION STILL NEEDED

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. HARVEY) is recognized for 5 minutes.

Mr. HARVEY. Mr. Speaker, the news this morning that representatives of the United Transportation Union and the railroad carriers had reached a settlement ending the 2-week-old selective strike that has been threatening the economy of many portions of our Nation is heartening. I have followed this dispute very closely, and I realize that the settlement is an important milestone in the history of collective bargaining. I applaud the fact that the parties were able to reach a settlement themselves, without the need for congressional intervention. It is also significant that for the first time a selective strike was used in the railroad industry.

My colleagues in Congress, however, should not be lulled into a false sense of security, now that the immediate problem has been solved. While we did not have to enact emergency legislation in this particular dispute, the future may not be so kind to us. We still need permanent legislation to deal with the labor disputes in the railroad industry.

The Transportation and Aeronautics Subcommittee of the House Interstate and Foreign Commerce Committee began hearings last week on this very subject. As many of my colleagues know, I have introduced a bill that has received the bipartisan support of 59 cosponsors. This legislation attempts to solve the problem by establishing permanent mechanisms for dealing with future labor disputes in the railroad and airline industries. My bill, along with the several others that have been introduced, is being discussed at these hearings, which I hope will continue so that we in Congress can act positively to prevent the need for future emergency legislation.

As was clearly indicated by this most recent dispute, transportation strikes affect the wrong people. Historically, strikes have been used by employees to bring economic pressure to bear upon employers to grant increased wages and improved working conditions. Transportation strikes, however, are different. Their economic impact is much greater on the innocent bystander—the consumer, the small businessman, the farmer—than on the rail carriers themselves. The objective of congressional action should be the preservation of the national health and safety; in the realm of emergency rail disputes, only permanent legislation can achieve that goal.

COMMITTEE ON RULES SHOULD NOT GRANT A WAIVER OF POINTS OF ORDER AGAINST CLAUSE 3 OF RULE 28 ON H.R. 6531

The SPEAKER. Under a previous order of the House, the gentleman from

Wisconsin (Mr. STEIGER) is recognized for 15 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, today I appeared before the Rules Committee to testify on the rule to accompany the conference report to H.R. 6531. It is my hope that the committee will not grant a waiver of points of order against clause 3 of rule 28.

Under the leadership of the Rules Committee, the 91st Congress enacted the Legislative Reorganization Act of 1971. That legislation, designed to reform and modernize the legislative process, has now come under a major test. One of the key provisions of the Reorganization Act is embodied in a committee amendment, proposed by the distinguished gentleman from California (Mr. SISK). Recognizing that the will of the House had often been altered in conference as a result of actions taken by the other body, he proposed to provide a clear definition of the matters upon which a conference committee held authority.

Clause 3 of rule 28 holds that the conference committee may only consider the differences between versions of a bill passed by both Houses. As a result of the Sisk amendment, clause 3 of rule 28 now holds that the report of conferees:

Shall not include matter not committed to the conference committee by either House, nor shall their report include a modification of any specific topic, question, issue or proposition committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific topic, question, issue or proposition as so committed to the conference committee.

I should like to illustrate the relevance of the Reorganization Act to the request for a waiver. As the committee will recall, both the House and Senate overwhelmingly approved military pay increases of $2.7 billion. These increases were supported not only by the proponents of the voluntary military, but also by those who wanted to provide an equitable pay scale for our GI's, whether they be volunteers or draftees. Accordingly, both Houses provided that the benefits would become effective on the first day of the first month after enactment.

The conference committee, however, has decided to postpone enactment of the pay increases until October 1, which would appear to be a direct violation of the Legislative Reorganization Act. Section 14 of the draft bill passed by the House regarding the pay provisions states:

Sections 4–11 of this act are effective on the first day of the first month after enactment.

As passed by the Senate, the parallel (sec. 206) states:

The provisions of this title shall become effective on the first day of the first calendar month following the month of enactment . . .

House Report 92–82 states on page 44:

Sections 4 through 10 of the bill, which include all of the changes in basic pay, quarters allowance, and special pay, would be effective the first day of the first month after enactment.

Senate Report 92–93 states:

Section 206.—Provides that all the pay portions under Title II would be effective on the first day of the first month of enactment.

In view of the identity in enacting clauses in the House and Senate versions, there appears to be no difference which could be committed to conference to be amended. Therefore, it would do violence to the intent of both Houses to set an effective date of October 1, as opposed to the more immediate day in the bills passed by each body.

The justification for the delay offered in the conference report is that:

Military personnel received a pay increase in January, 1971, and are scheduled to receive another such automatic increase in January 1972.

I would make two points regarding the automatic increases. First, the scheduling of these raises was known well before consideration began on the draft bill. Due to the wisdom and foresight of the late chairman of the Armed Services Committee, Mr. Rivers, military pay was tied to civil service pay in 1967. The Rivers amendment assured that military personnel would be given the same percentage increase as Federal civil servants in adjustment of wage rates. On December 31, 1970, over a month before the draft hearings began, Congress approved the Federal employee pay comparability system, which mandated comparability adjustments on January 1, 1971, and January 1, 1972.

Second, I would point out that the automatic increases were designed as a temporary measure, pending complete reform of the military compensation system. Servicemen, particularly in the lower grades, have lagged far behind their civilian counterparts, and the automatic across-the-board raises were merely designed to keep the disparity from growing. These increases, however, have had little impact on the first-termer. For example, the January 1971 increase raised the recruit by only $9.90, while the colonel received a hike of $132 a month. Thus, the colonel's hike was nearly equal to the recruit's total monthly pay of $134.40. Likewise, if the January 1972 formula is 7.4 percent as expected, under the conference bill the major general will get a $204.71 raise, the colonel will get a $133.42 hike, but the recruit would only receive an increase of $19.83 in his monthly pay.

I am not opposed to comparability increases for our careerists, but since the comparative advantage for the first-termer is so small, it is not clear why the automatic increases would justify delaying enactment of a pay bill that was designed to aid the first-termer. I see, in fact, no justification for postponing the correction of a long-term inequity in the pay of junior enlisted men, simply because of a forthcoming across-the-board pay raise.

The date of enactment is of vital concern to the 2.7 million men and women of our Armed Forces, particularly 330,000 family men in their first term of service. The basic pay of a recruit is $134 a month. If he lives off post, he receives an allowance of $60 for quarters and another $46.23 for subsistence, plus about $20 a month tax advantage, for a total compensation of $3,114 per year. With one child he receives a scant $30 a month, $15 for the second, and nothing for additional children.

The financial penalty imposed on first-termers becomes starkly apparent when we compare the $3,500 of a married recruit with two children to the poverty line of $3,900 for the same size family. The problems of inadequate pay are accentuated because the first-termer is also denied a host of benefits that are given to careerists and are essential to compensate for the dislocations associated with military life. When making changes of station, careerists are given free travel of dependents, transportation of household effects, dislocation allowances, trailer allowances, transportation of automobiles overseas, overseas allowance, and evacuation allowance. If they are unaccompanied, careerists receive a $30-a-month family-separation allowance. But the underpaid and oft-moved first-termer is ineligible for all of these benefits.

No one knows exactly how many servicemen are receiving public welfare today. A 1969 Defense Department survey yielded only fragmentary results, but revealed that 21 States refuse to give aid to military families, denying servicemen benefits available to civilians at similar income levels. As a county welfare director told the Sacramento Union:

It doesn't really matter what their income level is. We consider the military man a "fully employed person." You're dealing with an intact family with the father fully employed—and to qualify for aid, they have to meet a deprivation requirement either through the absence of the father or the unemployment of the father.

Thus, we have the paradoxical situation in which a young man serving in his Nation's uniform is denied the welfare benefits available to his civilian counterpart.

Since last July the poverty problem has been somewhat alleviated by the acceptance of food stamps at military commissaries. During a recent visit to Fort Gordon, Ga., I discovered that the Augusta welfare department made food stamps available to any married E–1 or E–2, and all E–3s with at least one child. If these criteria had been applied on a uniform basis in fiscal year 1970, an incredible 142,527 servicemen could have received public assistance in the form of food stamps.

Yet, as with other welfare programs, the criteria are restrictive. Five States and numerous localities do not participate in the program. Fort Gordon, for example, is located in Richmond County which does participate in the food stamp program . . . but most of the recruits live in the low-cost trailer parks in adjacent Columbia County, where food stamps are not available. A similar situation exists at Fort Hood, in Texas, which I visited 2 weeks ago, where 40 percent of the married men live in a county which does not participate in the food stamp program.

Many junior enlisted men save money to feed their families by accepting poor housing. Unlike the careerist, the first-termer is not entitled to free government quarters. At Fort Meade, I found that

the housing referral office declares most inadequate housing "off limits" to military personnel. At Fort Gordon, where the Signal School draws a greater percentage of first-termers, the housing office feels it cannot take such steps because there would be nowhere else that the married recruit could afford to live. As a result, officials estimate that 1,600 Fort Gordon families live in substandard housing. At Fort Hood, of the 17,627 men on base with families, a full 5,249 are forced to live in substandard housing. Moreover, 2,918 men are unaccompanied by their families because of inadequate financial means . . . and more than half of this group are in the lower pay grades, E–1 through E–4. The situation is particularly hard on our young GI's, many of whom are just starting to build families. It should be noted that 70 percent of the men at Hood are Vietnam returnees. Thus, we are facing our Vietnam Veterans with the dismal choice between accepting inadequate housing or further family separation. I would hope that this is a situation we can correct as soon as possible, and not delay pay reform until October.

My second objection to the conference report is that the conferees used the archaic distinction between basic pay and the quarters allowance to reduce the benefits in the pay bill by over $300 million:

[In millions of dollars]

	House	Senate	Conference
Basic pay	1,825.4	2,667.0	1,825.4
Dependence Assistance Act [1]	184.1	79.0	105.9
Basic allowance for quarters	640.1	0.0	409.8
Subsistence allowance	37.8	0.0	0.0
Total	2,687.4	2,746.0	2,341.1

[1] This is the technical term for the quarters allowance provided men in pay grades E–4 (under 4 years service) and below

The result of this compromise is to provide the first-termers—who were the target of the pay reform in the first place—with a lower rate of compensation than they would have had in either bill; but the careerists, who have been favored in every pay increase since World War II, are given a compromise that splits the difference between the two bills. As can be seen from the table below, increases for the careerists are achieved by reducing the increases for the privates, corporals, and lieutenants:

COMPARISON OF AVERAGE ANNUAL REGULAR MILITARY COMPENSATION

	House	Senate	Conference
Pay grade:			
O–10	$43,872	$40,827	$42,725
O–9	39,169	36,319	38,107
O–8	35,772	33,042	34,751
O–7	31,654	29,065	30,689
O–6	$27,197	$24,850	$26,389
O–5	21,821	19,796	21,122
Pay grade:			
O–4	18,234	16,527	17,630
O–3	15,025	13,591	14,501
O–2	11,474	11,138	11,045
O–1	8,985	9,611	8,659
W–4	17,653	16,088	17,074
W–3	14,537	13,097	14,023
W–2	12,299	11,108	11,859
W–1	10,138	9,195	9,738
E–9	14,919	13,417	14,392
E–8	12,812	11,571	12,334
E–7	11,063	9,980	10,634
E–6	9,550	8,647	9,160
E–5	7,691	7,248	7,356
E–4	6,457	6,329	6,189
E–3	5,893	5,831	5,663
E–2	5,484	5,530	5,311
E–1	5,036	5,320	4,872

The distinction between basic pay and allowances is a technical provision left over from the days when few soldiers were married, but it has little relevance to today's 1.5 million married servicemen. There is strong support, in the United States Code, for the principle that these elements should be considered together. I would again like to recall the words in the report of the Committee on Armed Services—92–82, pages 24 and following pages—in justifying the pay scales which were overwhelmingly approved by the House:

The Congress in Public Law 90–207 defined Regular Military Compensation (RMC) as consisting of the following elements that service members receive in cash or kind every payday: basic pay, quarters allowances, subsistance allowance, and tax advantage (received because the quarters and subsistence allowances are not subject to Federal income tax).

It is the Regular Military Compensation that is used to establish competitive military pay levels which bear a reasonable relationship to civilian wages for equivalent levels of work . . . .

In developing the pay proposals on which the Committee bill is based, the Department of Defense constructed a military pay standard to assure that military pay was properly equated with remuneration in other areas of national life . . .

The Committee's bill would provide total increases in Regular Military Compensation of $2,687.4 million per year. This includes $1,825.4 in basic pay increases, $824.2 million for increases in basic allowances for quarters, and $37.8 million for increase in basic allowances for subsistence.

Given the Armed Services Committee's strong support for the RMC standard, I believe that the legislative history made by the gentleman from California (Mr. SISK) during consideration of his amendment is particularly relevant:

For example, the House passes a piece of legislation authorizing $1 million; the other body after having considered the legislation passes a bill authorizing $5 million; then the conference committee could not come back and report $10 million, or, going the other way, report $500,000.

The point is that it should stay within the scope of what the two bodies have done initially.

It is with the greatest reluctance that I have decided to oppose the request of the distinguished Chairman of the Armed Services Committee. Through the years, as Chairman of Subcommittee No. 2 and now as chairman of the full committee, he has done a monumental job to improve the lot of our men and women in uniform. During the committee hearings on the draft bill, and through consideration of the bill on the floor of the House, the gentleman from Louisiana acted with the utmost fairness, in allowing all voices to be heard and all amendments to be fully debated. And even though I opposed a 2-year extension of the draft, I voted for final passage of H.R. 6531 because I believed it represented a meaningful solution to the pressing problem of military compensation.

In asking that the original intent of the legislation be restored, I should like to recall the words of the Armed Services Committee in reporting a competitive pay scale which exceeded the administration's request by $1.7 billion:

If the standard of equity established sets the level of pay demanded for military personnel at a higher level, then compelling reasons would be required to justify not going to that level.

Under repeated questioning, however, the only justification for not going to the 1973 (competitive) rates now that was given to the Committee by the Assistant Secretary for Manpower and Reserve Affairs was "budgetary constraints."

The Committee would recall the words of the Assistant Secretary himself that we should not use the draft as a means of compelling young men to serve at substandard pay.

Specifically, the Assistant Secretary said, "Even if the goal of zero draft was not at stake, it is unfair to use the power of the draft to enforce inordinary low pay levels . . ."

The Committee would also note that the preponderance of witnesses questioned on this point by the Committee supported the increased rates of the Department of Defense fiscal year 1973 program and concurred in the opinion that if constraints were to be placed on the budget, they were not to be placed there at the expense of young men who make an inordinate commitment to their country by being inducted into the Armed Forces.

I would point out to the budget conscious that due to slow action on the bill by the other body, a savings of $450 million has already been achieved through delaying the date of enactment for 2 months. The Congress has clearly decided that the authority to induct must be extended. It was also my belief that we had decided that the use of the induction authority to enforce poverty level wages had been ended. As a supporter of equity in military pay I am disappointed in the decision to delay enactment, and as a proponent of the Legislative Reorganization Act, I am anxious to see that the reform not be circumvented.

Mr. Speaker, I should now like to review the debate on the draft, to show the strong support for immediate implementation of a competitive pay scale. In opening the debate on March 30, the distinguished Chairman of the Armed Services Committee, Mr. HÉBERT, declared:

This bill . . . provides increases in pay and quarters allowances for military personnel costing $2,687,400,000.

There was no disagreement that the pay rates in our bill are equitable and are the level of pay needed to eventually move to an all-volunteer force. The administration, however, had asked for only part of these compensation increases in fiscal 1972—a recommended increase costing $987 million. Defense spokesmen could give only one reason for not moving immediately to the pay levels which their studies had determined were required as a matter of equity.

That reason was "budgetary constraints".

The committee believes, as witnesses of all stripes believed, that if constraints are to be placed in the budget, they are not to be placed there at the expense of young men

who are drafted into the service of their country.

Our bill is justified on the only two grounds on which, ultimately, it can be justified: the requirements of national security and equity toward the men and women in our Armed Forces. On that basis, and on that basis alone, I present it to the House. Whether you believe or do not believe in an all-volunteer force, the bill compels your support on the grounds of equity alone.

On March 31, the sponsor of the compensation levels adopted by the committee, Mr. PRICE of Illinois, said:

The House Armed Services Committee voted a 2-year $2.68 billion increase in military compensation *effective immediately* as compared to the administration's recommendation on of phasing the increase over a 2-year period.

As a sponsor in committee of the amendment to have the immediate 2 year increase, I am especially pleased that we have an opportunity today to rectify two of the most glaring defects in the military pay system, the lack of decent standards of living for our enlisted men and the lack of incentives for our junior officers, our future military leaders, provided they remain in the service.

On the same day, Mr. RANDALL added:

We have increased military pay by a total of $2.7 billion annually. No one can say that the committee acted to put any kind of roadblock of any kind toward the attainment of a zero draft.

I intend to support H.R. 6531 to provide the opportunity to see if enough volunteers come forward with the new pay scale we have provided in this measure.

The gentleman from New York (Mr. STRATTON) noted during the committee explanation of the bill on March 30, that:

This is not the kind of area where you can operate on half a loaf. You cannot give a girl a half engagement ring and expect her to march down the aisle with you. You have to give her a full ring or none at all.

So our committee decided that if we are really serious about trying to get an all-volunteer force we must put the entire military pay increase into one package. That is what we have done. Of course, it will cost about $2.7 billion.

After noting the problem of servicemen on welfare, and the widespread practice of moonlighting in the military, my colleague from California (Mr. GUBSER) declared:

In summary, we should not overstate the issue or make too much of the idea that some military families may be eligible for welfare. But we do have evidence that pay is unfairly low for our draftees and our young enlistees and whether or not we agree in principle with an all-volunteer force, consideration of equity compels us to support the pay levels in the Committee's bill.

Aside from this strong support from within the Armed Services Committee for the expenditure of $2.7 for a competitive pay scale, I should also like to recall the forceful remarks of our esteemed minority leader, Mr. GERALD R. FORD, in noting that the pay bill removed concern for limiting the draft extension:

This legislation with the extra pay incentive will bring us to the ultimate objective, which in my opinion is an all-volunteer military force.

For the life of me, I do not understand why the people who want an all-volunteer army do not accept the best of two worlds, which is the committee's recommendation. They have the extra pay and fringe benefits, they have the lower troop ceiling, they have a reduction in our troop commitment in Vietnam. If we stay with the committee, and all of these things fit together, as I hope they will, at the end of 1 year you have what you want, which is an all-volunteer military force.

Mr. Speaker, in the 4 months since we debated the draft bill, our overall force levels have been reduced, and the Vietnam withdrawals have continued apace. But what about the third ingredient? To my dismay, we find that the conference committee has rejected the advice of the Armed Services Committee, and the House, by lowering the pay scales and delaying their enactment.

We should not lose sight of the fact that the other body also approved a competitive pay scale. By a vote of 51 to 27, the Senate rejected the minimal pay recommendation of its Armed Services Committee and substituted the Gates Commission recommendation.

On July 21 the chairman of the Senate Armed Services Committee noted the depth of support for this amendment:

The Senate has provided a very real economic improvement in military compensation. We have passed a pay package that amounts to approximately $2.8 billion and that package is $1.8 billion higher than the administration requested. As you know, I was opposed to increasing this amount at this time and would have preferred the phased approach of the President's program; but I accept the will of the Senate.

It should also be noted, Mr. Speaker, that the Senate chose to put a greater percentage of its pay bill into the lower grades. For example, a recruit would have been increased to $5,036 a year in the House bill, and $5,320 in the Senate bill. In view of this action, it is difficult to understand why the conference committee decided to provide the lower grades with levels of pay below those set by either House, while splitting the difference only for the careerists. As the New York Times declared in an editorial this morning:

The conference committee has substantially reduced the $2.7 billion military pay raise which had been approved by both the House and the Senate. The arbitrary action was a violation of the rules governing conference committees. It also violates the rights of thousands of service families who are living at poverty levels and further reduces the possibility of achieving an early zero draft call and an all-volunteer army, the stated objective of the Nixon Administration and most members of Congress.

In the interest of preserving the intent of the Legislative Reorganization Act, and in providing fair compensation for all our servicemen, I am hopeful that the conference report will be replaced by a more meaningful compromise. At my request, the Defense Department developed a pay package which would remain within the overall dollar limits established by the House and Senate, while at the same time insuring that no pay grade would be given annual compensation below the rate provided in either House.

This compromise retains the substantial increases in quarters allowances provided for the careerists by the conferees. But it also insures equity for the four lowest enlisted grades in the following manner:

COMPARISON OF AVERAGE ANNUAL REGULAR MILITARY COMPENSATION

Pay grade	House bill	Senate bill	Conferees agreement	Suggested compromise
E–1 (recruit)	$5,036	$5,320	$4,872	$5,150
E–2 (private)	5,484	5,530	5,311	5,488
E–3 (p first class)	5,893	5,831	5,663	5,850
E–4 (corporal)	6,457	6,329	6,189	6,363

Table I below illustrates the manner in which the suggested compromise splits the difference between the total level of benefits provided by each House. The compromise retains approximately the same level of quarters allowance increases for careerists as contained in the conference report, without reducing the level of basic pay and dependents assistance benefits for the first-termer. Table II compares the basic pay rates between the compromise and the House and Senate version and table III compares the quarters increases in the House version to those in the suggested compromise. I should like to emphasize that all of these pay schedules conform to strict Defense Department criteria regarding the maintenance of proper intergrade and longevity differentials.

TABLE I.—CONFEREES AGREEMENT ON PAY IN H.R. 6531

[In millions of dollars]

	House	Senate	Conferees agreement	Suggested compromise	
				Annual cost	Cost from Sept. 1
Basic pay	1,825.4	2,667.0	1,825.4	2,188.9	1,824.0
Dependents Assistance Act	184.1	79.0	105.9	124.8	104.0
Basic allowance for quarters	640.1	0	409.8	411.6	343.0
Basic allowance for subsistence	37.8	0	0	0	0
Enlistment bonus	0	40.0	20.0	20.0	20.0
Recruiter expenses	2.9	2.9	2.9	2.9	2.9
Optometrists	.5	.6	.6	.6	.5
DAA reservists	20.0	0	20.0	20.0	16.7
Annual total	2,710.8	2,789.5	2,384.6	2,768.8	2,311.1

TABLE II.—BASIC PAY COMPARISONS BETWEEN SENATE BILL, COMPROMISE PROPOSAL HOUSE BILL, AND PRESENT RATES

Pay grade	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O–5:									
Senate bill	$941.40								
Suggested compromise	922.20								
House bill	834.60								
Present	834.60								
Number	0								
O–4:									
Senate bill	$844.20	$886.80							
Suggested compromise	825.00	867.60							
House bill	704.10	856.50							
Present	704.10	856.50							
Number	0	0							
O–3:									
Senate bill	$758.10	$791.70	$809.10						
Suggested compromise	738.90	772.50	789.90						
House bill	654.30	731.10	781.20						
Present	654.30	731.10	781.20						
Number	781	2,343	15,253						
O–2:									
Senate bill	$693.30	$726.00							
Suggested compromise	674.10	706.80							
House bill	570.30	622.80							
Present	524.40	622.80							
Number	13,726	26,103							
O–1:									
Senate bill	$612.30	$648.90	$672.60						
Suggested compromise	593.10	629.70	653.40						
House bill	495.00	515.40	622.80						
Present	450.60	499.20	622.80						
Number	33,511	2,821	2,828						
O–1E:									
Senate bill				$672.60	$698.40	$722.10	$743.70	$766.50	$790.50
Suggested compromise				653.40	679.20	702.90	724.50	747.30	773.10
House bill				622.80	665.10	690.00	714.60	739.80	773.10
Present				622.80	665.10	690.00	714.60	739.80	773.10
Number				9	121	193	162	274	293
W–2:									
Senate bill	$544.20	$576.60	$576.60						
Suggested compromise	530.40	573.60	573.60						
House bill	530.40	573.60	573.60						
Present	530.40	573.60	573.60						
Number	21	924	851						
W–1:									
Senate bill	$484.80	$517.20	$517.20						
Suggested compromise	465.60	507.00	507.00						
House bill	441.90	507.00	507.00						
Present	441.90	507.00	507.00						
Number	949	558	109						
E–7:									
Senate bill	$445.80								
Suggested compromise	443.40								
House bill	443.40								
Present	399.00								
Number	5								
E–6:									
Senate bill	$411.30	431.70	448.80	463.20	480.30	497.40	514.20		
Suggested compromise	392.10	417.90	435.00	453.00	470.40	487.50	505.20		
House bill	382.80	417.90	435.00	435.00	470.40	487.50	505.20		
Present	344.10	417.90	435.00	435.00	470.40	487.50	505.20		
Number	180	911	1,051	6,813	17,358	24,347	30,821		
E–5:									
Senate bill	378.90	397.80	413.10	429.00	446.10	462.90	479.70	496.80	505.50
Suggested compromise	359.70	378.60	393.90	409.80	426.90	444.00	461.70	478.50	487.50
House bill	336.30	366.00	383.70	400.50	426.60	444.00	461.70	478.50	487.50
Present	297.30	366.00	383.70	400.50	426.60	444.00	461.70	478.50	487.50
Number	38,331	63,262	74,315	79,211	50,229	28,368	24,214	15,497	57,706
E–4:									
Senate bill	352.80	370.50	387.90	405.30	421.20	430.20			
Suggested compromise	333.60	351.30	368.70	389.40	405.00	405.00			
House bill	323.40	341.40	361.20	389.40	405.00	405.00			
Present	249.90	312.90	330.90	356.70	374.40	374.40			
Number	243,071	174,196	118,420	27,785	8,910	8,700			
E–3:									
Senate bill	$336.90	$353.40	$367.80	$384.00	$392.40				
Suggested compromise	320.10	336.60	351.00	367.20	367.20				
House bill	311.10	328.20	341.10	354.60	354.60				
Present	180.90	252.30	269.70	287.40	287.40				
Number	292,749	55,928	16,709	6,445	2,453				
E–2:									
Senate bill	$320.70	$336.60	$353.70						
Suggested compromise	306.90	306.90	306.90						
House bill	299.10	299.10	299.10						
Present	149.10	208.80	208.80						
Number	219,692	9,752	2,225						

Pay grade	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
E-1 (over 4):									
Senate bill	$310.80	$326.40							
Suggested compromise	291.00	291.00							
House bill	268.50	268.50							
Present	143.70	191.01							
Number	40,083	3,300							
E-1 (under 4):									
Senate bill	$301.50								
Suggested compromise	291.00								
House bill	268.50								
Present	134.40								
Number	89,928								

TABLE II-1.—EFFECT OF PAY PROPOSALS ON DRILL PAY FOR RESERVISTS AND NATIONAL GUARDSMEN (COMPARISON OF THREE PROPOSALS)

Longevity and pay grade	Present drill pay for 1 weekend drill (MUTA-4)	House bill	Suggested compromise	Senate bill
Under 2 years:				
O-3	$87.24	$87.24	$98.52	$101.08
O-2	69.92	76.04	89.88	92.44
O-1	60.08	66.00	79.08	81.64
E-7	53.20	59.12	59.12	59.44
E-6	45.88	51.04	52.28	54.84
E-5	39.64	44.84	47.96	50.52
E-4	33.32	43.12	44.48	47.04
E-3	24.12	41.48	42.68	44.92
E-2	19.88	39.88	40.92	42.76
E-1	19.16	35.80	38.88	41.44
Under 4 months:				
E-1	17.92	35.80	38.88	40.20

TABLE III.—ANALYSIS OF INCREASE IN BAQ RATES

Pay grade	House	Suggested compromise	Present rate
Married:			
O-10	$339.00	$288.00	$201.00
O-9	339.00	288.00	201.00
O-8	339.00	288.00	201.00
O-7	339.00	288.00	201.00
O-6	303.90	258.03	170.10
O-5	281.10	238.80	157.50
O-4	253.50	215.40	145.05
O-3	230.10	195.60	130.05
O-2	206.70	175.80	120.00
O-1	166.50	141.60	110.10
W-4	244.50	207.90	145.05
W-3	225.60	191.70	130.05
W-2	204.30	173.70	120.00
W-1	189.30	160.80	110.10
E-9	216.90	184.20	120.00
E-8	202.50	172.20	120.00
E-7	189.90	161.40	114.90
E-6	176.40	150.00	110.10
E-5	163.20	138.60	105.00
E-4	143.10	126.90	90.60-105.00
E-3	120.00	114.00	60-00-105-00
E-2	105.00	105.00	60.00-105.00
E-1	105.00	105.00	60.00-105.00
Single:			
O-10	271.20	230.40	160.20
O-9	271.20	230.40	160.20
O-8	271.20	230.40	160.20
O-7	271.20	230.40	160.20
O-6	249.30	211.80	140.10
O-5	233.40	198.30	130.20
O-4	210.30	178.80	120.00
O-3	186.30	158.40	105.00
O-2	163.20	138.60	95.10
O-1	128.10	108.90	85.20
W-4	202.80	172.50	120.00
W-3	182.70	155.40	105.00
W-2	161.40	137.10	95.10
W-1	145.80	123.90	85.20
E-9	153.90	130.80	85.20
E-8	143.70	122.10	85.20
E-7	123.30	104.70	75.00
E-6	112.80	95.70	70.20
E-5	109.20	92.70	70.20
E-4	96.00	86.10	60.00-70.20
E-3	85.20	76.20	60.00
E-2	75.00	70.20	60.00
E-1	70.20	60.00	60.00

I want, at this point, to include the technical language necessary to implement these changes. I am also including a series of important editorials on this subject by commentators Bryson Rash of WRC–TV, Joseph McCaffrey of WMAL–TV and by the New York Times:

SEC. 201. Section 203(a) of title 37, United States Code, is amended to read as follows:

"(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following table:

YEARS OF SERVICE COMPUTED UNDER SEC. 205

Pay grade	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
COMMISSIONED OFFICERS														
O-10 [1]	2,111.40	2,185.80	2,185.80	2,185.80	2,185.80	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40	2,618.40	2,793.30	2,793.30	2,967.6
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.4
O-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,011.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.0
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.6
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.3
O-5	922.20	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.2
O-4	825.00	867.60	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.3
O-3 [2]	738.90	772.50	789.90	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.8
O-2 [2]	674.10	706.80	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.3
O-1 [2]	593.10	629.70	653.40	653.40	653.40	653.40	653.40	653.40	653.40	653.40	653.40	653.40	653.40	653.4
COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE SERVICE AS AN ENLISTED MEMBER														
O-3				864.90	906.00	938.70	989.10	1,038.30	1,080.30	1,080.30	1,080.30	1,080.30	1,080.30	1,080.30
O-2				773.10	789.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40
O-1				653.40	679.20	702.90	724.50	747.30	773.10	773.10	773.10	773.10	773.10	773.10
WARRANT OFFICERS														
W-4	666.30	714.60	714.60	731.10	764.40	798.00	831.00	889.80	930.60	963.90	989.10	1,022.10	1,056.00	1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90
W-2	530.40	573.60	573.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80
W-1	465.60	507.00	507.00	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20
ENLISTED MEMBERS														
E-9 [3]							756.90	774.30	792.00	809.70	827.70	843.90	888.60	975.00
E-8						635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90
E-7	443.40	478.50	496.20	513.60	531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60
E-6	392.10	417.90	435.00	453.00	470.40	487.50	505.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50
E-5	359.70	378.60	393.90	409.80	426.90	444.00	461.70	478.50	487.50	487.50	487.50	487.50	487.50	487.50
E-4	333.60	351.30	368.70	389.40	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00
E-3	320.10	336.60	351.00	367.20	367.20	367.20	367.20	367.20	367.20	367.20	367.20	367.20	367.20	367.20
E-2	306.90	306.90	306.90	306.90	306.90	306.90	306.90	306.90	306.90	306.90	306.90	306.90	306.90	306.90
E-1	291.00	291.00	291.00	291.00	291.00	291.00	291.00	291.00	291.00	291.00	291.00	291.00	291.00	291.00

[1] While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under sec. 205 of this title.

[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

[3] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,185 regardless of cumulative years of service computed under sec. 205 of this title.

SEC. 204. Section 403(a) of title 37, United States Code, is amended to read as follows:

"(a) Except as otherwise provided by this section or by another law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for quarters at the following monthly rates according to the pay grade in which he is assigned or distributed for basic pay purposes:

"Pay grade	With dependents	Without dependents
O-10	$288.00	$230.40
O-9	288.00	230.40
O-8	288.00	230.40
O-7	288.00	230.40
O-6	258.30	211.80
O-5	238.80	198.30
O-4	215.40	178.80
O-3	195.60	158.40
O-2	175.80	138.60
O-1	141.60	108.90
W-4	207.90	172.50
W-3	191.70	155.40
W-2	173.70	137.10
W-1	160.80	123.90
E-9	184.20	130.80
E-8	172.20	122.10
E-7	161.40	104.70
E-6	150.00	65.70
E-5	138.60	92.70
E-4 (over 4 years' service)	126.90	89.10
E-4 (4 years' or less service)	45.00	45.00
E-3	45.00	45.00
E-2	45.00	45.00
E-1	45.00	45.00"

Note: A member in pay grade E-4 (less than 4 years' service), E-3, E-2, or E-1 is considered at all times to be without dependents.

SEC. 206. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C.), is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E-1, E-2, E-3, and E-4 (four years' or less service) and insert in lieu thereof the following:

"E-4 (4 years' or less service)	$86.10	$126.90
E-3	76.20	114.00
E-2	70.20	105.00
E-1	60.00	105.00"

SEC. 209. The foregoing provisions of this title shall become effective on the first day of the first month after enactment, except that section 203 shall become effective on such date as shall be prescribed by the Secretary of Defense, but not earlier than February 1, 1971, and section 206 shall become effective July 1, 1971.

"ARMY PAY"

(WRC-TV 4 editorial—Broadcase July 6 and 7, 1971)

The United States military has the temerity to assume that all recruits and draftees are single and without dependents. That blind policy decision has put about 330,000 men on first tour duty with the military and married in a basic pay structure that prevents family support.

Most servicemen can't go on welfare, even though their annual income may be as much as $600 below the national poverty level. Their full time jobs in the military disqualifies them. Some men have sought relief through food stamps, living in substandard housing, a second job or finding a place to put their small children while their wives work. Even these unacceptable alternatives are difficult to come by and they all serve to humiliate the men, affect their morale and hence the organization they serve.

Hope that some relief would come with the draft extension bill's provision to raise recruit pay to over $5,000 a year went down to apparent defeat last week. Conferees reduced the total allocation approved by the House and Senate more than $900 million by cutting pay and allowances and delaying enactment of even reduced increases until October 1.

There is little hope the conferees will change their minds, so a challenge should be presented on the floor, demanding more money. The military family, be it draftee, recruit, or volunteer, should not have to live in squalor. That is not the way to run an Army, Navy, Air Force or Marine Corps.

COMMENT OF JOSEPH MCCAFFREY (WMAL-TV—JULY 8, 1971)

One trouble with Washington is that too many of its top people don't know any enlisted men. There is nothing wrong with the military, there is nothing wrong with our government that couldn't be brought into full view, and therefore in line for corrective action, by having some of the big people in this town partake of a few brews with the troops.

Nobody was listening to the enlisted men in the House-Senate Conference on the Draft The House passed an increase in pay and allowances totaling two point 7108 billion a year; the Senate passed a boost in pay and allowances of two point 7895 billion a year. Now you'd think the conferees, in trying to reach a compromise would strike a balance between those two amounts and come up with two point, seven something.

No, you'd never believe it but the conferees dropped the increase below the lowest figure, in this case the one passed by the House, and came up with a compromise of two point 4046 billion.

This, it would seem, could only happen to enlisted personnel.

So now the private will get four thousand eight hundred seventy two dollars a year, instead of the five thousand thirty six dollars proposed in the House Bill, or the five thousand three hundred twenty dollars proposed in the Senate Bill.

A Presidential commission has pointed out that current pay scales for the lower ranks are well below comparable civilian wages and act, in effect, as a discriminatory tax on servicemen.

Meanwhile billions are lost in cost overruns for procurement, and fanciful weapons that never make it past the drawing boards, but it's the enlisted man who takes the pay cut.

COMMENTARY OF JOSEPH MCCAFFREY

(As broadcast over WMAL-TV (7), Washington, D.C., July 9, 1971)

The enlisted men are getting a fast shuffle in the new pay provisions which have been worked out by a Senate House Conference Committee.

This Conference Committee in a highly unusual action rejected both the intent of the House and the Senate.

It took it upon itself to set a pay scale for the military, rejecting the votes of a majority of the House and a majority of the Senate.

It did this by doing what a conference committee is not supposed to do according to tradition and specifically according to the Legislative Act of 1970. It did this by not seeking to compromise the difference between the amount passed by the Senate and the amount passed by the House. Instead of doing this, which is what a conference committee is required to do by the laws of Congress, it rejected both amounts and, on its own, the Conference Committee picked a figure below the lowest amount passed by Congress.

The conference pay raise will give the private one hundred sixty-four dollars less than he would have gotten under terms of the House passed bill. The conference pay schedule gives the private almost 450 dollars less than he would get under the Senate approved bill.

The pay increases in this bill were designed to boost the pay level for the low grade men and women, thus making the military a more attractive career for enlisted personnel.

It should be pointed out that the average private under the conference report gets an annual increase of only fifteen hundred thirty-two dollars, but a brigadier general gets an increase of sixteen hundred fourteen dollars, and a two star general gets a pay hike of seventeen hundred dollars.

The enlisted man isn't getting too much help from the Conference Committee. In fact, not even the rules of the Congress protect him.

[From the New York Times, August 2, 1971]

COMPROMISED DRAFT BILL

A House-Senate conference committee has substantially weakened the Mansfield amendment to the Selective Service Act by eliminating its forthright call for the withdrawal of all United States military forces from Indochina within nine months, subject to the release of American prisoners of war. This and other changes in the Mansfield version, which was adopted by the Senate by a 57-42 vote, leave the President broad leeway in the conduct of the war.

But the revised amendment does urge the President to set "a date certain" for troop withdrawal. Its passage would mark the first time that Congress has gone on record as advocating withdrawal from Vietnam and would add to the pressures on the Administration to respond positively to the latest Communist peace proposals in Paris. Since the House has already rejected the original Mansfield proposal by a substantial margin, 219 to 176, this is probably the most that can be achieved in Congress at this time.

There are other reasons, however, why neither house should rush to endorse the compromised draft legislation. The conference committee has substantially reduced the $2.7-billion military pay raise which had been approved by both the House and the Senate. The arbitrary action was a violation of the rules governing conference committees. It also violates the rights of thousands of service families who are living at poverty levels and further reduces the possibility of achieving an early zero draft call and an all-volunteer army, the stated objection of the Nixon Administration and most members of Congress.

THE TOWERING TOMBSTONE ON THE EAST RIVER

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, I am sure many Americans are shocked and confused by today's announcement by Secretary of State Rogers that the United States will no longer oppose the admission of Communist China into the United Nations, but instead has done a complete turnabout and will vote for her admission. It is as bizarre an action as it would have been to recommend the admission of Nazi Germany to the League of Nations.

We are shocked because today's announcement is the second major concession to the Chinese regime in less than 3 weeks. In that time, we have heard of no promises by Communist China to justify such a dramatic reversal of American policy. Further, the bellicose and obnoxious rhetoric of the Peking Communists continues unrelentingly.

What, Mr. Speaker, are we receiving in return?

The President's visit could be justified on the basis of our receiving solid conces-

sions from Communist China, concessions which would have to include the release of American prisoners of war and an end of the hostilities in Southeast Asia. But what have we received, or will we receive, from admission of the barbarous regime of Mao Tse-tung to the U.N.?

Americans are understandably confused when they view the history of Red China since 1949, when the Communists gained power, and compare this history with the stated goals of the United Nations as outlined in the preamble:

We, the peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and, to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained and, to promote social progress and better standards of life in larger freedom, and for these ends, to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest and, to employ international machinery for the promotion of the economic and social advancement of all peoples,

Have resolved to combine our effforts to accomplish these aims.

In the years since the Communists gained control of the Chinese mainland, they have ruthlessly exterminated between 10 and 50 million of their own people. The Chinese regime has invaded three countries, Korea, Tibet, and India, and has been condemned as an international outlaw by the very body we now propose to bring her into, the United Nations.

It planned, supported, and almost accomplished the overthrow and mass assassination of the Indonesian Government. It has fomented and supported guerrilla rebellions not only in South Vietnam but in India, Thailand, Laos, Burma, Malaysia, the Philippines, Latin America, the Middle East, and in African countries too numerous to list. It is reputed to be the foremost exporter of narcotics in the world.

And yet now, Mr. Speaker, we say that Communist China is fit to be admitted into the United Nations. Secretary Rogers' announcement today represents an affront to the sensibilities of civilized men. It makes a mockery of the sincere efforts of peace-loving people who placed such hopes for mankind, as are contained in the preamble to the United Nations Charter, in that world body. The moral bankruptcy of embracing so bestial a government as Red China will convert that monument to some of man's highest ideals, hopes, and aspirations on the East River into a towering tombstone marking the spot where those ideals, hopes, and aspirations found a final resting place.

THE SHARPSTOWN FOLLIES—XXV

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, Frank Sharp carried out many a curious deal while Will Wilson was in his employ. Wilson surely knew about these deals; after all, a man who has been a judge, a state attorney general, a candidate many times over for high political office, a former banking commissioner and sundry other things ought to be able to detect the presence of rotten fish.

Some of these deals today can be viewed with a touch of humor, as in the case of the Beckwood deal.

In the Beckwood deal, Frank Sharp somehow inveigled the local Jesuit order to issue and sell a bond in the amount of $1 million. The purpose of this bond was supposed to be to cover construction costs at Strake Preparatory School, which was operated by the Jesuits. But this bond money, obtained in the spring of 1968, was not used for the religious school at all; incredibly, it was turned over to Sharp's Beckwood Corp., which used the money to build a motel.

Ostensibly this was just a loan, for in return for the use of their bond money, the Jesuits got 20,000 shares of Sharpstown State Bank stock. Beckwood bought the collateral for this loan by using $500,000 of the Jesuits' money to purchase the stock that was pledged as security. Moreover, the stock was the only security on the loan; if Beckwood defaulted, the Jesuits could only sell the stock that had been bought with their bond money.

It is amusing in a grotesque way that a religious order would allow its bond money to be used for construction of a motel. But it is horrifying to think that they allowed half their money to be used to buy the stock which was pledged as collateral against that same money.

Now Will Wilson's law firm was engaged in the business of setting up multitudes of corporations like Beckwood. The law firm was also general counsel for the bank. Surely Wilson knew what was happening in this case, as in so many others, in which his legal services played a key role. He cannot say that he had no part in it. No man who so willingly played such games as this should be in charge of enforcing the criminal laws of the United States.

"COST OF LIVING" PAY BILL

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 30 minutes.

Mr. ROSENTHAL. Mr. Speaker, today I introduce legislation to provide for the establishment of a special cost-of-living pay schedule containing increased pay rates for Federal employees in heavily populated cities and metropolitan areas, to offset the increased cost of living.

Joining me in sponsoring this bill are 16 of my colleagues from New York City. They are LESTER WOLFF, JOSEPH P. ADDABBO, EMANUEL CELLER, FRANK BRASCO, SHIRLEY CHISHOLM, BERTRAM PODELL, JOHN M. MURPHY, EDWARD I. KOCH, CHARLES RANGEL, BELLA ABZUG, WILLIAM F. RYAN, HERMAN BADILLO, JAMES SCHEUER, JONATHAN BINGHAM, SEYMOUR HALPERN, and MARIO BIAGGI.

Private industry and many State governments already pay higher salaries and wages to employees in large cities than they do for the same kind of work in other areas where living costs are not as high.

Evidence of the necessity for this legislation can be found in recent job actions by Federal employees seeking higher pay, most notably postal workers, who are, of course, no longer covered by the civil service pay schedules as a result of the Postal Reorganization Act. Such actions were centered in the big cities and high cost-of-living areas. Elsewhere, workers seem more satisfied with Federal pay scales. In fact, in many rural and suburban areas, Federal salaries are actually higher than State and local government and private industry pay for similar work.

Every major national employer has resolved this issue—every one, that is, except the Federal Government, which is the Nation's largest employer.

When an employee in private industry transfers to New York City, from another part of the country, he will receive a 10- to 20-percent increase in pay, even though he continues to do the same kind of work. A typist, file clerk, laborer, or white collar employee of a large national corporation in New York City receives a higher salary or wage than his counterpart in the same company in other areas of the country.

Even the State of New York pays employees who work in New York City a higher salary than those State workers with comparable jobs in other parts of the State. Municipal salaries of city employees in New York rank among the highest in the country mostly in recognition of the higher cost of living in New York City.

We are a natior with the highest standard of living in the world, and yet the Federal Government pays many of its own employees in the New York City area salaries which are less than they could receive if they collected welfare. Under current Federal pay scales, a GS–1 appointment starts at $4,326; a GS–2 appointment pays $4,897; a GS–3 salary is $5,524. In comparison, a family of four on welfare in New York City receives the equivalent of $5,834. Those higher grade Federal classified employees who do receive more in salary than they would on welfare, still, in most cases, receive less than the income requirements for a family of four to maintain a modest standard of living.

Studies by the Labor Department's Bureau of Labor Statistics have shown that the average family of four in the New York metropolitan area needs at least $7,183 per year in order to maintain a lower budget level. A starting salary for a GS–5 appointment, which requires 4 years of college or equivalent experience, is $6,938. That is a difference of approximately $300. On the other hand, in a nonmetropolitan area, the BLS fig-

ure for maintaining the same lower budget level is $6,512, which is well below the starting GS–5 salary.

Beginning pay for a GS–11 appointment is $12,615. The intermediate budget requirement for a family of four in the New York area is $12,134, while the average for all U.S. cities is $10,664—a difference of almost $1,500.

Starting salary for a GS–15 appointment is $24,251. The higher budget level requirement is $18,545 for a family of four in the New York area, while the all-cities average is $15,511—a difference of over $3,000. Additional information from the Bureau of Labor Statistics reveals that out of 12 cities checked, New York had the highest Consumer Price Index for 1970—119, as compared with the lowest, Seattle, Wash., with a Consumer Price Index of 114. That is a 5-point spread. Other statistics on the Consumer Price Index for other metropolitan areas will be included at the end of these remarks.

Increased salaries through regional differentials would not only be more equitable to Federal employees, but would be of great benefit to the Government as well. If the Federal Government paid its classified workers salaries which are competitive with private industry in that locale, it would be able to recruit and retain more qualified and better trained employees, instead of losing them to private industry. Just a few days ago the House of Representatives passed a bill calling for a raise in pay for Government blue collar workers to match the prevailing wages in private industry for similar work.

Under my bill, the Civil Service Commission would establish a special cost-of-living pay schedule for employees and positions located in metropolitan areas with a population of 500,000 or more. Over a million workers around the Nation would be affected.

I am inserting in the CONGRESSIONAL RECORD at this point, a list of some of the metropolitan areas involved, and the number of Federal workers employed there:

	Federal workers	Population
District of Columbia	321,660	2,874,609
New York	129,214	11,409,739
San Francisco	92,077	3,068,403
Philadelphia	86,142	4,773,804
Chicago	77,125	6,893,909
Los Angeles	68,796	6,907,733
Boston	45,705	2,730,228
St. Louis	38,470	2,331,371
Detroit	30,947	4,161,660
Honolulu	26,984	613,114
Pittsburgh	18,135	2,382,477
Seattle	16,703	1,421,869

FOREIGN SERVICE GRIEVANCE BILL

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, I am today reintroducing a bill to amend title VI of the Foreign Service Act of 1946 in order to establish a Foreign Service Employee Grievance and Appeals Board.

I am pleased that the following gentlemen from the Foreign Affairs Committee have decided to join me in introducing this legislation: The gentleman from New Jersey (Mr. FRELINGHUYSEN), the gentleman from Florida (Mr. FASCELL), the gentleman from Minnesota (Mr. FRASER), the gentleman from Alabama (Mr. BUCHANAN), and the gentleman from Michigan (Mr. VANDER JAGT).

The recent suicide of a selected out Foreign Service officer, forced to retire without a pension because he was not recommended for promotion, has dramatized an unfortunate situation which Congress should have taken action to correct long ago.

The State Department is the only Federal agency which does not guarantee that all its employees will have a chance for a hearing on complaints in regard to promotions and selection out. While the Department does have a grievance procedure for Foreign Service employees, performance ratings, promotions, and discharge actions are all excluded from that procedure.

Civil service employees of the State Department, on the other hand, have access to a complete system of review of all performance ratings which are appealed.

Under the provisions of the bill, the Foreign Service Employees Grievance and Appeals Board will guarantee that every Foreign Service employee will receive a fair hearing and review of any complaint relating to a grievance or an appeal of an adverse personnel action. The Board will have the power to order that remedial action be taken if the Board finds a grievance to be meritorious.

This bill, modeled on the grievance procedures of other Government departments, does not question the traditional Foreign Service concepts of promotion and selection out by review board evaluation. It does assure that individuals will have the right to a hearing if they believe they have been unfairly treated under the system.

I understand that the administration has submitted an employee-management relations proposal to the Federal Labor Relations Council, following approval of which a definitive grievance procedure will emerge. Pending approval of this proposal, the administration is drafting an interim grievance procedure, to be circulated to Foreign Service employees for comment.

This interim procedure is opposed by the 8,000-member American Foreign Service Association because it feels the procedure contains certain deficiencies such as these:

First, the lack of a right to demand a hearing in respect to major grievances.

Second, no guaranteed access by the grievant to the records necessary to build his case.

Third, hearings are to be closed.

These deficiencies are not in my bill, which the association supports. I would urge the administration to consider the framework in this bill when it prepares the interim procedure for implementation.

SMALL BUSINESSES HAVE PROBLEMS, TOO

(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, in this day of administration and congressional concern about the financial problems of such financial giants as Lockheed and Penn Central, it will be well to take a little time to consider the plight of another important segment of the U.S. economy. The small businesses of America are in trouble, too. Congress and the administration also have a responsibility to help this backbone of American business to survive.

Recent reports indicate businessmen operating what are known as small businesses, are trouble over inflation, the inability to get trained and dependable workers even in this day of high unemployment, rising taxes, high wages, Government regulations and redtape, and the practices followed by larger, better financed competitors.

But perhaps most of all, Mr. Speaker, they are worried that no one seems either to be listening to their message or cares for their plight.

It is estimated that so-called small business produces about 37 percent of the Nation's goods and services. Forty percent of the jobs are in small business; 5¼ million businesses fall into the small business category.

Taken individually, a small business seems to have little impact on a nation concerned with helping out the railroads and the giant corporations which have gotten themselves into financial difficulty.

But collectively, the small businesses of America are much more important to the Nation's economy than a railroad or aircraft manufacturer, and in our desire to see that the bankruptcy of a large corporation does not affect the Nation adversely, we should not overlook the fact that vast numbers of small businesses frequently are faced with the threat of bankruptcy. Their workers and their services constitute an essential part of the economy.

There should be an easing of the tax burden on already troubled small business. We must direct Federal agencies to go to greater lengths to provide work and contracts for these businesses.

We must further direct that endless Government forms, papers, rules, regulations, directives, and dictates be simplified or eliminated.

One of the foundation stones of our Nation has been the ability of small business to survive in a free economy and to provide jobs, services, and goods, as well as to pay taxes.

In recent years, the trend has been to fewer and fewer small businesses, while big business has grown bigger. Small business can become a thing of the past unless government can be aroused to the problems which confront the small businessman. It is time to weigh the importance of this major segment of the economy and determine whether we are willing to let small business become a thing of the past.

THE FIGHT FOR GREEK DEMOCRACY

(Mr. KOCH asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, it would appear that finally the Congress is accepting responsibility in our relations vis-a-vis the Greek junta. It was a magnificent victory last week within the Foreign Affairs Committee for which our colleague WAYNE HAYS deserves great credit in cutting off aid to Greece unless the President finds that overriding requirements of the national security justify continuing such aid.

Efforts in previous years to deny money and aid to the Greek military leaders failed, so I am pleased that this year the Foreign Affairs Committee is leading the way.

An article on the fight for Greek democracy by Bruce Buckley, the editor of the Chelsea Clinton News, reporting on the activities of Maurice J. Goldbloom, Executive Secretary of the U.S. Committee for Democracy in Greece, who appeared before the Congress and whose testimony was of major importance, is appended:

[From the Chelsea Clinton News (N.Y.)
July 22, 1971]

PENN SOUTH JOURNALIST—FIGHT FOR GREEK DEMOCRACY

(By Bruce Buckley)

The House Foreign Affairs Committee surprised a lot of people last Thursday by voting to cut off military and economic aid to Pakistan and Greece.

Perhaps the most surprised of all was Greek Premier Papadopoulos, who sputtered the next day that no amount of American gold could influence the course his government would take.

It seemed obvious that the controlling junta had been deeply stung by the action, which meant, after all, a possible loss of $118 million for the coming year. In a country the size of Greece that kind of loss could have profound consequences.

The committee vote was a strong indication that Congress had finally decided to use the economic power of the U.S. to change a government whose policy of conspiracy and torture have brought world wide censure.

One of a handful of people who testified before the committee prior to the vote was Maurice J. Goldbloom, executive secretary of the U.S. Committee for Democracy in Greece. Goldbloom, a Penn South resident, edits the Committee's four-page monthly newspaper, News of Greece, which reports on the excesses of the junta.

The latest issue, for example, contains a front page article detailing the trials and tortures of 18 persons being held by the junta on charges of conspiring with Andreas Papandreou to overthrow the government.

The most famous of the 18 is Christos Sartzetakis, who was the model for the role of the incorruptible magistrate in the movie "Z" who uncovered a high-level plot in the murder of a Greek deputy.

Goldbloom told the congressional committee of the junta's "monumental incompetence."

"But even if the junta were composed of economic and administrative geniuses rather than men whose only expertise is in conspiracy," he continued, "it would be the enemy of everything for which the United States should stand.

"What we objected to in Mussolini and Hitler was not that they really did not make the trains run on time, but that they were the enemies of justice and human dignity. And in this, if not in all the details of their rule, the Greek colonels are their kin."

Goldbloom's fierce devotion to democracy in Greece goes back to the period he spent there in 1950–51 as Labor Information Officer for the U.S. economic mission to Greece under the Marshall Plan.

"For me," he recalled in an interview last week, "it was not just a formal commitment to help the development of democracy, but a real one. So it has continued long afterward."

Following the coup in April 1967, Goldbloom returned to Athens as a correspondent for several leading publications "to see what was happening, particularly to my friends."

What was happening was the arrest of 10,000 politically "dangerous" persons, 6500 in the first night after the coup, a figure which is greater in proportion to population than even Hilter could match in 1938, Goldbloom pointed out.

In articles he later wrote for such publications as Commentary and the New York Times, he was highly critical of American policy, which he judged to be largely responsible for laying the groundwork for the coup.

Goldbloom maintained that a shift had taken place during the Korean War which led to placing greater trust in dictatorial, right wing governments.

"After writing those articles, it was quite clear that I couldn't go back without endangering the people I saw," Goldbloom said. So he hasn't returned since that time.

That same year Goldbloom and others got together to launch the U.S. Committee for Democracy in Greece. Melina Mercouri, the Greek film star, became the honorary chairman; and Francis Biddle the first chairman.

Goldbloom believes that drying up American aid will go a long way toward the eventual restoration of democracy. Not, of course, under the junta, which has steadfastly refused to set any date for long-promised elections, despite American pressure.

Goldbloom feels that the only support the present regime has is the Army's, and the Army "is more interested in arms than ideology."

"The army," he added, "has felt itself increasingly isolated. It would be happy to withdraw from politics."

Without American aid the army's support could crack, Goldbloom said, and once it does the junta "collapses just like that." Goldbloom said, waving his hand in the air.

Among the Greek people, he said, there is practically no support for the junta. Of the four papers in Athens, the only one read by a large number of people is Ta Nea, which is not tied to the regime.

Helen Vlachos, a conservative Greek publisher who left the country rather than knuckle under to the colonels, recently said that the Greeks "vote every day" when they buy their newspaper, according to Goldbloom.

Changing governments does not necessarily ensure a return to democracy, of course. But Goldbloom pointed out one important fact: almost no high-ranking political leaders have cooperated with the junta, and many of them have condemned it "at considerable political risk." So there is a sound political basis for a return to democracy.

Goldbloom is looking forward to a time when News of Greece will no longer be necessary. "I would like to get a good night's sleep."

He would also like to return to a book he is writing on world politics, a country-by-country guide, which was 250,000 words long and about three-fourths finished four years ago before the coup.

It is still the same length. "Now," he laughed, "it's maybe half done."

THE GORDONS OF NORTHWEST FLORIDA

(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, among the families of note in northwest Florida, one of the best known is the Gordons. They have been associated with the development of western Florida throughout its history as part of the United States, and the family continues to be a well known and respected one.

The name Gordon comes from Scotland, from where no fewer than 157 main branches of the family have been traced to many parts of the world. The Gordons fill a considerable place in Scottish history, legend and ballad, dating back at least to the year 1138.

The family has produced an amazing number of military leaders. A Scottish army battalion, the Gordon Highlanders, is named for the family. Notables around the world who have borne the name Gordon have included Adam Lindsay Gordon, Australian poet; Alexander Gordon, Scottish antiquary and official in Colonial South Carolina; Charles George Gordon, British soldier and administrator, famed for his ability to command men of non-European races. His exploits in China, Egypt, and the Sudan are legendary.

Sir John Watson Gordon, Scottish portrait painter; Patrick Gordon, descendant of a Scottish family who served several foreign countries and became a Russian general; George Gordon-Cumming, Scottish traveler and sportsman; General Lord Adam Gordon, onetime commander of the forces of Scotland and governor of Edinburgh Castle.

Best known of America's Gordons, perhaps, is Gen. John Brown Gordon, Confederate Army lieutenant general. He led an infantry division at Gettysburg and was wounded eight times during the course of the war. He commanded one wing of Lee's army and made the last Confederate charge against the Federal breastworks before the surrender at Appomattox. He later served in the U.S. Senate, as Governor of Georgia, and as commander in chief of the United Confederate Veterans. He wrote "Reminiscences of the Civil War." A native of Upson County, Ga., he died in Miami, Fla., in 1904.

Another of Georgia's Gordons, Juliette Gordon Lowe, was founder of the Girl Scouts of America. Georgia's Gordon Military Academy is a reminder of the prominence of the Gordon name in military circles.

Legend has it that five Gordon brothers were among the early Georgia settlers. Ernest A. Gordon of Pensacola, who has propounded a history of the Gordon family, states that they came to Georgia in 1733 with General Oglethorpe. Subsequently, the five brothers separated and "scattered to the four points of the compass," and the name became well known in the course of history in Georgia and Alabama, as well as Florida. A town bears the name Gordon in Wilkinson County, Ga., near Macon, and another bears the name in Houston County, Ala., on the Chattahoochee River southeast of Dothan.

It was from Gordon, Ala., that many west Florida communities, such as Orange Hill, Campbellton and Marianna,

received supplies prior to the coming of the Pensacola & Atlantic Railroad in 1882. Gordon, Ala., was nearly destroyed by fire in 1895 and never regained its prominence as a transportation and trading center for the surrounding tri-States area.

Alexander C. Gordon, then only a boy, came to what is now Henry County, Ala., in 1817, after his father had been killed in the War of 1812 a few years earlier. He prospered as a merchant and plantation owner. He commanded Gordon's Company, Blairs Battalion of the Alabama Militia during the southeast Alabama-west Florida Indian troubles in 1836. He also was captain of the Henry Grays, 6th Regiment of the Alabama Volunteers, during the early part of the Civil War.

Born in Washington County, Ga., Alexander C. Gordon had a son named Alexander M., who died in 1862. He had a son named Warren, who died in 1854, and one named Daniel, who became a Henry County probate judge. In the last half of the Civil War, Alexander C. Gordon served as commander of a militia battalion which operated against the Sanders band of deserters in the Choctawhatchee-Pea River Basins of southeast Alabama. The Sanders band, supplied by Federal forces on the Florida coast, harassed southeast Alabama and northwest Florida from remote hideaways along the Choctawhatchee near the Alabama-Florida border.

Several Gordons were identified with territorial Florida history. Ernest A. Gordon states that one of the original brothers to come to this country, Ephraim, was first to settle in west Florida. A son of Ephraim, Alexander, was a forebear of most of the west Florida branch of the family. Florida territorial papers also mentioned the name of Adam Gordon, Escambia County prosecuting attorney in 1824. He soon moved to Key West, where he was a U.S. Government official for years.

Records show that James B. Gordon was a resident of Walton County in 1833, possibly in what was then known as the Yellow River settlement. Lt. Francis Gordon of the Confederate Army was among those captured by Gen. Alexander Asboth's Federal raiding force at Eucheeanna in 1864. He was imprisoned at Elmira, N.Y., for the remainder of the war.

Ernest A. Gordon, in his historical notes on the family, recalls that Francis Gordon's son, Babe, was a Walton County stockman, and that another son, Charles, was Walton County circuit court clerk for 20 years.

Ernest A. Gordon said his grandfather, William Marlin Gordon, was a pioneer settler on the Yellow River, where he once operated Gordon's ferry. He later moved to Chicken Head in the Campton area north of Crestview. He died there in about 1906–07. He was the father of five sons: Daniel, Lovick Pierce, Edward, David and Marion. He also had four daughters: Mary, Nancy, Dora and Catherine. Mary and Nancy married brothers, Abe and Raven Moore. Dora married John Shaw and Catherine married John Markham.

Ernest A. Gordon is the son of Lovick Pierce Gordon, "who was the father of four daughters who had nine brothers." And that may help explain why there are so many Gordons and their kin today in west Florida. They are particularly numerous in Okaloosa, Escambia, Santa Rosa and Bay Counties, but you will likely find some of them in almost any of the major west Florida communities.

The Gordons of west Florida, like the ancestral branches of their family in Scotland, Georgia and Alabama, have made substantial contributions toward development of their Florida Panhandle communities. Although the genealogical threads may be tangled by time and circumstances, there is ample evidence to indicate a kinship of the west Florida Gordons with those who settled early in Georgia and their kinsmen who migrated to Alabama. The name Gordon, in America as in Scotland and elsewhere in the world, is symbolic of good citizenship. Historically, they are a people who are willing to fight for their country. They have helped this one.

FOREIGN ASSISTANCE

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

Mr. ROUSH. Mr. Speaker, during the consideration of the foreign assistance bill this week I propose to offer the following amendment:

AMENDMENT TO H.R. 9910, AS REPORTED, TO BE OFFERED BY MR. ROUSH

Page 13, after line 24, insert the following:

"SEC. 304. Section 634 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to reports and information, is amended by adding at the end thereof the following new subsection:

"(i) The presentations to the Congress of assistance proposed to be furnished under part I of this Act, and under chapter 4 of part II of this Act, shall not be classified as 'Secret', or bear any other similar security classification. All information concerning assistance furnished under such part I, and under such chapter 4 of part II, before or after the date of enactment of this subsection, shall be freely available to the public. Nothing in this subsection shall be construed to require that military information be made public."

And renumber the following sections accordingly.

THE 25TH ANNIVERSARY OF THE JOINT COMMITTEE ON ATOMIC ENERGY—AUGUST 2, 1971

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

Mr. HANSEN of Idaho. Mr. Speaker, today, August 2, 1971, is the 25th anniversary of the organization of the Joint Committee on Atomic Energy. Through this quarter century the committee has had a truly remarkable and effective record. I say this not because I have been a longtime participant—I am one of the newer members of the Joint Committee—but rather to pay tribute to those men who laid the foundation for the development of a completely new source of energy for our Nation.

The atomic age had a violent birth in the sky over Hiroshima. World War II was brought to an end, and the Clausewitz concept of war as carrying out political acts by other means was rendered obsolete.

The Congress believed that the control of nuclear weapons should not be concentrated in the executive branch and that there was a need for a "watchdog" committee. Thus the Joint Committee on Atomic Energy was born.

The committee members on both sides represented the leaders of the 79th Congress: Brien McMahon of Connecticut, Richard B. Russell of Georgia, Arthur Vandenberg of Michigan, Bourke B Hickenlooper of Iowa, and Carl T. Durham of North Carolina. There were also two distinguished colleagues who were charter members of this committee to whom I would like to pay special tribute: CHET HOLIFIELD, three times chairman of the Joint Committee, and MELVIN PRICE, our new vice chairman. Through the years they have contributed to some of the most important decisions in our Nation's history.

Congressman HOLIFIELD was named by Senator Brien McMahon, then chairman of the Joint Committee, to make a study to determine the basis for the Joint Committee's position on whether the United States should pursue the development of the hydrogen bomb. After an extensive review, Congressman HOLIFIELD recommended that the United States proceed with this development immediately. Chairman McMahon brought the Joint Committee's recommendation to the President, and in January 1950, President Truman gave the go-ahead for a crash program to develop this awesome weapon. In November 1952 the United States detonated its first hydrogen device. Approximately 9 months later the Soviets detonated their first hydrogen bomb. I might add that they received considerable help from Dr. Klaus Fuchs, a Soviet agent.

Remembering the impact that the Sputnik had on all of us in 1957, I can only imagine how much more devastating it would have been if the Soviets had been the first superpower to develop the hydrogen bomb.

CHET HOLIFIELD and MEL PRICE fought unceasingly for a nuclear navy and with other members of the Joint Committee strongly backed a Navy captain named Rickover, who had an idea that he could build nuclear-powered submarines. Today our Polaris/Poseidon nuclear submarine fleet stands as our line of defense.

In the late fifties, there was a great concern regarding the effects of the fallout of nuclear material from weapons testing. Before the word "environment" became popular in the lexicon of all Americans, CHET HOLIFIELD held extensive and detailed hearings in this vitally important area. The hearings were really designed to bring before the public the facts on this matter without prejudgment and without preconceived conclusions. It was generally accepted at that time and still is, that these hearings were

a great service to the Congress and the country.

On the other side of the coin, in 1954 the Joint Committee recommended to the Congress a revision of the Atomic Energy Act in order to develop the peaceful uses of atomic energy. From this change has come a new and promising source of energy for civilian uses. In this short span of less than two decades a new source of energy has been developed to fill the great needs of our industrial Nation. Without this our coal, oil, and gas sources would be rapidly exhausted. In this connection I would like to pay particular tribute to CHET HOLIFIELD for his unceasing struggle to develop the fast breeder reactor.

He has continued to put the needs of our Nation above partisanship. And so it was that he worked with President Nixon to have the liquid metal fast breeder reactor identified as a national goal.

The Joint Committee on Atomic Energy has served the Nation faithfully and well. It has carried out its responsibilities as a "watchdog" of the Congress over this powerful, new and in some cases, little understood source of potentially great good and evil.

I would also like to single out for high praise on this occasion the ranking Republican House member of the Joint Committee, my distinguished colleague Representative CRAIG HOSMER from California who has contributed greatly to the committee's remarkable record during more than half of its first quarter century.

It is with pride that I summarize in these remarks the past accomplishments of the joint committee including a brief outline of highlights of the last 25 years.

The Atomic Energy Act of 1946 was at the time of its enactment, and in many respects remains today, without parallel in the legislative history of this country. It was a radical piece of legislation—in not a few ways alien to all that most of us believe in. Secrecy was the byword. The role of private enterprise in the program was almost nonexistent. Neither nuclear reactors nor the fuels that went into them could be privately owned. In a word, the program, with few exceptions, was one huge Government monopoly.

ATOM PLACED UNDER CIVILIAN CONTROL

Nevertheless, the McMahon act—as the 1946 act came to be popularly known—served this country well through a trying period. It embodied the wisdom and the best foresight of the Congress and the American people in the period immediately following the close of World War II when atomic energy had emerged as a revolutionary new force. Congress chose well when it enacted the Atomic Energy Act of 1946 and created a civilian agency to develop the atom rather than maintaining it under military control.

It was always recognized, however, that the 1946 act was temporary in nature. Accordingly in 1953, at a time when the United States had a large stockpile but no longer a monopoly in nuclear weapons, the Congress was able to consider devoting a portion of our nuclear capacity to civilian purposes, and to eliminate some of the secrecy in which our atomic energy program was enshrouded. As a result, the joint committee recommended and after long debate Congress enacted the Atomic Energy Act of 1954. Enactment of the 1954 act marked the culmination of efforts by the Joint Committee and the Congress, in accord with the policy declaration of the 1946 act, to update the basic statute so as to reflect the rapid advancement and broadened horizons of nuclear science.

The new act marked a turning point—a shift in emphasis from solely military applications to an increasing emphasis on peaceful uses. This shift has continued to this day.

CREATION OF JOINT COMMITTEE ON ATOMIC ENERGY

A unique feature of the Atomic Energy Act of 1946 was its creation of a joint committee of Congress to oversee the atomic energy program. The Joint Committee on Atomic Energy—one of the few committees of Congress established by statute rather than by rule of each House and the only joint committee empowered to receive and recommend proposed legislation, including authorization of appropriations—grew out of Congress' cognizance of and concern over the vast powers which were bestowed upon the executive branch of Government by the 1946 act.

In this field of overriding importance to the national defense and of unlimited promise for the peacetime welfare of the Nation and the world, new legislative techniques were necessary. As President Truman remarked in 1945—

> The release of atomic energy constitutes a new force too revolutionary to consider within the framework of old ideas.

The Congress had to meet the challenge of atomic energy in a manner which would preserve and strengthen the structure of a Government which rests upon the foundation of separate and equal powers and at the same time assure that the legislative branch was equally as informed as the executive branch.

The instrument which Congress chose to span the separation between the executive and legislative branches and to meet the special legislative needs imposed by the defense importance, the complexity, and the portent of atomic energy was the Joint Committee on Atomic Energy. The magnitude—both in terms of the management problem and the immense expenditure of public funds—of the atomic energy program, its technical complexity, and its security importance gave almost a new dimension to the normal responsibilities of a legislative committee. In recognition of these special responsibilities the Congress conferred upon the Joint Committee unusual powers—sufficiently unusual to make the committee unique in Federal legislative annals.

JCAE UNIQUE IN LEGISLATIVE ANNALS

The Joint Committee was established as the agent of the Congress and the American people, and is charged with the responsibility of making "continuing studies of the activities of the Atomic Energy Commission and of the problems relating to the development, use, and control of atomic energy."

The Commission by law is required to keep the committee "fully and currently informed," as is the Department of Defense with respect to all matters within its cognizance relating to the development, utilization, or applications of atomic energy. The committee has full hearing powers, including subpena authority. The committee members from each House report out bills or other legislative matter to their respective Houses. To promote bipartisan support, not more than five of the nine-member delegation from each House may belong to the same political party.

The obligation of the Atomic Energy Commission and the Defense Department to keep the Joint Committee fully and currently informed helps to assure a continuing flow of information necessary to the proper discharge of the committee's responsibilities to the Congress. Visits by the committee and its staff to AEC laboratories and other operating sites serve to further alert the committee to the problems and promises of the atomic energy program. Continuity in committee membership and the selection of a highly competent staff without regard to political affiliation have also enhanced the committee's ability to cope with its responsibilities. Finally, the vantage point of the Joint Committee, separate as it is from the executive position of the Commission, has provided a degree of perspective such as to enable the committee to make substantive recommendations which have been accepted by the executive branch.

NATIONAL DEFENSE SERVED WITHOUT STINT

The paramount and primary objective of the national atomic energy effort, by statute and unflagging determination of both the Joint Committee and the Atomic Energy Commission, has been in support of national defense. This objective has been served without stint.

Our nuclear arsenal—if one could call it that—at the end of World War II was nonexistent. The atomic bombs that fell on Hiroshima and Nagasaki on August 6 and 10, 1945, completely exhausted our supply at that time and our production capabilities were exceedingly limited.

As late as December 1946, shortly before the Atomic Energy Commission assumed jurisdiction over the atomic energy program from the Manhattan Engineering District, the weapons program was at a virtual standstill. A commission representative who made an inventory of the weapons stockpile in that month later told the Joint Committee:

> I spent 2 days, as a representative of the Commission, going over what we had. I was very deeply shocked to find what few weapons we had at that time.

By the spring of 1949, however—little more than 2 years after the AEC had gone into operation—the Nation's leaders were able to take comfort in the knowledge that the country had what accurately could be described as a nuclear weapons stockpile. Later, as a result of the AEC's major rehabilitation and expansion programs, the country was provided a nuclear weapons capability in quality and quantity that to this days remains unmatched by any other nation.

DEVELOPMENT OF THE H-BOMB

The story of the development of our nuclear shield would be incomplete without some reference to the H-bomb. The possibility of developing a hydrogen bomb was explored by U.S. scientists as early as 1942. Studies concerning the feasibility of a hydrogen weapon were conducted as part of the wartime atomic project, although they were subordinate to work on the A-bomb since it was believed that the atomic bomb could be developed more quickly and could, therefore, be used to hasten the end of the war. At first, after the end of World War II, no substantial effort was directed toward the development of an H-bomb although a small research program on thermonuclear energy was continued.

This situation prevailed until September 23, 1949, when President Truman announced that the Soviets had exploded an atomic bomb. The Government promptly reviewed our atomic program in light of the generally unexpected rapid progress of the Soviets. As a result, for the first time, major attention was directed to the question of developing a thermonuclear weapon.

The Joint Committee on Atomic Energy took a leading part in urging the President to support a vigorous program on the development of hydrogen weapons. Between September 1949 and January 1950, the committee held several hearings in executive session on this question. Over the signature of its chairman, the late Senator Brien McMahon, five separate letters were forwarded to the President on behalf of the committee urging a major development effort. A special subcommittee was set up to review the H-bomb.

After consultation with a number of scientists, the subcommittee recommended to Chairman McMahon that it move ahead at all possible speed with the H-bomb program. Chairman McMahon thereafter wrote several letters to President Truman, visited a number of atomic installations and together with a number of the Joint Committee members personally called upon President Truman at the White House to urge a major crash program on the H-bomb.

After vigorous debate at the highest levels of Government, the situation that confronted the President was this: first, a majority of the Atomic Energy Commission advised against proceeding with a large-scale and vigorous effort on development of the hydrogen bomb; second, the AEC's General Advisory Committee also advised against proceeding; third, the Joint Committee on Atomic Energy favored proceeding; and fourth, a special Subcommittee of the National Security Council favored proceeding, the Secretary of State and the Secretary of Defense recording favorable votes.

On January 31, 1950, President Truman made his decision and issued an order to the Atomic Energy Commission to proceed with the development of the hydrogen bomb. As the project progressed the Joint Committee renewed its urgings that every effort be made to attain the objective in the shortest space of time. The program was pushed with great vigor and achieved success. The value of the effort was proved less than a year later when the Soviets detonated their own hydrogen device.

The power of the hydrogen bomb is not a mere magnitude larger than the atom bomb used in World War II. It is three magnitudes larger, or 1,000 times as powerful as the A-bomb. Imagine, if you can, a train of boxcars stretching from Boston to Los Angeles, each car filled with TNT. That will give you some conception of the explosive content of a 20-megaton weapon.

SAFEGUARDS AGAINST ACCIDENTAL DETONATION AND UNAUTHORIZED USE OF NUCLEAR WEAPONS

Over the years the yields of our hydrogen weapons have been reduced as the means and accuracy of our delivery systems have improved. Concurrently, the safety and security of our weapons have improved.

Equally important are the devices which safeguard against the possibility of unauthorized use of nuclear weapons, the need for which was brought to the President's attention by the Joint Committee.

In carrying out its responsibility to review activities in the vitally important field of atomic weaponry, the Joint Committee in the late fifties became apprehensive about the arrangements for the custody and control of U.S. nuclear weapons assigned to NATO. Based on the knowledge of the practices and procedures then in effect concerning these weapons, grave consequences were foreseen by the Joint Committee in case of the unauthorized use or accidental detonation of these nuclear weapons.

Aware of the dangers inherent in this situation, in 1960 Senator CLINTON P. ANDERSON as chairman of the Joint Committee appointed a special ad hoc subcommittee to investigate the matter. Subcommittee members visited eight European countries and more than 15 nuclear weapons installations. Early in 1961, as a result of this inspection, a top secret report was presented to President Kennedy containing recommendations designed to strengthen and improve NATO nuclear weapons arrangements.

One of the key recommendations of this report called for the development of a system of electronic locks to be placed on nuclear weapons as a safeguard against unauthorized firing. This recommendation was accepted by the President and a research and development program was begun which ultimately resulted in the development of the permissive action link system.

Numerous other recommendations were set forth in the report—many of which to this day must remain classified. The committee was at the time, however, concerned with what appeared to be too great a reliance on nuclear weapons in NATO and an inadequate understanding amongst our allies and within our own forces of nuclear weapons effect. The committee recommended against any significant increase of nuclear weapons in Europe and that greater effort be made to increase NATO's conventional weapon capabilities. Additional recommendations, which subsequently were implemented, included coordination between NATO and SAC nuclear weapon war plans and the removal of Jupiter IRBM missiles from Italy and Turkey. A potential safety problem in an operational system was uncovered by a Joint Committee consultant and was corrected.

DEVELOPMENT OF THE NUCLEAR SUBMARINE

One of the brightest chapters under the military aspect of atomic energy was the development of the nuclear Navy, particularly the nuclear submarine. There is little question that the support which the Joint Committee and Congress gave to the development of the nuclear submarine will long be remembered as one of Congress' greatest contributions to the preservation of the Republic. On more than one occasion Admiral Rickover, the man who provided the day-by-day technical drive and organized leadership for the work, has referred to the essential part that the Joint Committee on Atomic Energy and the Congress played in this development.

At the time Admiral Rickover took the helm of this development project the Navy thought so little of it that they gave him no support to carry it out. The Congress recognized this impasse early in the program and stepped in to fill the vacuum. Specifically, the Congress authorized facilities for the development work and provided funds for the operation of these necessary facilities. Later, when the Navy refused to seek the funds necessary to build a nuclear submarine, Congress stepped in again and voted funds for the nuclear powerplants for the first two nuclear submarines, the *Nautilus* and the *Seawolf*. Because of the Navy's reluctance the money was appropriated to the Atomic Energy Commission where it was used to build the powerplants that were then turned over to the Navy Department. Through this circuitous route were built the first of the nuclear submarines which today constitute one of the mainstays of our national defense.

In subsequent years, the Joint Committee has continued to recommend, and Congress has continued to authorize, facilities for the advancement of nuclear submarine and surface warship propulsion technology which were turned down within the executive branch in the budgetary review process. Congress has also added nuclear-propelled surface warships to the authorization requests of the Department of Defense.

NUCLEAR POWER GROWING RAPIDLY

Until not too long ago the much publicized military atom captured the lion's share of the headlines. Of late, however, the peaceful atom has more than come into its own. In no area is this more true than in the use of atomic energy to produce electrical power.

The development of nuclear reactors for the conversion of atomic energy into useful, economical power has been the goal toward which the United States has worked since the day in 1942 when the first nuclear chain reaction in the uranium graphite pile was achieved under the west stands of Stagg Field at the University of Chicago. If the recent upsurge in orders for nuclear powerplants is any indication, that goal is now within our grasp.

There is now available a vast new energy source in addition to fossil fuels

to meet the Nation's ever-increasing power requirements. The magnitude of this feat takes on even greater meaning when it is recalled that this country had no installed commercial nuclear electrical generating capacity until 1957, when the Shippingport nuclear reactor first went into operation. But for Congress, moreover, Shippingport might never have gotten off the drawing boards.

In the fall of 1952, the AEC proposed to the Bureau of the Budget that it include some construction money in the fiscal 1954 budget to enable the Commission to begin building a full-scale power reactor. The Bureau of the Budget refused the request on economy grounds. The Commission then proposed to the National Security Council that money be included in the revised fiscal 1954 budget for beginning construction of a pilot plant to produce 7,500 kilowatts of electric power. The National Security Council also turned this proposal down, again on grounds of economy.

When the President's budget message was submitted to the Congress, the Joint Committee was concerned to learn that the proposed budget for atomic energy contained no provision for the development of a full-scale atomic powerplant. Private industry had made it abundantly clear to the committee that it was prepared to invest in the development of an atomic power station if the Government would underwrite part of the cost and if the necessary amendments to the Atomic Energy Act of 1946 could be obtained. The Joint Committee deemed it essential, therefore, that the Commission be granted the funds with which to proceed with the development, design, and construction of such a powerplant.

Accordingly, W. Sterling Cole, the then chairman of the committee, conferred with the members of the House Appropriations Subcommittee charged with responsibility in this area, and discussed the implications for the future of atomic power if the Government failed to press forward with the development of a full-scale atomic powerplant. The Appropriations Subcommittee responded by sponsoring language in the Appropriation Act, language which was approved by the full committee, authorizing the Commission to spend $7 million during fiscal 1954 to begin construction of the Shippingport nuclear facility in cooperation with private industry.

The 60,000-kilowatt project, built in cooperation with the Duquesne Power & Light Co. and the Westinghouse Electric Co., was a complete success. In every way, it justified the confidence which the Congress had reposed in it and the people who built it. This was the first practical demonstration of the technical feasibility of using nuclear energy for full-scale production of power.

THE ATOM IN SPACE

Radioisotopes have widespread use in industry, medicine, and agriculture. In addition, when a radioisotope decays, it generates heat. The Atomic Energy Commission has developed shielded units containing high concentrations of radioisotopes which generate heat. The energy is converted to electric power for use in space and other applications. Such units are in use today in satellites now orbiting the earth, navigational buoys, and in remote weather station units. The space power application for radioisotopes is an important one since rather compact, light-weight units can be made which will generate electric power for considerable periods of time, equivalent to that which would be produced by many tons of batteries or through the use of many thousands of solar cells displayed in huge panels attached to a space satellite.

One such device was lofted into space in 1961—the world's first nuclear-powered satellite. There were those who resisted the experiment because they felt a proof test was unnecessary, or because it might cost an undue amount of money. Vice President Lyndon B. Johnson, however, disagreed, and threw the support of the President's Space Council behind the Joint Committee's proposal to put the satellite to a test. It is no exaggeration to say that the success of the experiment broke the chains of power limitations in space. That nuclear powered satellite is still operable today.

Another example of the generation of electricity by atomic energy for use in space application was achieved in 1965. In April of that year the first nuclear reactor was orbited about the earth in a satellite containing a number of scientific experiments. This reactor, the SNAP 10–A, generated 500 watts of electric power for a period of 43 days following the launch. A failure, not in the reactor but in the electrical load distribution system, was apparently responsible for termination of the electric power generation.

It is important to note here that although the administration did not plan a test of the SNAP 10–A reactor in the space environment, the Joint Committee on Atomic Energy believed that such a test was highly desirable and could be conducted successfully at a reasonable cost. For this reason the committee recommended authorization of funds for the conduct of a test in space, and the Congress, acting on the Joint Committee's recommendation, authorized and appropriated the necessary funds. The test was successful in that it demonstrated the ability safely to launch, start up, and operate a reactor in space—an important first in the U.S. space effort.

INTERNATIONAL COOPERATION IN THE PEACEFUL USES OF ATOMIC ENERGY

Not to share is foreign to the creed of the American people. Accordingly, on December 8, 1953, President Eisenhower presented to the General Assembly of the United Nations his historic "Atoms for Peace" plan, which embodied the Nation's desire and willingness to join with all other nations in a common undertaking directed toward the peaceful development and constructive exploitation of atomic energy. The popular appeal of directing atomic materials to peaceful rather than military uses was fully established by the enthusiastic worldwide response to the proposal.

Out of that proposal emerged the International Atomic Energy Agency, conceived as an instrument for enabling East and West to work together on technical and economic problems apart from the arena of political conflict. The Agency statute, approved by the United States in 1957, was a singular achievement, for it embodied the first significant agreement between East and West directly related to the arms limitation problem. The Agency has served to siphon off atomic materials from military to peaceful uses and, more importantly, to establish a system of international safeguards against the diversion of nuclear materials to military purposes.

A number of nations have found the International Agency a source of help essentially neutral in the East-West conflict. To assist these nations the United States contributes equipment and material to the Agency for distribution as it sees fit, subject, of course, to Agency safeguards. Many others have chosen to deal directly with the United States in obtaining the materials, equipment, and technology required for peaceful atomic applications. Where this has been the case the Joint Committee has strongly encouraged the AEC and the Department of State to insist that any assistance furnished on a bilateral basis be subject to international safeguards. Similarly, where bilateral agreements entered into prior to establishement of the Agency have come up for renewal the committee has fully supported the policy, and at times has had to insist upon the policy, of transferring our Government's safeguards responsibilities to the Agency.

Some of the nations with whom the United States has cooperated have balked at the transfer of these responsibilities to the International Agency, preferring instead that the United States itself perform the safeguards task. They seem to feel that IAEA inspection is a badge of second-class citizenship in the nuclear world. It is important, however, that the international inspection system be expanded and our control methods improved to guard against the dangers to world peace posed by nuclear weapons.

There have been occasions in the past when the AEC or the Department of State was willing to accommodate the resistance of some foreign countries to International Atomic Energy Agency safeguards. The Joint Committee, however, insisted upon compliance with the announced U.S. policy of IAEA or similar international safeguards and succeeded in strengthening the executive branch in its foreign negotiations.

PROLIFERATION OF NUCLEAR WEAPON

Also, over the years there have been those who have advocated transferring nuclear weapons and weapon technology to other nations. The Joint Committee has steadfastly resisted actions that would increase the proliferation of nuclear weapons to additional nations, either directly or indirectly. Thus in 1958 the Joint Committee substantially revised proposed legislation submitted by the executive branch to assure that the legislation would not permit additional nations to achieve independent nuclear weapon capability through assistance from the United States.

Notwithstanding criticism that the Joint Committee has placed undue restrictions on the executive branch in the exchange of nuclear technology and in-

formation for military purposes with other nations, the committee, in recognition of its responsibilities to the Congress and the people, has insisted that it be kept "currently and fully informed" and that no cooperation be entered into with other nations unless first carefully reviewed with the committee in light of the legislative intent of the Atomic Energy Act. For many years the committee has resisted repeated efforts by those who all too willingly would turn over to other nations the secrets of our nuclear submarine and surface warship technology.

Since 1966, there have been many formidable challenges. The need for maintaining world leadership in nuclear research, for meeting energy needs of the Nation, for protecting the environment, and for maintaining our defense posture—all were met in a responsible, constructive manner. Among many activities the committee, in its 21st year, for example, conducted hearings and approved initial authorization for the proposed 200 billion electron volt accelerator, the largest such research facility in the world. It published a report on Chinese nuclear capability. It also conducted hearings on the setting of radiation standards. And it approved legislation, later enacted, permitting AEC to conduct research for others in health and safety matters.

During 1966, the Joint Committee recommended, and there was enacted, an amendment to the Price-Anderson nuclear indemnity legislation, an act generally regarded as a cornerstone of the atomic power industry. This amendment was the most far-reaching since the legislation's passage in 1957. As originally enacted, the Price-Anderson law did not establish the basis of liability. The amendment rectified this and related inadequacies without violating one of the cardinal attributes of the Price-Anderson Act, namely, minimal interference with State law.

In 1968 the committee began an extended review of the "practical value" question in licensing nuclear powerplants. By 1970 the Joint Committee had completed its extensive consideration of the "practical value" question and prelicensing antitrust review aspect of the Atomic Energy Act of 1954, as amended After careful consideration, it recommended the filing of committee bills which later were enacted into law.

Also in 1968 the Joint Committee looked into the participation by small electric utilities in nuclear power. Faced with a grave defense responsibility, it expressed vigorous support of the administration decision to begin an antiballistic missile system. The committee also held hearings in conjunction with the Senate Foreign Relations Committee on the Nonproliferation Treaty.

In 1969 and 1970 the committee conducted the lengthy hearings on the environmental effects of producing electric power—hearings which ultimately represented over 3,000 pages of material and probably are the most comprehensive body of knowledge on this subject to date.

The committee last year reaffirmed its support for the breeder reactor to extend the Nation's resources of nuclear fuel. And the committee, continuing to press for improvement in the AEC's gaseous diffusion plants for enriching uranium, this year won approval of initial funding for this purpose.

Mr. Speaker, the signing of the Atomic Energy Act of 1946 by President Truman which established the Joint Committee on Atomic Energy also gave birth to the Atomic Energy Commission. I include as a part of my remarks the eloquent address of Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission delivered at a reception at the Department of State yesterday, marking the 25th anniversary of the signing of the Atomic Energy Act.

NATIONAL MANDATE FOR ATOMIC ENERGY: A TWENTY-FIVE-YEAR REVIEW

(By Dr. Glenn T. Seaborg)

Twenty-five years ago this morning seven members of the Special Senate Committee on Atomic Energy gathered around President Truman's desk at the White House as he affixed his signature to Senate Bill 1717, which thereby became the Atomic Energy Act of 1946.

The bill which President Truman signed that morning a quarter of a century ago was no ordinary piece of legislation. It had emerged from months of Congressional and public debate over the life-and-death issues at which the dramatic advent of atomic energy had revealed to the world at Hiroshima. The new Act, as unusual in its provision as the events which produced it, reflected a fundamental re-examination by the Congress of the national predicament at the end of World War II. In terse terms of understatement, the Act described the looming presence of atomic energy in the world of that day: "Research and experimentation in the field of nuclear chain reaction have attained the stage at which the release of atomic energy on a large scale is practical. The significance of the atomic bomb for military purposes is evident."

If these facts were clear to everyone, the future was not. The Act went on to state: "The effect of the use of atomic energy for civilian purposes upon the social, economic, and political structures of today cannot now be determined . . . It is reasonable to anticipate, however, that tapping this new source of energy will cause profound changes in our present way of life."

I am sure that for some of us, with twenty-five years of hindsight, these words sound overblown and exaggerated. The world has changed dramatically since 1946 and yet it is not clearly evident that nuclear energy has been the prime mover of our generation. For the general public such things as television, shopping centers, interstate highways, and air conditioning may have seemed more obvious sources for change, but the obvious do not always have the greatest significance.

Let us read a little further in the 1946 Act. It established the Atomic Energy Commission, itself a unique institution in governmental organization, and assigned to it an exceptional responsibility. It was, in the words of the Act, the policy of the United States that, "subject at all times to the paramount objective of assuring the common defense and security, the development and utilization of atomic energy shall, so far as practicable, be directed toward improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace."

What can we say today about our success in achieving these five goals?

Overshadowing all the others in the language of the Act was that of assuring the common defense and security. For a few months after the end of World War II, there were some hopes that the military aspects of nuclear energy could be subordinated to the peaceful and that under the system of international controls, this new energy source could be exploited for peaceful purposes. The somber events of 1948 and 1949 demonstrated, however, the accuracy of the original assessment by those who had drafted the 1946 Act. Nuclear weapons were to become the keystone of our national defense system, and the Atomic Energy Commission under the Act was called upon to accept the major responsibility for designing and building a new arsenal of weapons unprecedented both in their technical sophistication and destructive power.

The existence of a stockpile of nuclear weapons has never been a source of unmitigated comfort even to those who have the greatest confidence in our ability to carry out the responsibilities it imposes upon us. In recent years the public press has had much more to say about the dangers than about the benefits of the nuclear stockpile. Yet in taking a broad historical view (as seems appropriate on a silver anniversary), we must accept the fact that the terrifying prophesies of the past quarter century have not come true. The world so far has avoided nuclear war, and students of current affairs can cite instances in which the nuclear stockpile has helped to preserve the peace. Many of us who helped develop nuclear weapons during World War II profoundly hoped that nuclear warfare would prove too horrible for any rational nation to contemplate. Twenty-five years later we can see some evidence that this hope may be fulfilled.

I think it is, therefore, reasonable to state (and certainly without any sense of overweening pride or joy) that the Commission has been successful in carrying out its mandate to assure the common defense and security. Some of the best scientific talent in the nation has gone into this endeavor. Strictly at research institutions our weapon laboratories at Los Alamos and Livermore rank among the best in the world. They represent an investment in talent and resources which has proved well worth the cost. They also clearly demonstrate a point I have often made in recent years—that through skillful use of their talents and scientific knowledge, men can reap the promise of a new technology without necessarily incurring the hazards which it involves.

Beneath this umbrella of responsibilities for national security, the Commission attempted to carry out the other four mandates of the Act. In terms of improving the national welfare, I think first of the startling advances during the last quarter century in education in the nuclear sciences. These advances probably come to my mind first of all because I recall so vividly the precarious state of this new research field at the close of World War II. Those of us who had been privileged to explore this new realm of science during the war were gravely concerned about the prospects for the future. Research in the nuclear sciences would require equipment and financial support on an unprecedented scale, far beyond the capabilities of traditional sources in universities and private research institutions. Under the 1946 Act the Commission had a leading role in creating new administrative machinery for Federal support of research. The Commission also deserves credit for bringing into reality the new concept of the national laboratory. The research contract and the national laboratory became the key instruments for a system of research on a national scale which has helped to bring the nuclear sciences in this country to world pre-eminence. And the impact of this system has extended far beyond the nuclear sciences to other fields of research and to American education in general. The Commission program has established new standards that have come to be

accepted as the norm in other educational institutions.

Under the topic of public welfare, I must also mention the extraordinary proliferation of the use of radioactive isotopes for industrial, medical, and space applications. In the early years of the Commission's existence, this subject was perhaps overworked in citing the benefits of nuclear energy, probably because the advances of radioisotopes were immediately evident. In the absence of other concrete examples it became customary to talk about radioisotopes. Now we take them much more for granted and can call attention to other kinds of accomplishments. But again in the historical perspective, I think we should not forget that the use of reactor-produced radioisotopes began only twenty-five years ago tomorrow, when one millicurie of carbon-14 was delivered at Oak Ridge to the representative of a St. Louis hospital. Since that day both the variety and quantity of available isotopes have increased to levels undreamed of a quarter of a century ago, with untold benefits in the diagnosis and treatment of diseases, in improving industrial operations, and in generating power in remote locations on the moon, and in deep space.

There is no question in my mind that the public welfare has been benefited in the last twenty-five years by the knowledge of the physical world which research in the nuclear sciences has made possible. The magnitude of this accomplishment is perhaps beyond the grasp of many Americans because its concrete results are indirect. In answer to the occasional cries from the wilderness that man is probing too deeply into the secrets of the universe, I can reply that we can never know too much about the world around us. It is not knowledge itself, but the use that we make of it that brings trouble. Our atomic energy program in the last twenty-five years has produced a veritable revolution in our understanding of both the physical and biological sciences. If you don't believe that, glance through some of the scientific journals of 1946. They reflect a world that seems incredibly remote today, not only in terms of the state of knowledge but also in the sense of our understanding of man's relationship to his environment.

The 1946 Act also declared that atomic energy should be developed to improve the standard of living and to strengthen free competition in private enterprise. These words suggested the common view in the immediate postwar period that a day of cheap and abundant nuclear power was about to dawn. I remember that those of us who served with Robert Oppenheimer on the Commission's first General Advisory Committee were worried about this over-optimistic expectation in 1947.

Nuclear power has become a reality within a time frame much closer to that which the Committee predicted than that which the public expected. In fact, we are today just reaching the point where private industry is beginning to invest substantial amounts of capital in nuclear power plants on a strictly economic basis. Nuclear power has scarcely begun to have an impact on the world's standard of living. But as we sharpen our predictions of future power needs, it seems inescapably certain that nuclear power will have a profound effect upon the future standard of living. In this sense the substantial investment of talent, resources, and money in nuclear reactor technology in the past quarter century has been an investment in the future. As the Commission stated in its report to President Kennedy in 1962, we had reached in fifteen years the point at which nuclear power was becoming economically competitive. The technology of reactors using water as a moderator and coolant is approaching maturity. Under the Commission's leadership the nation has now accepted a new commitment for the future as we seek to develop an economical fast breeder reactor. Not only President Nixon and his Administration but also the Joint Committee on Atomic Energy have provided the support which this important effort requires.

"Strengthening free competition in private enterprise" conjures up the fears of 1946 that this new and little understood technology of nuclear energy would fall into the clutches of a few giant monopolistic corporations. The 1946 Act, by placing complete control of atomic energy in the hands of the Commission, sought to avoid that disaster. From the beginning the Commission took this mandate seriously and there was a constant effort over the years to bring about an orderly transformation from complete Government monopoly to a nuclear industry fully integrated into the national economy. This process began slowly, but by 1952 it was possible to begin thinking of a dramatic step toward industrial participation.

What started as a piecemeal effort to amend the 1946 Act ended in a sweeping revision of the statute, which became known as the Atomic Energy Act of 1954. Under the new Act, American industry could begin to play a major role in developing nuclear power, and the utilization of nuclear power for peaceful purposes could begin on an international scale. Ten years later, in 1964, the Congress under the leadership of the Joint Committee further amended the Act to permit private industry to own special nuclear materials as well as the plant in which they are used or produced.

So rapidly has the atomic energy industry grown in recent years that the Government monopoly of twenty-five years ago seems to have faded into the remote reaches of history. It would seem that the architects of the 1946 Act have achieved the goal they sought in assuring that this new form of energy would be developed for the benefit of all the people of this nation. Today we can broaden their intention and express the hope that nuclear energy can become the servant of all men everywhere.

The last mandate enjoined upon us by the 1946 Act was to use atomic energy to promote world peace. These words express one of man's highest and most elusive aspirations. As I have suggested earlier, it is possible that nuclear energy in its military applications has prevented a global war, but we would be speaking less than the truth to say that it has brought us closer to world peace. I would hazard the prediction that nuclear weapons will never have much more than a passive role in the quest for world peace. As in the past, they may help to protect us while we work to build the kind of a world that can exist in peace. But the kind of peace which all men seek will come only through the solution of the enormous social and economic problems which plague us today. I think it is no exaggeration to say that the development of nuclear energy in the last twenty-five years has opened up new opportunities for finding solutions to these problems. With patience, hard work, and clear thinking the forces set in motion twenty-five years ago today will by August 1, 1966, bring us closer to our ultimate goal.

TWENTY-FIFTH ANNIVERSARY OF THE JOINT COMMITTEE ON ATOMIC ENERGY

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

Mr. PRICE of Illinois. Mr. Speaker, today, August 2, 1971, marks the 25th anniversary of the formation of the Joint Committee on Atomic Energy. The formation of the committee followed by one day the signing into law of the Atomic Energy Act of 1946.

There have been a number of distinguished Americans who have served on the committee, including Senator Brien McMahon of Connecticut, its first chairman. Senator McMahon has been recognized as the driving force in the legislature responsible for the creation of the Atomic Energy Commission.

Within our Government the formation of an independent Federal agency generally indicates there is a new and significant task to be performed. It appeared obvious to Senator McMahon that the control of the atom, which had been demontrated to be an important new weapon in warfare and which offered such potential for peaceful uses, should be removed from the control of the military and turned over to a civilian agency of the Government. The task of developing both peaceful and nonpeaceful uses of atomic energy was a momentous one and called for special organization and management techniques. The Atomic Energy Commission was created for this task—we have seen how successful this approach has been in the creation of the National Aeronautics and Space Administration, a more recently created Federal agency. The magnitude of the NASA tasks and the evidence of their successful accomplishment is illustrated by the moon exploration completed today by Astronauts Scott and Irwin.

From the standpoint of legislative organization, a special approach was devised. There have been joint committees before, having representation from both the House and Senate, and established to perform a special function. The important new element in the creation of the Joint Committee on Atomic Energy was that it was at that time, and still is, the only joint committee of Congress authorized to receive and recommend to the Congress proposed legislation. All bills, resolutions, and other matters in the Senate or the House relating primarily to the Atomic Energy Commission or to the development, use, or control of atomic energy, are required by law to be referred to the Joint Committee for its consideration.

Another function of the committee is the "watchdog" function. The AEC is required by the provisions of the Atomic Energy Act to keep the Joint Committee fully and currently informed with respect to all of the Commission's activities. A third function of the committee is the policy and review function by which the committee recommends modifications or innovations in atomic energy programs. Examples of the exercises of this function are the expediting and support of the Navy nuclear propulsion program, the hydrogen bomb project, the utilization of atomic energy in space, and the liquid metal fast breeder reactor program.

The fourth function of the committee, and a function to which the committee attaches special importance, is the information function which imposes on the Joint Committee responsibility for providing information to the Congress and to the public in the field of atomic

energy. The committee publishes documents containing testimony of witnesses on matters under review and includes significant related appendix materials. Some of these prints represent the most comprehensive compendium of information available on areas of special interest, such as: radiation standards, fallout, environmental effects of producing electric power, economics of nuclear power, and so forth.

I am personally privileged to have been among the charter members of the committee who assumed that office 25 years ago today. My colleague, the distinguished chairman of the Government Operations Committee and a former chairman of the Joint Committee on Atomic Energy, CHET HOLIFIELD, has also served on the committee since its formation. It has been gratifying work. We have seen over these years the strengthening of our nuclear defense capability, the achievement of many discoveries and developments in the field of nuclear medicine, and the formulation of basis for a successful development of a liquid metal fast breeder reactor which can offer so much toward solving the electrical energy problems of our Nation as well as those of the entire world.

Rather than talking exclusively of the past, I would like to mention a few words concerning the future. What is the future of the atomic energy program with respect to peaceful purposes? The course is straightforward and horizons are unlimited. The generation of electricity by nuclear power is fast becoming the best known prospect for significant contributions to mankind's activities. The rapidly growing need for electricity is well documented. Nuclear power offers a new, virtually inexhaustible energy source for our future generations and it does so with minimal environmental impact. Controlled thermonuclear power as a possibility is commanding more public attention each day. We must continue our efforts on this long-range development program meanwhile our near term reliance must be upon fission reactors. Other programs are, of course, underway. The exciting feature of atomic energy research is that we do not know what will be discovered next year—or 5 or 10 years from now—nor can we visualize the impact such discoveries might have on our present way of life.

The accomplishments of which I have only mentioned a few, are the accomplishments of the scientists and engineers, the Fermi's, the Seaborg's, the Rickover's and many others—men whose dedication has strengthened our national defense and has provided us the way toward a better life.

I would be remiss, however, if I failed to mention the efforts of the legislator, for, in this country of ours the programs carried out in our national laboratories and by our contractor must meet with approval of the men who are charged with determining the worth of these programs and approving the necessary funds with which they can be carried out. These men are the representatives of the people of this country, and they act in their behalf. I would like to pay special tribute to those of the House of Representatives and the Senate who have served as members of the Joint Committee on Atomic Energy at some time during its 25 years of existence.

A listing follows:

MEMBERSHIP OF THE JOINT COMMITTEE, 1945–71

Richard B. Russell, Edwin C. Johnson, Tom Connally, Harry Flood Byrd, Millard E. Tydings, Arthur H. Vandenberg, Warren R. Austin, Eugene D. Millikin, Bourke B. Hickenlooper, Thomas C. Hart.

William F. Knowland, Ewing W. Thomason, Carl T. Durham, Aime Forand, Chet Holifield, Melvin Price, Charles H. Elston, J. Parnell Thomas, Carl Hinshaw, Clare Boothe Luce.

John W. Bricker, Brien McMahon, James E. Van Zandt, James T. Patterson, Lyndon B. Johnson, Paul J. Kilday, Henry M. Jackson, W. Sterling Cole, Clinton P. Anderson, Thomas A. Jenkins.

Guy R. Gordon, John O. Pastore, Albert Gore, John J. Dempsey, Wayne N. Aspinall, Craig Hosmer, Henry Dworshak, George D. Aiken, Wallace F. Bennett, William H. Bates.

Jack Westland, Everett McKinley Dirksen, Thomas G. Morris, Carl T. Curtis, John B. Anderson, William M. McCulloch, John Young, Ed Edmondson, Catherine May, Norris Cotton, Stuart Symington, Alan Bible, Peter H. Dominick, Howard H. Baker, Jr., Orval Hansen.

TWENTY-FIFTH ANNIVERSARY OF THE JOINT COMMITTEE ON ATOMIC ENERGY

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

Mr. HOLIFIELD. Mr. Speaker, today, August 2, 1971, marks the 25th anniversary of the organization of the Joint Committee on Atomic Energy.

Never in history has a new force had such a profound effect on man's life as has nuclear energy. It is the controlling factor in the field of military security. It is a major factor and may well become the controlling factor in the supply of energy for the peaceful endeavors of mankind. In its short life nuclear energy has already become a major contributor to the health and welfare of all mankind through its manifold uses in medical research, diagnosis, and therapy as well as in agriculture and industry.

Those who have labored in the nuclear "vineyard" for this past quarter of a century know firsthand what has been done, but more importantly realize how much more can be done and must be done to reap full benefit from this tremendous source. This is perhaps the most important thought I can express on this memorable anniversary. Although the benefits we have received are great, the potentials which remain in the nuclear field are enormous.

The development of the breeder reactor represents the ultimate in the field of fission as an energy supply. The breeder holds the potential of a limitless supply of energy. On June 4 this year the President made his landmark pronouncement that the completion of the breeder development was the Nation's No. 1 effort in the energy field.

I might add that in my long experience in the Congress with responsibility for the overflow of highly technical development programs, I can quite honestly say that I have never seen a development program laid out as completely as that for the breeder reactor. All major areas of development have been identified, major facilities have been noted and cost estimates and schedules for every step of the way have been delineated for the attainment of this goal. What remains is execution.

One unique aspect of the nuclear field which deserves special mention concerns safety and environmental effects. I think I can state without hesitation that no other field of human endeavor has received the attention and effort nuclear energy has with respect to safety and environmental effects. For example, we have already spent over a billion dollars to determine and control the medical and biological effects of radiation. In designing and constructing nuclear facilities a determined effort has been made to maintain complete control of all reactions and effluents; and we have been successful. In this unprecedented attention to safety and control of effluents from the very beginning, an early example was set and much of the groundwork laid for proper environmental consideration in all activities. Other industries, in response to this Nation's recent environmental awakening, are now faced with the need for making meaningful improvement in their handling of effluents and waste products.

I must admit the atom has been given a "bad time" in recent years. But this has always been the penalty of a leader. These attacks simply place a greater burden on those responsible and knowledgeable in the field to press forward while maintaining the same high standards of safety. Nuclear energy must continue to lead the way in high standards of safety and quality.

It is important to remember there is no practical long range substitute for nuclear energy—which I might add includes both fission and fusion—to meet the electrical energy needs of mankind. Accordingly, nuclear energy must be fully developed. This can only be done by the responsible, cooperative efforts of all elements of government and industry and in so doing, this Nation will be the leader in a field vital to all of mankind. Without this cooperative effort, we will be followers.

I personally will continue to do whatever I can in helping this country achieve and maintain leadership in this field and I urge my colleague to also continue this effort as we enter the second quarter-century of atomic energy.

One of our newest colleagues on the joint committee, ORVAL HANSEN, has prepared a history of the first 25 years of the committee which he is presenting to this body today. I commend him for his effort and I recommend all Members of this body read this accounting of the efforts of the legislative branch in the nuclear development field. I would also commend to you the statement of my colleague and long associate on the joint committee, MEL PRICE, in which he summarizes the basic organizational concepts which were involved in setting up the atomic energy program. He also provided a list of the 54 past and present

members of the Joint Committee on Atomic Energy all of whom have made significant contributions to our legislative efforts.

MEL PRICE and I are the two remaining charter members of the Joint Committee on Atomic Energy which was established 25 years ago today. He and I plan to meet with the present members of the committee and all of the past members we can get together later today to reminisce but more importantly, to plan for the future. The challenge of the atom continues to be important in our future. I personally believe the next 25 years in nuclear energy will be as productive as the first.

CONGRATULATIONS ON STEEL WAGE AGREEMENT

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

Mr. MADDEN. Mr. Speaker, it was indeed great news to the thousands of steelworkers and their families throughout the country when the news media carried the word that the United Steel workers and steel management had agreed on a 3-year contract. This settlement prevented a devastating, long drawn-out strike, which would almost shatter the economy of our Nation. It is everybody's hope that the railroad workers and management will follow the example set by the steel industry in compromising their major labor-management dispute. The steel agreement was ratified overwhelmingly by the 600-member basic steel industry conference in Washington last night. This evidently was brought about by the steel union workers under the leadership of President I. W. Abel when he asked and won approval for a 24-hour extension of the deadline on Saturday.

Mr. Speaker, we have four major steel mills in my congressional district—United States, Inland, Youngstown, and several smaller manufacturers of specialized steel. During my visit home this past weekend I was informed by many of the steelworkers that regardless of a settlement the next few months will indeed be a dark period on account of steel management's policy, pending a threatened strike, to speed up production and as of today millions of tons of steel are already stockpiled in order to carry on sales for an indefinite period. Consequently thousands of steelworkers will be working part time or unemployed till the stockpile is exhausted.

Mr. Speaker, the administration and Congress could make a major contribution to our unemployment problem if we would unite and pass legislation restricting the fabulous importation of low-priced steel from Japan and Germany, and a few other steel producing nations. In the last 10 years 71 percent of the specialty business—stainless steel rods, and so forth, has been taken over by Japan and West Germany. The specialty steel industry in the United States is now on the verge of bankruptcy on account of the State Department policy in not joining with the Congress in limiting quotas on imported steel. Japan has taken our tool industry right out from under us with the permission and cooperation of our State and executive departments. It is predicted that by 1975, unless the Congress and the administration take immediate action, Japan will be the largest steel manufacturing country in the world. Today Japan produces 111 million tons, 60 percent of which they sell outside of Japan. Unless the Government acts to protect flagrant and inexcusably large quotas of imported steel, the major steel companies of this Nation will be knocking at the door of Congress for help the same as Lockheed, Penn Central, and others are doing today. In January 1968 Roger M. Blough, chairman of the board of United States Steel Corp. said:

> Steel mill product imports have risen from 1.2 million tons in 1957 to 10.8 million tons in 1966, and they are still rising. Over the same period steel exports declined from 5.3 to 1.7 million tons. That makes a net adverse swing of over 13 million tons in the past decade.

In January 1968 we all know that the profits, after taxes, for U.S. Steel was higher than at the present time. During the 3½-year intervening period from 1968 to the present time steel prices have been increased approximately 19 percent. During the same period wages, including fringe benefits, have increased approximately 17 percent. In fact, it was only 3 months ago that U.S. Steel, the United States largest producer, announced it was increasing its price 6¼ percent, and at the same time Youngstown Sheet & Tube and Bethlehem Steel followed the pattern and hiked cold-rolled and galvanized steel prices from $8.50 to $13 per ton. When steel, oil, food, et cetera, prices go up, the family of every wage earner suffers financial curtailment.

No doubt, the steelworkers' union organization will receive criticism for insisting on a wage increase from certain reactionary and profiteering sources. I do hope the American people, including the news media have not forgotten that in December 1969, 1 year and 8 months ago, the House and Senate, by a substantial majority, passed an economy and anti-inflation measure that gave the President complete authority to curtail and curb the rise of both prices and wages. The bill was signed by the President. Up to the present hour, it is still on file in the White House with no action taken to curtail prices and wages.

Mr. Speaker, I think the time is here today when the executive department should follow the recommendation of the Congress and most of the labor organizations and enforce the authority given him by the Congress back in January 1969 to take this important and necessary step to curb inflation and prevent further threats to our prosperity, widespread unemployment, and more labor-management disputes.

SUPREME COURT SETS ASIDE BOTTLED WATER

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

Mr. MONAGAN. Mr. Speaker, on February 10 I introduced H.R. 4147 authorizing the Administrator of the Environmental Protection Agency to establish uniform national quality standards for bottled drinking water. I have since reintroduced this proposal with 31 cosponsors from both sides of the aisle.

Unfortunately, yet another incident has occurred to evidence the need for such legislation. As a result of recent bacteria studies sponsored by the Washington Evening Star, the newspaper reports that the U.S. Supreme Court members and staff have stopped drinking bottled water pending further study. Court officials went to the U.S. Environmental Agency for scientific advice, only to be told that there are no Federal standards or jurisdiction for Federal testing, according to the report.

It is clear that this confusion will continue as long as there are no specific Federal standards of health and safety for bottled water. State laws in this field are quite vague, and several States, along with the District of Columbia, have no pertinent laws whatsoever for bottled water.

The Star article also notes that Montgomery County has begun testing all bottled water products which are sold in that county. This is an encouraging development, and I am pleased to see what is probably the first systematic bottled water testing program to be conducted in the Washington area.

At the same time, protection of bottled water consumers is too important to leave to scattershot testing and investigation across the Nation. Consumers in all States and all counties should be protected. It is the responsibility of the Federal Government to establish uniform national standards. In this way, bottled water producers will have consistent guidelines, and bottle water drinkers can be assured of safety. Because of this urgent need. I ask all Members to join me in working for passage of H.R. 4147.

The Washington Star article follows:

SAFEGUARD—MONTGOMERY TESTS BOTTLED WATER NOW

Montgomery County has begun listing and testing the products of every bottled water company that does business in the county.

The U.S. Supreme Court has, for the moment, stopped drinking bottled water.

Both actions are the result of tests commissioned by The Star which showed that samples of some brands of bottled water had much higher bacteria counts than tap water.

Clayton Ervine, chief of the Montgomery health department's division of environmental health, said his office is in the midst of testing all bottled water sold in the county.

The action is believed to be the first systematic bottled water sampling to be conducted in the Washington area by any public health agency. The federal government leaves such testing to the states, many of which have either vague laws or no pertinent laws. The District has none.

So far, Ervine said, he has been impressed by the results of the tests. Many of the brands tested have had low bacteria readings.

However, one had a bacteria count "up in the millions," he said.

Until a few days ago, the Supreme Court was using gallon bottles of Poland Water, one of the nation's oldest brands.

According to Robert Wilkins, the court's

assistant marshal, court officials have decided not to use the remaining inventory of 40 cases until the water is tested.

Wilkins said he had asked the U.S. Environmental Protection Agency (EPA) to test the water, but was told there are no federal standards or regular procedures for such tests. He was referred to a private testing laboratory.

Poland Water was one of four brands sampled by The Star for its tests, which compared the bottled water with local tap water from six locations.

TAP WATER COUNTS LOWER

The highest bacteria count found in tap water was 7,000 per liter. A liter is slightly more than a quart.

The counts in three of the four bottled waters were much higher. Two glass bottles of Deer Park Mountain Spring Water had counts of more than 500,000 per liter.

A half-gallon plastic container of Great Bear water had 140,000 per liter and a half-gallon plastic container of Poland Water had a range of between 50,000 and 500,000 per liter.

A glass half-gallon bottle of Mountain Valley Mineral Water was found to be bacteria-free.

Contacted after the tests, W. J. Alford, president of the Poland Water Company, said that his company had been having some trouble effectively sealing its plastic containers with aluminum tops. However, he added, Poland is now using an improved top and is one of the few companies that has begun dating the bottles.

The Star tests did not pinpoint the presence of harmful bacteria in bottled water However, Dr. Rita R. Colwell, a Georgetown microbiologist who performed the tests, and Erwin Bellack, a water expert who works in EPA's Division of Water Hygiene, agreed that a high bacteria count in itself could cause illness or a feeling of discomfort if the water is given to a baby, an elderly person or an invalid.

EXTENSION OF UNEMPLOYMENT BENEFITS

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

Mr. PELLY. Mr. Speaker, today I am introducing legislation to extend unemployment compensation benefits. The number of workers who have completely and totally exhausted all unemployment compensation benefits continues to increase at an alarming rate.

The State of Washington, and particularly the Puget Sound region around Seattle, have been hard hit. Cutbacks in military spending, coupled with a halt in domestic commercial airplane orders, have dealt our economy a severe blow.

Mr. Speaker, as of July 10, 1971, there were 26,650 unemployed persons in the State of Washington who had totally exhausted all benefits. This constitutes an increase of more than 11,000 since April 24, 1971.

The future for these unemployed persons is bleak, and legislation is desperately needed.

My bill is practical, easily administered, and devoid of new bureaucratic entanglements. It calls simply for an increase of 26 weeks of additional unemployment benefits to the jobless in areas where the unemployment rate exceeds 7.5 percent. The cost of an additional 26 weeks of benefits, under this bill, would be paid entirely by the Federal Government until 1973, after which the States would be required to meet 20 percent of the cost.

These extended benefits would not only keep thousands of jobless people off welfare, but would act as a badly needed additional floor under the State economy in general.

Mr. Speaker, I urge swift action on this legislation which is so desperately needed at this time.

PROPOSED GOVERNMENT REORGANIZATION

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

Mr. HOLIFIELD. Mr. Speaker, I would like to advise the Members of the House that our Subcommittee on Legislation and Military Operations of the House Committee on Government Operations has completed the first and overview phase of our hearings on President Nixon's proposals to reorganize the executive branch. These proposals involve the abolition of seven existing Cabinet departments and the creation of four new ones, with the functions of the seven to be placed in the four.

The seven to be abolished are Agriculture; Interior; Commerce; Transportation; Labor; Health, Education, and Welfare; and Housing and Urban Development. The proposed new departments are to be Natural Resources; Economic Affairs; Community Development; and Human Resources. A total of 385,000 employees and budget outlays of nearly $100 billion are involved in the reorganization.

The President sent his message on reorganization to the Congress on March 25 of this year and, at the request of the administration, I introduced the four bills to create the new departments on March 30. The bill numbers are H.R. 6959, to create a Department of Natural Resources; H.R. 6960, to create a Department of Economic Affairs; H.R. 6961, to create a Department of Human Resources; and H.R. 6962, to create a Department of Community Development. Identical bills were also introduced by our ranking minority member, Representative FLORENCE P. DWYER, and other Members of the House. I promised the President at that time that the committee would give thorough consideration to these proposals although, naturally, I was in no position to predict the final disposition of this legislation.

This massive reorganization posed an unprecedented legislative task for our committee, but we undertook this duty in a serious and responsible manner. I directed the staff to assemble and analyze all of the necessary background material and make contact with the appropriate authorities. I also addressed a letter to all of the committee chairmen whose legislative jurisdiction might be in some way affected by this reorganization, asking for their comments on the bills.

We began our hearings on June 2 and devoted 10 days to this subject, compiling a transcript of nearly 1,200 pages of testimony. We considered this phase of our study as one in which we looked at the reorganization as a whole and the common features that exist in all four bills. We have not attempted as yet to examine fully the rationale or the composition of the individual departments to be created but will leave that for a later time.

We had before us the Director of the Office of Management and Budget and the Chairman of the President's Advisory Council on Executive Organization, which made the original recommendation. We heard from a number of present and past Government officials, outstanding scholars, experts and public administrators. I believe we have accomplished our objective in obtaining as much expert information as was readily available. Our subcommittee members and the staff interrogated the administration and public witnesses closely and I feel confident that we have made a record which will be useful to the committee and to the Congress as a whole in making the necessary decisions.

Although a public invitation was issued to obtain witnesses for and against the proposal for executive branch reorganization supporting witnesses responded in greater numbers than those opposed. The magnitude and complexity of the proposals no doubt hindered the number of opposing witnesses to appear. As we move into specific consideration of the four separate drafts of legislation, the committee anticipates a greater number of opposition witnesses.

The transcript is being prepared for printing so that it can be made available to all interested Members as soon as possible. We are also considering issuing a committee print summarizing and analyzing the testimony that we received and the issues that arose. The complete list of witnesses follows:

LEGISLATION AND MILITARY OPERATIONS SUBCOMMITTEE WITNESSES FOR EXECUTIVE REORGANIZATION PROPOSALS (OVERVIEW HEARINGS)

WEDNESDAY, JUNE 2, 1971

Honorable George P. Shultz, Director, Office of Management and Budget; accompanied by Arnold R. Weber, Associate Director, Office of Management and Budget; and Dwight A. Ink, Assistant Director, Office of Management and Budget.

Roy L. Ash, Chairman, President's Advisory Council on Executive Reorganization.

THURSDAY, JUNE 3, 1971

Ben W. Heineman, President, Northwest Industries, Inc.

Charles L. Schultze, Senior Fellow, The Brookings Institute.

MONDAY, JUNE 7, 1971

Honorable George P. Shultz, Director, Office of Management and Budget; accompanied by Arnold R. Weber, Associate Director, Office of Management and Budget; Dwight A. Ink, Assistant Director, Office of Management and Budget; Samuel M. Cohn, Assistant Director for Budget Review, Office of Management and Budget; Alan L. Dean, Staff Coordinator for Reorganization, Office of Management and Budget; and Andrew Rouse, Former Executive Director, President's Advisory Council on Executive Reorganization.

TUESDAY, JUNE 8, 1971

Arnold R. Weber, Associate Director, Office of Management and Budget; accompanied by Dwight A. Ink, Assistant Director for Organization and Management, OMB; Alan L. Dean, Staff Coordinator for Reorganization, OMB; and Charles F. Simms, Government Organization Branch, OMB.

MONDAY, JUNE 14, 1971

Joseph A. Califano, Jr., Former Special Assistant to President Lyndon B. Johnson.

Honorable Wilbur J. Cohen, Former Secretary, Department of Health, Education, and Welfare.

WEDNESDAY, JUNE 16, 1971

Roy W. Crowley, Associate Director, National Academy of Public Administration.

William G. Colman, Consultant, Governmental Affairs and Federal-State Relations.

Frederick J. Corson, Chairman of the Board, Frey Consultants, Inc.

Frederick O'R. Hayes, Former Budget Director, City of New York.

John P. Perkins, Director of the Public Administration Program, Graduate School of Management, Northwestern University.

Harvey Sherman, Director, Organization and Procedures Department, Port of New York Authority.

WEDNESDAY, JULY 7, 1971

Rod Kreger, Acting Administrator, General Services Administration; accompanied by William Butts, Acting Assistant Administrator for Administration; William Sanders, Deputy Commissioner, Public Buildings Service; William Casselman, General Counsel; and Herman Barth, Deputy General Counsel.

Bernard Rosen, Executive Director, Civil Service Commission; accompanied by Harold Leich, Chief, Policy Development Division; and Anthony F. Ingrassia, Director, Office of Labor Management Relations.

THURSDAY, JULY 8, 1971

Abraham Katz, Director of Planning, International Business Machines Corporation, on behalf of the Chamber of Commerce of the United States; accompanied by Jack Osland, Assistant Director; and James F. Steiner, Director, Government Operations and Management Program.

Paul G. Dembling, General Counsel, General Accounting Office; accompanied by Robert L. Higgins, Attorney; and Gregory J. Ahart, Deputy Director, Civil Division.

THURSDAY, JULY 22, 1971

Milton J. Socolar, Deputy General Counsel, General Accounting Office; accompanied by F. Henry Barclay, Associate General Counsel; Robert L. Higgins, Attorney; and George Staples, Associate Director, Civil Audit Division.

TUESDAY, JULY 27, 1971

Dwight A. Ink, Assistant Director for Organization, Office of Management and Budget, Alan L. Dean, Staff Coordinator for Reorganization; and Arnold W. Weber, Associate Director.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of South Carolina (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. FLYNT (at the request of Mr. O'NEILL), for Monday, August 2 and Tuesday, August 3, on account of official business.

Mr. KEE (at the request of Mr. BOGGS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BURKE of Massachusetts, for 10 minutes, today, to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. KEATING) and to revise and extend their remarks and include extraneous matter:)

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. HARVEY, for 5 minutes, today.

Mr. STEIGER of Wisconsin, for 15 minutes, today.

Mr. CRANE, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. ROONEY of Pennsylvania, for 10 minutes, today.

Mr. ROSENTHAL, for 30 minutes, today.

Mr. HAMILTON, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MCCORMACK, and to revise and extend his remarks and include extraneous matter

Mr. HALL to extend his remarks prior to passage of the bill H.R. 7096.

Mr. MADDEN, and to include extraneous material.

Mr. ROONEY of New York and to include an editorial from the New York Sunday News

Mr. HOSMER (at the request of Mr. HOLIFIELD) to revise and extend his remarks following the remarks of Mr. HOLIFIELD on 25th anniversary of Joint Committee on Atomic Energy

Mr. MAHON, to revise and extend his remarks on the joint resolution and to include extraneous matter and tabulations.

Mr. RANDALL and to include extraneous matters in two instances in the Extensions of Remarks and also prior to the note on H.R. 7096 on the Consent Calendar today.

Mr. LENNON to follow the remarks of Mr. MIZELL today during his special order

(The following Members (at the request of Mr. KEATING) and to include extraneous matter:)

Mr. MILLER of Ohio.

Mr. HOSMER in two instances.

Mr. WYMAN in two instances.

Mr. BOB WILSON in two instances.

Mr. DERWINSKI in two instances.

Mr. YOUNG of Florida in five instances.

Mr. NELSEN.

Mr. GUDE.

Mr. ROBISON of New York.

Mr. KEMP.

Mr. BAKER.

Mr. SHRIVER.

Mr. SCHWENGEL.

Mr. MCCOLLISTER in 10 instances.

Mr. STEIGER of Wisconsin in two instances.

Mr. MCCLORY in two instances.

Mr. MCCLURE in two instances.

Mr. ASHBROOK in two instances.

Mr. BRAY in two instances.

Mr. BROYHILL of North Carolina.

Mr. COLLINS of Texas in two instances.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. HAMILTON.

Mr. JACOBS in two instances.

Mr. HARRINGTON in two instances.

Mr. PUCINSKI in six instances.

Mr. VAN DEERLIN.

Mr. BINGHAM in two instances.

Mr. MURPHY of New York.

Mr. BENNETT in two instances.

Mr. GONZALEZ in two instances.

Mr. DINGELL in two instances.

Mr. BEGICH in two instances.

Mr. MOORHEAD in two instances.

Mr. HAGAN in three instances.

Mr. ROSENTHAL.

Mr. ROGERS in five instances.

Mr. HUNGATE in two instances.

Mr. RYAN in three instances.

Mr. CELLER.

Mr. BRADEMAS in six instances.

Mrs. Hicks of Massachusetts in two instances.

Mr. RARICK in four instances.

Mr. DANIEL of Virginia in two instances.

Mr. WALDIE.

Mrs. SULLIVAN in three instances.

Mr. CLAY in eight instances.

Mr. CONYERS in eight instances.

Mr. EDWARDS of California in two instances.

Mr. LINK.

Mr. PRYOR of Arkansas.

Mr. DANIELSON.

Mr. MAZZOLI in two instances.

Mr. SCHEUER in two instances.

Mr. GIBBONS in two instances.

Mr. MIKVA in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 24. An act to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable; to the Committee on Interior and Insular Affairs.

S. 123. An act to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation; to the Committee on Interior and Insular Affairs.

S. 1026. An act to amend the Small Reclamation Projects Act of 1956, as amended; to the Committee on Interior and Insular Affairs.

S. 1257. An act to authorize an appropriation for fiscal year 1972 to carry out the metric system study; to the Committee on Science and Astronautics.

S. 1483. An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 19. An act to provide for a coordinated national boating safety program;

H.R. 943. An act to provide mortgage pro-

tection life insurance for service-connected disabled veterans who have received grants for specially adapted housing;

H.R. 3146. An act to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system.

H.R. 6239. An act to amend the maritime lien provisions of the Ship Mortgage Act of 1920;

H.R. 9181. An act to amend the Northwest Atlantic Fisheries Act of 1950; and

H.R. 9382. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2317. An act to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 19. An act to provide for a coordinated national boating safety program.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Tuesday, August 3, 1971, 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:

1012. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of Presidential Determination No. 71–20, pertaining to assistance to Ethiopia, pursuant to section 504(a) and 508 of the Foreign Assistance Act; to the Committee on Foreign Affairs.

1013. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting the third annual report on steps being taken to strengthen management practices in the foreign aid program, pursuant to section 621(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1014. A letter from the Secretary of the Interior, transmitting a report on activities carried out by the Geological Survey outside the United States during the period January 1 through June 30, 1971, pursuant to 43 U.S.C. 31(c); to the Committee on Interior and Insular Affairs.

1015. A letter from the Secretary of Labor and the Secretary of Transportation, transmitting a report on the effect of the May 17–18, 1971, signalmen's strike against the Nation's railroads, pursuant to Public Law 92–17; to the Committee on Interstate and Foreign Commerce.

1016. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of June 30, 1971, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1017. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled, "All Electric Homes in the United States, 1970"; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 6915. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (Rept. No. 92–434). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN. Committee on Conference. Conference report on S. 581 (Rept. No. 92–435). Ordered to be printed.

Mr. PEPPER: Committee on Rules. House Resolution 574. A resolution providing for the consideration of H.R. 9580. A bill to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles (Rept. 92–436). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 9936. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes (Rept. 92–437). Referred to the Committee of the Whole House on the State of the Union.

Mr. ZABLOCKI: Committee on Foreign Affairs. House Concurrent Resolution 374. Concurrent resolution calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes (Rept. No. 92–438). Referred to the House Calendar.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 829. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92–439). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BADILLO (for himself, Mr. HAWKINS, Mr. MATSUNAGA, Mr. MORSE, and Mr. RAILSBACK):

H.R. 10281. A bill to amend the Food Stamp Act of 1964 to provide food stamps to certain narcotics addicts and certain organizations and institutions conducting drug treatment and rehabilitation programs for narcotics addicts, and to authorize certain narcotics addicts to purchase meals with food stamps; to the Committee on Agriculture.

By Mr. BELL (for himself, Mr. EDWARDS of California, Mr. MCCLOSKEY, and Mr. RODINO):

H.R. 10282. A bill to amend the Economic Opportunity Act of 1964 to establish a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. DRINAN:

H.R. 10283. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.R. 10284. A bill to further cooperative forestry programs administered by the Secretary of Agriculture and for other purposes; to the Committee on Agriculture.

By Mr. HELSTOSKI:

H.R. 10285. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals of 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

H.R. 10286. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

H.R. 10287. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. JOHNSON of California (for himself, Mr. ROBISON of New York, and Mr. MORSE):

H.R. 10288. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEITH (for himself, Mr. SCOTT, Mr. GIBBONS, Mr. SCHERLE, Mr. JOHNSON of Pennsylvania, Mr. CHARLES H. WILSON, and Mr. GRIFFIN):

H.R. 10289. A bill to encourage truth in newscasting and public-affairs broadcasting; to the Committee on Interstate and Foreign Commerce.

By Mr. MACDONALD of Massachusetts:

H.R. 10290. A bill to amend title II of the Social Security Act for disability that any individual may qualify for disability insurance benefits and the disability freeze if he has 20 quarters of coverage (and meets the other conditions of eligibility therefor), regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. MITCHELL (for himself, Mr. CONYERS, and Mr. DELLUMS):

H.R. 10291. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN (for himself, Mr. STOKES, Mr. DELANEY, and Mr. COTTER):

H.R. 10292. A bill to direct the Administrator to the Environmental Protection Agency to establish and carry out a bottled drinking water control program; to the Committee on Interstate and Foreign Commerce.

By Mr. PELLY:

H.R. 10293. A bill to assist States having an unemployment rate of 7.5 percent or more to provide up to 26 weeks of emergency compensation to unemployed workers who have exhausted their entitlement to both regular unemployment compensation and extended unemployment compensation; to the Committee on Ways and Means.

By Mr. PEYSER:

H.R. 10294. A bill to amend chapter 9 of title 44, United States Code, to require the

use of recycled paper in the printing of the Congressional Record; to the Committee on House Administration.

By Mr. PICKLE:

H.R. 10295. A bill to establish a Commission on Security and Safety of Cargo; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. WOLFF, Mr. ADDABBO, Mr. CELLER, Mr. BRASCO, Mrs. CHISHOLM, Mr. PODELL, Mr. MURPHY of New York, Mr. KOCH, Mr. RANGEL, Mrs. ABZUG, Mr. RYAN, Mr. BADILLO, Mr. SCHEUER, Mr. BINGHAM, Mr. HALPERN, and Mr. BIAGGI):

H.R. 10296. A bill to amend title 5, United States Code, to provide for the establishment of a special cost-of-living pay schedule containing increased pay rates for Federal employees in heavily populated cities and metropolitan areas to offset the increased cost of living, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CHARLES H. WILSON (for himself, Mrs. GREEN of Oregon, Mr. HANSEN of Idaho, and Mr. ROE):

H.R. 10297. A bill to amend the Federal Aviation Act of 1958 in order to provide for more effective control of aircraft noise; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNE of Pennsylvania:

H.R. 10298. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. DON H. CLAUSEN:

H.R. 10299. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DOWNING:

H.R. 10300. A bill to authorize an increase in funds for land acquisition at Colonial National Historical Park, in the State of Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FOLEY (for himself, Mr. STEIGER of Wisconsin, Mr. DONOHUE, Mr. FORSYTHE, Mr. GIBBONS, Mr. HALPERN, Mr. HARRINGTON, Mr. HORTON, Mr. HUNGATE, Mr. MCCORMACK, Mr. MAZZOLI, Mr. MOSHER, Mr. NIX, Mr. RIEGLE, Mr. ROYBAL, Mr. SARBANES, Mr. SCHWENGEL, Mr. WRIGHT, and Mr. YATRON):

H.R. 10301. A bill to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology; to the Committee on Interstate and Foreign Commerce.

By Mr. FOUNTAIN:

H.R. 10302. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10303. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for motor vehicle insurance premiums; to the Committee on Ways and Means.

By Mr. HAMILTON (for himself, Mr. FRELINGHUYSEN, Mr. FASCELL, Mr. FRASER, Mr. BUCHANAN, and Mr. VANDER JAGT):

H.R. 10304. A bill to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service; to the Committee on Foreign Affairs.

By Mr. PETTIS:

H.R. 10305. A bill to provide for the establishment of the National Conservation Area of the California Desert and to provide for the immediate and future protection, development, and administration of such public lands; to the Committee on Interior and Insular Affairs.

By Mr. STUCKEY:

H.R. 10306. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WALDIE:

H.R. 10307. A bill to suspend the obligation to repay national defense loans during periods of unemployment or underemployment; to the Committee on Education and Labor.

By Mr. MAHON:

H.J. Res. 829. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes; to the Committee on Appropriations.

By Mr. FULTON of Pennsylvania:

H.J. Res. 830. Joint resolution creating a Joint Committee on Classified Information; to the Committee on Rules.

By Mr. FULTON of Tennessee:

H.J. Res. 831. Joint resolution designating the square dance as the national folk dance of the United States of America; to the Committee on the Judiciary.

H.J. Res. 832. Joint resolution authorizing the President to proclaim the period September 12 through September 18, 1971, as "National Square Dance Week"; to the Committee on the Judiciary.

By Mr. FOUNTAIN:

H. Res. 575. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

H. Res. 576. Resolution to establish a select committee to be known as the Select Supreme Court Study Committee; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

253. By the SPEAKER: Memorial of the Legislature of the Territory of Guam, relative to appropriations pursuant to the Guam Development Act of 1968; to the Committee on Appropriations.

254. Also, memorial of the Legislature of the State of California, relative to firefighting; to the Committee on Armed Services.

255. Also, memorial of the Legislature of the State of Illinois, ratifying the amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

256. Also memorial of the Legislature of the State of California, relative to national environmental protection programs; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. JOHNSON of Pennsylvania introduced a bill (H.R. 10308) for the relief of Morris and Lenke Gelb, which was referred 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:

118. By the SPEAKER: Petition of Edward C. Rose, Chicago, Ill., relative to redress of grievances; to the Committee on the Judiciary.

119. Also, petition of the National Conference on Weights and Measures, Washington, D.C., relative to increasing the use of the metric system; to the Committee on Science and Astronautics.

120. Also, petition of the City Council, Parma, Ohio, relative to property tax reductions for persons receiving social security benefits; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

CONGRESSIONAL REDISTRICTING

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. CELLER. Mr. Speaker, so that Members may be aware of the action taken by Subcommittee No. 5 of the Committee on Judiciary today in ordering reported a bill to regulate congressional districting, I herewith place in the RECORD my press announcement pertaining thereto.

Text of press announcement follows:

CONGRESSIONAL REDISTRICTING

Representative Emanuel Celler (D-N.Y.), Chairman, House Committee on the Judiciary, today announced that a Judiciary Subcommittee, of which he is Chairman, had cleared legislation to regulate congressional redistricting (H.R. 8953, amended.)

The Subcommittee's action, Celler observed, was impelled by the prospect of imminent, complex and time-consuming redistricting litigation in both 1971 and 1972. He noted that although court rulings provide some guidelines, it is the nature of the subject that each redistricting plan must ultimately be judged on its own facts. Chairman Celler stressed that many State legislatures appear reluctant or unable to redistrict in sufficient time to assure the orderly operation of primary and general elections. To date, only a handful of the States that must redistrict their congressional seats have done so. The Subcommittee concluded that the State legislatures, the courts, candidates for office, and above all the electorate, are entitled to a declaration of congressional policy on redistricting.

The bill, as amended by the Subcommittee, provides that:

1. If a State legislature has not redistricted its congressional seats by February 1 of the first congressional election year after the decennial apportionment (e.g., February 1, 1972), then a Federal court shall not defer issuing its own congressional districting plan "on the ground that additional time is required by the State legislature to establish such districts";

2. Congressional districts shall be com-